Legislation and progress in basic education in South Africa

18 July 2017

EXECUTIVE SUMMARY

This report aims to bring greater clarity to the question of what legislators, in particular those at the national level, can do to bring about progress in the basic education sector, and reductions in educational inequality. Specifically, the report is intended to assist the Panel on the Assessment of Key Legislation in the area of basic education.

After an introduction in section 1, section 2 discusses what the international literature suggests is **the connection between policy, on the one hand, and educational progress, on the other**. Unesco's interpretation of the trends and evidence is used to make sense of what is a vast area of research. Brazil receives some attention as this is a particularly interesting case study for South Africa. Twelve 'policy areas' in basic education are identified to guide the report.

Section 3 provides a short summary of **South Africa's education legislation**, including the key notices and regulations promulgated under the three main education Acts.

Section 4 critically discusses **existing reviews of South Africa's education policies**. Three sector-wide reviews are discussed: the 2008 OECD review, the National Development Plan (which, though a plan, also looks back at successes and failures), and the 2016 'binding constraints' review. Moreover, six reviews from the last five years focussing on specific policy areas are discussed. What emerges is the emphasis on the need for policy stability in many of the reviews, and concerns around specific aspects of policy implementation, such as teacher management, early childhood development, and the acquisition of reading skills in the early grades.

Section 5 explains the **evidence pointing to improvements in learning outcomes** in the South African schooling system over the last decade or so. This explanation is important given the tendency, not just in South Africa, for evidence on educational trends to be overridden by politically-driven perceptions. The important question of **what has driven South Africa's improvements** is addressed. The Department of Basic Education's theory that three key factors drove the improvement seems plausible: (1) better access to books amongst learners, (2) strong signals sent out through standardised testing about the centrality of acquiring basic skills (even if the testing systems are flawed), and (3) more suitable curriculum documents.

Section 6 provides a cautious evaluation of the work of the **Portfolio Committee on Basic Education**, through some analysis of the Committee's minutes. Strengthening the work of the Committee could involve the following: more efficient information sharing processes so that less time is spent on this, and more time on, for instance, policies; a deeper focus on what the sector is producing (including some focus on the reliability of existing monitoring approaches); a focus on annual plans and reports of the education departments throughout the year, and not just when these documents are tabled; a more development- and innovation-focussed approach guided by, in particular, the National Development Plan (NDP).

Section 7 draws from the previous sections in discussing critically **ten policy innovation priorities identified by the NDP**, and their implications in terms of amending existing policies, or developing new ones.

The following list of six priorities draws from the ten policy innovation priorities. Their order reflects what could be considered their level of urgency as far as the work of legislators are concerned, with the first priority being the most urgent. They do not uncritically toe the line of the NDP, yet they are strongly guided by the NDP. Though not a perfect plan, the NDP is a highly respectable plan which draws from a range of expert opinion. This is a good reason to follow the NDP, as is the fact that the NDP helps to bring unity amongst players in the education arena. [Numbers in square brackets refer to the original list of ten NDP priorities.]

More reliable national assessments of learning [3 and 4]. One of the three apparent drivers of educational improvement in South Africa mentioned above, namely standardised testing, which occurred in the form of the Annual National Assessments (ANA) programme, was halted in 2015 due to disputes between government and teacher unions over the programme's design and purpose. Whilst ANA was clearly problematic in many respects, it appears to have sent vital signals to actors in the system about the importance of mastering basic language and mathematics skills, and constituted a unique tool at the primary level to gauge which schools were coping least, and which could be considered role models, in particular role models amongst township and rural schools. Not having some form of standardised testing covering all primary schools poses a serious risk to the system, and puts future educational performance gains in jeopardy. The situation can be likened to a hospital with no thermometers. Whilst thermometers do not do any of the actual curing, it is difficult to implement curative treatments without this tool. Since 2015, it appears as if better policies for standardised testing have been developed. In this regard, a 2016 proposal by the DBE is important. The largest hindrance to progress seems political. In South Africa, as elsewhere, standardised testing is generally regarded with suspicion by teacher unions, and testing easily becomes a 'bargaining chip' in the larger politics of teacher pay. *Legislators need to understand and critique the latest policy proposals on standardised testing. The technical challenges of policy design are not insignificant. It seems useful to draw from experiences in similar countries, and to consider testing, together with the other elements of schooling, within a human rights framework. Specifically, should the presence of good standardised testing, with provisos to curb abuses, be legally required in publicly funded schools?*

New methods for teaching basic reading skills [6]. Evidence from around the world points to a particularly powerful obstacle to educational progress: poor teaching methods in the earliest grades, in particular as far as reading acquisition is concerned. Guidance in this area has improved in South Africa, largely through better curriculum documents, yet government's own reports point to gaps, such as a lack of attention to norms around the quantity of paragraph writing learners should produce, or what the word count per minute should be for reading out aloud in specific languages. *Legislators should push for the introduction of additional tools to strengthen teaching in the early grades. However, they should also insist that these tools be properly quality assured, preferably through a process of engaging with experts beyond South Africa. Widely respected approaches employed in Peru to get parents, even illiterate ones, more involved in their child's acquisition of reading are an example of strategies which could be adapted to the South African context. Large classes impose a limit on the extent to which innovative teaching practices can be explored in South African primary schools. The exceptionally large classes seen in parts of the system warrant special attention. Currently, the policies which should curb excessive grade repetition are remarkable weak.*

Broader access to better pre-school services [9]. In terms of enrolment in some type of pre-schooling, there has been remarkable progress in South Africa in recent years. However, apart from one rigorous impact evaluation focussing on the quality of Grade R being introduced in schools during the years 2005 to 2011, there has been little monitoring of the quality of pre-Grade 1 services, and specifically whether these services improve children's readiness for school. The NDP focusses strongly on a universal year of schooling (not necessarily in a formal school) below Grade R. Currently at that level around three-quarters of children are attending some institution, but only around a quarter receive any public funding. Yet the

existing system whereby early childhood centres are funded provides funding more close to half a million children who are *below* the age of the children the NDP is focussed on. There is thus a fundamental funding contradiction between the existing system and what the NDP envisages. *Legislators should insist that these contradictions be resolved in the policies. Without this, the policy space will remain confusing and there is a risk that funds will not flow to the poorest children. With regard to the quality of services, it may be best to focus initially on strengthening existing systems which make public funding dependent on the upholding of basic minimum standards around hygiene and certain materials (such as toys). Such systems imply inspections and reports. Currently such reports receive virtually no mention in, for instance, the annual reports of the relevant government departments.*

Tightening up school management and governance [1, 2, 4 and 5]. Across the world, a key lever for improving schooling systems is seen to be 'decentralisation' or 'school autonomy', linked to adequate central funding and strong accountability of the school to the state. In South Africa, there are often simultaneous moves to take powers to the centre, whilst also devolving powers to schools. For instance, widespread concerns around corruption in the appointment of school principals often leads to the assumption that school principals are weak and need to be 'micro-managed'. Even in the absence of concerns around corruption, the culture of the provincial and national departments is often centralist, which can lead to the notion that it is primarily the duty of, say, the province to monitor whether teachers engage in professional development activities, or arrive in time at school, and so on. At the same time, the NDP and South African Schools Act clearly see the ideal as being relatively empowered school principals who act as powerful agents of change in the schooling system. The NDP in fact advocates shifting more powers to principals. The contradictions can result in situations where effective principals are micro-managed, and ineffective principals are left alone, instead of being assisted or removed. *Legislators can assist in bringing about a more coherent environment for school principals by insisting that the basic provisions of the school funding norms are followed. With regard to corruption, legislators should critique the checks and balances employers (the provincial departments) should have in place to prevent corrupt appointments. Realising the NDP's vision of school principals as important agents of change is linked to the presence of standardised testing referred to above, but also tools to communicate school-level results to parents so that learning can feature more prominently, and in a more informed manner, in the conversations between parents and the school's staff. In this regard, legislators should remain abreast of the worldwide interest in producing 'school report cards' that can be used by schools and parents.*

Better use of modern technologies in education [7]. This is an area where the risk of fruitless expenditure is high, not just in South Africa. This has been confirmed by recent and prominent studies. One piece of advice that is frequently made, for good reason, is that an effective national policy framework for ICT in schools needs to guide spending and actions, and the inevitable collaboration between different public and private actors which is needed. Crucially, South Africa does not have such a policy currently, yet government does acknowledge this is a serious gap. *Legislators ought to devote much of their attention towards insisting that a good national policy framework for ICT in schools is finalised. However, there are also more on-the-ground issues that can be addressed. For instance, computer subjects have existed in the grades 10 to 12 curriculum for many years, yet participation in these subjects has been mostly stagnant, and the participation of black and female learners has been low. Legislators could insist that strategies to address these shortcomings be produced. This would require funding and human resources, but does not require new policy, and the risk of fruitless expenditure here would be relatively low.*

A smoother transition from school to post-school life [8 and 10]. The NDP emphasises the importance of career guidance for grades 7 to 9 (the senior phase) as part of a broader emphasis on ensuring that youths make the right decisions with regard to their grades 10 to 12 subjects, moving on to a TVET college, or leaving full-time education altogether. The

difficulty of moving from school to a college without first obtaining a Grade 12 qualification from a school is perhaps the most pressing policy challenge in this area. *Legislators should ask why a national Grade 9 qualification, which would facilitate the school-to-college transition, has never been explored thoroughly, despite appearing in official government policy documents, and despite being advocated by a 2014 Ministerial Committee.*

Section 8 deals with additional policy concerns raised by the Panel which did not fit neatly into section 7, largely because the concerns lay outside the core priorities of the NDP.

Contents

1 Introduction

This report[1] aims to bring greater clarity to the question of what legislators, in particular those at the national level, can do to bring about progress in the basic education sector, and reductions in educational inequality. Specifically, the report is intended to assist the Panel on the Assessment of Key Legislation in the area of basic education.

Legislators influence the education sector in a number of ways. They shape legislation, including budgets, through debate and approval processes. They monitor the implementation of policies, partly through engagement with the annual plans and annual reports of government departments. They are important participants in general debates on education matters.

Four questions in particular guide the report:

▪ **How has legislation contributed to the fairly substantial improvements seen in the quality of schooling in South Africa**, an improvement driven largely by improvements in the least advantaged parts of the schooling system, over the last decade or so? How may legislation have held back even larger improvements?

▪ **What lessons can be drawn from other countries** with respect to the contribution of legislation, and policy more broadly, towards educational improvement and the reduction of educational inequality?

▪ How can those who work with legislation get **more citizens involved in the policy debates**, and why is this important?

▪ What could serve as a **useful framework for prioritising** specific aspects of policy development in education in the coming years?

Importantly, the fourth question does not go as far as looking at firm priorities. Doing this would be overly ambitious for a report such as this one. Yet this report could serve as a tool for clarifying the various elements on the policy agenda, and indicating what international experiences and the research suggest should be near the top of the agenda.

The sections of the report have the following areas of focus:

▪ Section 2 provides an introduction to and a **framework for thinking** about the link between legislation, and policy more broadly, on the one hand, and educational progress on the other, drawing from the global literature.

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[1] Produced by Martin Gustafsson (mgustafsson@sun.ac.za), within a project undertaken by Research on Socio-Economic Policy (ReSEP).

- Section 3 outlines in broad terms the **basic architecture of South Africa's legislation** governing basic education.

- Section 4 sums up what **past reviews of South Africa's education policies** have said.

- Section 5 explains the **evidence pointing to substantial improvements** in the quality of basic education in South Africa over the last decade or so, and tries to answer the important but difficult question of **what may have contributed to this**.

- Section 6 provides a short assessment of actual areas of emphasis for national legislators in recent times, drawing from the minutes of the **Portfolio Committee on Basic Education**.

- Section 7 outlines **what policy, but also monitoring work should probably be prioritised by legislators going forward**.

2   Thinking about education policy and education progress

The question of what brings about widespread educational progress is a difficult and emotive question. Virtually anyone who has been to school holds views around what makes schooling better. The focus here is on what research and expert opinion can tell us.

What measure to consider when deciding how well a schooling system performs at a particular point in time has been widely debated. For a long time simply enrolling all children in schools was seen as a critical indicator. However, over the last twenty or so years a growing consensus has emerged around the importance of not just enrolling children, but *ensuring that they acquire basic literacy and numeracy competencies.* Basic competencies have been emphasised given that much evidence now confirms that many children do not acquire them, meaning they are held back in almost every educational endeavour. This emphasis is clear in the United Nations Sustainable Development Goals (SDGs), arguably the world's most influential 'policy' on education[2].

How should one determine what brings about improvements in the competencies children acquire? Education researchers around the world have increasingly been turning to **scientific methods** along the lines of methods used originally in the field of medicine. These methods basically involve testing one intervention, such as new teaching tools, and seeing whether 'treated' children end up performing better than children in a 'control group' which did not receive the intervention. Globally, the Abdul Latif Jameel Poverty Action Lab, shortened to J-PAL, based at the Massachusetts Institute for Technology (MIT) but active around the world, is a particularly prominent group promoting these methods. In South Africa, J-PAL has an office at the University of Cape Town and works extensively with government, specifically the Department of Planning, Monitoring and Evaluation (DPME).

Whilst the new experimental methods have deepened our knowledge of what improves education, gauging what has brought about **system-wide change** in specific countries or regions of the world remains a question that must be answered through a number of techniques: lessons learnt from the experimental research, careful analysis of political and social factors, and examination of data pointing to which segments of society have progressed most.

A useful point of departure here is **Unesco's 2013/14 Global Monitoring Report** for education, titled *Teaching and learning: Achieving quality education for all*[3]. This report

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[2] United Nations: Sustainable Development Solutions Network, 2015.
[3] UNESCO, 2014.

draws from a wide range of research and expertise, from across the world. It is noteworthy how many of South Africa's education challenges are common to many developing countries, underscoring the importance of learning across countries. Key points of emphasis appear in the box below[4].

Much is said about the **role of teachers** and the systems that train them, distribute them, support them, and hold them accountable.

There should also be a special focus on ensuring that youths entering teacher training for the first time are **sufficiently representative of the regions and linguistic groups** of the country.

The initial training of teachers has been found to be weak in two areas in particular. One is **subject knowledge**. If the schooling system is weak, it cannot be taken for granted that teacher trainees enter their training with all the subject knowledge they need. Ghana has addressed this problem by focussing strongly on revising subject knowledge during the first year of teacher training. A second area of weakness is that future primary teachers are not really equipped to **teach children to read**. This is often because teacher trainers are themselves not sufficiently knowledgeable in this field. Good resources do exist to address this gap, such as those of **Save the Children's Literacy Boost** programme.

In general, more attention should go towards ensuring that **those who train teachers have the necessary skills**.

There should be a special policy focus on ensuring that marginalised segments of society gain access to **a fair share of the country's better qualified teachers**.

In-service training can improve educational outcomes, yet the results of existing programmes are **often disappointing**. The implication is that special care must be taken in the design of these programmes, or resources can be easily be wasted.

The system of **financial *and non-financial* incentives** governing teachers must focus on retaining good teachers as long as possible. Financial incentives are difficult to implement, though some countries have succeeded in introducing workable schemes that reward all teachers in a school equally (as opposed to individual teachers in a school). For individual teachers, the most effective incentives tend to be **well-designed career pathways** into senior positions within the school.

Countries should pay special attention to maintaining good **system-wide data on teachers**, including their qualifications and their training backgrounds.

Quality pre-school education is important as research indicates that the beneficial impacts of certain kinds of brain stimulation are far greater when a child is at the pre-school stage.

Basic competencies need to be established using **a language the child understands well**. Transitioning to another language requires an incremental introduction of the second language and several years of **sustained bilingualism**.

Access to textbooks matters. In many developing countries access to this resource in the classroom is shockingly low.

Good tools for **classroom assessment** should be available to teachers, in part so that teachers can identify which learners require what kind of remedial support.

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[4] This summary draws principally from the 40-page overview in the report. An attempt was made to bring to the fore findings that are particularly relevant for South Africa.

Interventions making **innovative use of information and communication technologies** should be embarked upon cautiously, bearing in mind that whilst some of these interventions have been shown to impact positively on educational outcomes, many do not. Some have been shown to have a negative impact.

Strong school leadership is necessary to instil the necessary work ethic in a school, and to reduce problems such as teacher absenteeism.

A stronger focus on **national assessment systems** designed specifically to gauge progress in the achievement of basic competencies is needed. There is a warning against the inappropriate use of examination systems for this purpose[5]: 'Governments often consider their public examination system as equivalent to a national assessment system, even though it is mainly used to promote students between levels of education. National assessments should be a diagnostic tool that can establish whether students achieve the learning standards expected by a particular age or grade, and how this achievement changes over time for subgroups of the population.'

Finally, good **country plans** are needed.

Learning from the experiences of specific developing countries should occur cautiously, because what works in one national context may not work in another. One developing country that has justifiably been considered interesting for South Africa is **Brazil**, due to its remarkable improvements in educational quality since around 2000, and the fact that the country suffers social and economic inequalities, rooted in a history of colonialism, which are in many ways comparable to the situation in South Africa. Evidence of large educational quality improvements in Brazil is based largely on that country's trends in mathematics in Programme for International Student Assessment (PISA) over the years 2000 to 2012. PISA focusses on the competencies of 15-year-olds[6]. So what has Brazil done right to achieve these improvements? Analysts have attributed Brazil's progress to equity-focussed funding reforms, paying households to send children to school and large-scale in-service teacher training. However, much of the credit is attributed to the **introduction of an assessment and accountability system** considered 'superior to current practice in the United States and in many other OECD countries in the quantity, relevance, and quality of the student and school performance information it provides'[7]. More fundamentally, Brazil's reforms seem to reflect a political leadership which has paid close attention to what pupils learn.

The impact of new assessment systems on educational quality is a hotly debated topic. In countries such as the United States teachers have justifiably argued that there is too much testing, and that this has unduly limited the time available to teach. Moreover, if there is no strategy to feed assessment results into the decision-making processes at all levels, from the national level down to the classroom, assessment can become little more than an expensive data gathering exercise. The expression 'one cannot make the cow fat by measuring it' is often heard in relation to educational assessments. Poorly designed assessment systems can clearly have detrimental effects, but as the case of Brazil seems to demonstrate, if they are well designed that can have large beneficial effects. The latter can be achieved if teachers see

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[5] UNESCO, 2014: 6.

[6] Even results from well-funded testing programmes run by renowned experts should be interpreted with caution, and should ideally be re-checked. In particular, changes in the sample of learners tested, in terms of age, socio-economic status and the point of the year in which testing occurred have been known to bias samples. Carnoy *et al* (2015) provide an informative evaluation of Brazil's PISA results, where they conclude that official PISA figures have exaggerated the magnitude of Brazil's progress somewhat, but that even after the necessary adjustments, progress is still substantial and exceptional. Some checking of South Africa's TIMSS trends along the lines of Carnoy *et al* has occurred – see Department of Basic Education (2016c: 68).

[7] Bruns, Evans and Luque, 2012: 7.

value in the system, but also if the system sends the right signals to schools and parents around the importance of learning[8].

It is of course important to realise that there is **no simple relationship between laws and policies, on the one hand, and what actually happens in schools**, on the other. Some policies are aspirational in the sense that they express what society expects government to do, whilst it is also widely understood that they are virtually un-implementable, at least in the foreseeable future, either because of budget shortfalls or because of institutional hurdles (such as disagreements between the employer and unions). At the same time, much of what happens in schools, even practices which could be regarded as good, are not defined by any policy, but are rather the result of tradition[9]. This mismatch between policy and practice can be problematic, but it is also largely unavoidable, and exists in virtually all countries. The important thing is to acknowledge that this mismatch is inevitable and not to draw simplistic conclusions, such as that aspirational policies are bad, or that schools should follow every policy to the letter. To appreciate the latter point, one only needs to consider the fact that work-to-rule protests are often effectively used by employee organisations to paralyse the workplace. Ironically, if everyone in an organisation works strictly according to every rule, the organisation may grind to a halt. Good governance of a schooling system does to some degree imply allowing people at various levels of the system to find locally suitable solutions in their workplaces, as long as this contributes to the overall goals of the sector.

One important consideration that South African lawmakers need to consider is the fact that the laws produced are likely to be used by **activist organisations using the courts to bring about policy compliance**. Traditionally, the assumption is that compliance with policies is brought about through oversight structures, such as Parliament, and through democratic processes. Yet activism through the court system has become common in South Africa, including within the basic education sector. Much of the emphasis has been on compliance with physical infrastructure policies[10]. It has been argued that if policies on what children should have learnt by particular grades or ages were as explicit as the infrastructure policies, some of this activism would have been directed more explicitly at educational quality.

3 A short audit of South Africa's education legislation

Three key Acts of Parliament constitute the cornerstones of the legislation governing basic education in South Africa. These three Acts, and to some extent the notices and regulations falling under them, are discussed below. The focus is on aspects of the legislation which may require change or special emphasis in the light of current policy priorities, for instance those expressed in the National Development Plan (see section 7).

Notices and regulations referred to elsewhere in the current report are listed below, under their parent Act. Though legislators do not participate directly in the formulation of these policies, they can do so indirectly through amendments to the Acts and through consultations in, for instance, Parliament's Portfolio Committee on Basic Education.

National Education Policy Act of 1996 (NEPA)

This Act elaborates on the **responsibilities of the national and provincial levels**, in line with the Constitution. Section 8 of the Act is noteworthy as it points to an important goal, that of

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[8] A landmark study in this regard is that of Hanushek and Raymond (2005), who find that the timing of the introduction of universal standardised testing in the states of the United States coincided with state-level improvements in educational quality.

[9] Researchers such as Law and Pan (2009) would in fact consider this tradition to also be policy, but of an unwritten kind.

[10] Socio-Economic Rights Institute of South Africa, 2015: 19.

monitoring the sector as a whole, which, it can be argued, has not been realised as it should over the last two decades:

> The Minister shall direct that the standards of education provision, delivery and performance throughout the Republic be monitored and evaluated by the Department annually or at other specified intervals, with the object of assessing progress in complying with the provisions of the Constitution and with national education policy…

> The Department shall undertake the monitoring and evaluation contemplated … by analysis of data gathered by means of education management information systems…

> The Department shall fulfill its responsibilities … with a view to enhancing professional capacities in monitoring and evaluation throughout the national education system.

The original NEPA of 1996 has been amended through Amendment Acts in 1997, 1999, 2007 and 2011. The parts of section 8 quoted above have remained unchanged since 1996.

The following are promulgated in terms of NEPA (these are referred to in the discussions in subsequent sections of the current report):

- Notice 2432 of 1998: Admission policy for ordinary public schools.

- Regulation 1718 of 1998: Assessment policy in the General Education and Training band, grades R to 9 and ABET.

- Notice 710 of 2002: National policy regarding General Education and Training programmes: Approval of the Revised National Curriculum Statement grades R-9 (schools).

- Notice 306 of 2008: Foundations for Learning campaign: 2008-2011[11].

- Notice 722 of 2011: Approval of the National Curriculum Statement Grades R–12 as national education policy.

- Notice 1115 of 2012: Draft amendment policy pertaining to the national curriculum statement grade R-12 as set out in the policy document, *National policy pertaining to the programme and promotion requirements of the National Curriculum Statement grades R-12.*

- Notice 323 of 2016: Policy on the South African standard for principals.

South African Schools Act of 1996 (SASA)

This Act establishes **the responsibilities and rights of schools**, in particular the school governing body and the school principal. It also describes **the duty of parents to send children to schools** from the year the child turns seven to the year the child turns fifteen, the duty of the provincial Member of the Executive Council (MEC) to provide schools for communities, and of the duty of the national Minister to promulgate equitable school funding norms. The rights of the school and parents with respect to the charging of school fees, and rules relating to the management of the 'school fund' are described. The Act emphasises strongly the nature of post-apartheid schooling, which should be schooling free from discrimination and corporal punishment.

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[11] This Notice is, unusually, not explicitly issued in terms of any Act, though it seems linked to NEPA.

The original SASA of 1996 has been amended through Amendment Acts in 1997, 1999, 2000, 2001, 2002, 2005, 2007 and 2011.

The 2007 additions to the Act are particularly significant in terms of the current focus on improving learning outcomes in schools. Principals are required to produce an 'annual report', which must include information on academic performance relative to nationally promulgated minimum standards. They should also produce an annual 'academic performance improvement plan', which the provincial education department can approve or return to the school with recommended changes. Whilst the intentions of all this are good, there are practical difficulties which are discussed in section 7. The 2007 amendment moreover implies that if a school principal is caught between conflicting instructions or requests of the school governing body, versus the education department, then it is the latter which is supreme.

The following are promulgated in terms of SASA:

- Notice 869 of 2006: Amended national norms and standards for school funding.

- Notice 723 of 2011: Determination of minimum outcomes and standards and a national process and procedures for the assessment of learner achievement as stipulation in the National Curriculum Statement Grades R–12.

- Notice 1116 of 2012: Determination of minimum outcomes and standards and a national process and procedures for the assessment of learner achievement as stipulated in the national curriculum statement grades R-12. [This notice and the one listed above do in fact carry virtually the same title.]

- Notice 1495 of 2016: Approval of amendment to the regulations pertaining to the National Curriculum Statement grades R-12.

Employment of Educators Act of 1998 (EEA)

This Act establishes **the national Minister's right and duty to determine national salary scales**, and **the provincial MEC's duty to declare a set of educator posts**, or a 'post establishment', per school, and to allow for posts to be filled with suitably qualified educators. The provincial education department is the employer of publicly paid educators, though school governing bodies should make recommendations to the department regarding who to appoint. Where educator posts move between schools due to the growth or shrinkage of schools, school governing bodies may be forced to select new appointees from a list that includes only 'excess' educators from other schools.

The original EEA of 1998 has been amended through Amendment Acts in 1999, 2000, 2001, 2002, 2005 and 2011.

A 2014 draft bill focussing on reducing the powers of the school governing body, and strengthening that of the employer (the provincial department) when it comes to the appointment of school principals, deputy principals and schools-based heads of department is discussed in a report of the Department of Basic Education (DBE)[12]. The proposed amendment is largely aimed at introducing more professional criteria into the process whereby school managers are appointed.

The following are promulgated in terms of the EEA:

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[12] Department of Basic Education, 2016a.

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- Notice 1451 of 2002: Amendment of regulations for the distribution of educator posts to schools in a provincial department of education.

There are important policies relating to the employment of educators which are not directly linked to the EEA. These are, above all, the resolutions of the Education Labour Relations Council (ELRC). These resolutions deal with, for instance, the rights of educators, school governing bodies and the employer when it comes to the moving of educators across schools.

Other Acts

The basic education sector is governed by a few other Acts, though the three referred to above deal with most sector-specific matters prioritised in, for instance, the National Development Plan. Other Acts include the Children's Act of 2005, which includes responsibilities of schools to protect children. The National Qualifications Framework Act of 2008 establishes the basic framework within which the school curriculum operates. The Electronic Communications Act of 2005 establishes the 'e-rate', a cheaper internet rate that schools should enjoy.

4   Past education policy reviews in South Africa

The current review is, in a sense, a policy review, though a relatively brief one with a focus on specific users. It draws from a number of earlier reviews which are described, to some extent critically, below. Firstly, three reviews which discuss South Africa's basic education policies in a holistic sense receive attention. A few key questions guide the evaluation of these reviews. How do they view progress in the education sector? What are their key policy recommendations? What informs these recommendations? Who commissioned or produced the review?

The OECD review of 2008. The Organization for Economic Co-operation and Development (OECD), of which South Africa is one of five 'enhanced engagement' partner countries, is a major producer of policy research focussing particularly on countries which are full members, but also partner countries. The 2008 review of South Africa's education system[13] was produced through collaboration between a large range of non-South African researchers and South African researchers and policymakers. Bringing foreign expertise to bear on South Africa's policies has the obvious benefit of facilitating learning from across the world. The review identified as a key challenge improving the quality of basic competencies amongst learners, given that two international testing systems had pointed to surprisingly weak learning outcomes in South Africa relative to other developing countries (the two testing systems were Unesco's Monitoring Learning Achievement and SACMEQ[14]). On the whole, the review considered the years of post-1994 policy change and experimentation as necessary and mostly successful, but recommended a period of consolidation and policy stability for the foreseeable future. Essentially the focus had to fall on **improving implementation, rather than on further policy change**. This was echoed in the Department of Basic Education's 2011 sector plan[15], a plan which can be considered the first post-1994 long-range plan for the sector. Amongst the recommendations regarding the strengthening of policy implementation, better collaboration between the national and provincial levels featured prominently. Communicating and integrating existing policies was also emphasised, particularly in the area of teacher management[16].

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[13] OECD, 2008.
[14] Southern and Eastern Africa Consortium for Monitoring Educational Quality.
[15] Department of Basic Education, 2010.
[16] OECD, 2008: 367-375.

The NDP of 2012 (and 2011). Though the National Development Plan (NDP) published in 2012 (and its earlier draft of 2011) are plans, they also include considerable reviewing of South Africa's education policies since 1994[17]. The final plan was the product of extensive reviewing of the available literature, and consultations with stakeholders and experts. The plan is clear that success needs to be gauged in terms of what learners learn, in part using international standardised tests, and in terms of grade attainment, in particular attainment of Grade 12. Essentially, the NDP supports policy stability coupled with improved implementation, though some key policy changes are recommended (see section 7 of the current report for details). One major policy change that is envisaged is making **a year of schooling in the year preceding Grade R** available for all children.

The 2016 'binding constraints' review[18]. This 2016 report, titled *Identifying binding constraints in education*, is a product of the Department of Planning, Monitoring and Evaluation (DPME), and was funded by a European Union initiative. Much of the focus in this review is on what to prioritise with respect to policy implementation in order to improve the competencies displayed by learners. Top priorities proposed include strengthening province-level governance and administration, and curbing undue teacher union influence. With respect to policy innovation, one key point is made. It is argued that much better guidance within the curriculum documentation is needed with respect to the **acquisition of reading skills in the foundation phase of schooling**. Amongst the background reports informing the review is a detailed proposal relating to the development and form of this guidance[19].

The following box makes reference to a few prominent and particularly useful reviews of specific aspects of the schooling system. The focus is limited to reviews from the last five years. A drawback with such reviews is that they may overly prioritise solutions in a specific policy area, and ignore the importance of spending time and effort on other 'policy levers' which could yield the same or better overall results. But a clear advantage with these narrower reviews is that they are able to delve into the details in ways not possible in a sector-wide review. Unfortunately, not all the reviews mentioned below are easily available through, in particular, the web. An asterisk means the document is not available on the web.

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* The 2012 public expenditure review[20]. This review, produced for the DBE and funded by Unicef, consists of a large variety of reports and was unfortunately not made public[21]. It supports the argument that on the whole the key problems in the sector were not weak policies, or under-funding. Rather, the problems are implementation and management. The report pays particular attention to the role of the DBE in strengthening the monitoring of both performance and expenditure trends, including the impact of salary agreements with teacher unions, in part so that a more informed 'value for money' debate can be encouraged.

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[17] National Planning Commission, 2011 and 2012.

[18] Van der Berg *et al*, 2016.

[19] Pretorius *et al*, 2016.

[20] Van der Berg, Kruger, Gustafsson and Rawle, 2012.

[21] In the case of these reports, and many other reports like them, the reason for not publishing the materials appears to be more a knowledge management problem, than a report quality problem. Misleading reports should arguably not be made public. However, this is often not the problem. The tendency, not just in the education sector, is for reviews not to be made public because it is assumed that they are only of interest to internal users. Obviously there is a large range of stakeholders who may find these reports interesting, including legislators, academics, journalists and people working in civil society organisations. Not promoting access to information and knowledge amongst these stakeholders raises the risk of poorly informed policy debates. Often important reports get lost after some years even within government as a result of poor archiving, or poor 'knowledge management'.

The 2013 post provisioning report[22]**.** This review, produced by Deloitte for the DBE, focuses on the data that inform the allocation of teachers to schools. It concludes that a lack of clarity with regard to what national policy applies in this area has allowed for undesirable across-province differences in the way teachers are allocated. In this respect, the report provides an interesting indication of broader problems around how policies are approved, gazetted and communicated. Unfortunately, the report does not deal with the wider 'post provisioning problem' as understood in the policy debates. For instance, it does not deal with weaknesses and ambiguities in the existing policies relating to the rights of school governing bodies when it comes to the appointment of teachers, or the rights of teachers when it comes to redeployment across schools.

The 2013 'Dell report' on the use of information by districts[23]**.** This report, funded by the Dell Foundation and produced in collaboration with the DBE, provides rare insights into the management culture in education district offices, and what needs to change for the services of these offices to improve. Though the review uses the lens of data collection and use, its relevance goes beyond just data. The report recommends that a more educational- and service-oriented culture is needed, and that the current emphasis on basic bureaucratic compliance is to some degree misplaced.

* The 2012 World Bank review of the Annual National Assessments[24]**.** This review, produced for the DBE by a prominent Canadian assessment expert, Fernando Cartwright, provides valuable insights into South Africa's recently introduced national assessment programme. There is a very strong emphasis on the need to strengthen policies explaining the purposes of this kind of programme. In the absence of these policies, these programmes easily become a source of confusion and tension between teachers and the authorities (this is clearly what occurred in South Africa when the programme was 'paused' in 2015).

The 2014 Ministerial Committee report on Grade 12 standards and access[25]**.** This is a comprehensive and important review produced by a committee that included a strong presence of university-based academics. The review reaches a number of policy conclusions. Importantly, it concludes that despite popular calls for fundamental change in the Grade 12 examination, the basic structure and processes around this examination should remain largely unchanged, though improvements in areas such as the rigour of marking are recommended. The most far-reaching recommendation is that mark thresholds for students wanting to pursue university studies be raised from 40% to 50%.

* The 2017 review of data use in the education sector[26]**.** This recent report, along the lines of the Dell report, uses the lens of data to explore wider issues relating to, for instance, organisational culture. The review uses two provinces, Western Cape and KwaZulu-Natal, as case studies. It was produced for National Treasury but focusses on the education sector. One key area of focus is how DPME and National Treasury policies and rules that govern reporting on progress and expenditure in the education departments should change on the basis of lessons learnt over the years.

The above lists are evidence that substantial reviewing of the basic education sector, including its policies, has occurred. However, what is somewhat worrying if one considers the twelve policy areas identified in section 2, is that some critical areas appear not to have been sufficiently analysed. One is the area of **teachers, including teacher supply and their conditions of service and accountability**. Another is **school governance**.

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[22] Department of Basic Education, 2013f.
[23] Dell Foundation, 2013.
[24] World Bank, 2013.
[25] Department of Basic Education, 2014.
[26] National Treasury, 2017b.

5   Likely contributors to South Africa's test score improvements

The reviews discussed in the previous section do not address the critical question of what might have contributed to recent improvements in South Africa's learning outcomes over the last decade or so. This is largely because it is only very recently that evidence of these improvements have become irrefutable and clear. The current section attempts to answer the question.

There is now evidence from, above all, three sources that the competencies of South Africa's learners have improved substantially over the last decade or so, and that these improvements have occurred mainly in the worst performing and most socio-economically disadvantaged segments of the schooling system. The result has thus been less educational inequality. This is obviously good news.

The first source is the **TIMSS**[27] **testing programme**, which covers around fifty countries from around the world. Here Grade 9 mathematics and science results displayed a steady improvement across the years 2002, 2011 and 2015. The size of this improvement, or its steepness, was around 0.07 South African standard deviations a year. 'Standard deviations a year' has become a common way of expressing the size of an annual improvement in a country's average test scores, in part because it makes comparisons across different testing programmes meaningful. South Africa's 0.07 compares favourably, and in fact exceeds slightly, the annual speed of Brazil's PISA improvements, which comes to 0.06 standard deviations, sustained for over a decade. The improvements in South Africa mean that whilst the country performed well below neighbouring Botswana in 2002, and even 2011, by 2015 South Africa had almost caught up to Botswana[28].

The second source is the **SACMEQ testing programme**, which covers fifteen countries from Southern Africa and East Africa. Revised preliminary results for 2013 indicate that in Grade 6 mathematics and reading test scores improved by, respectively, 0.06 and 0.05 standard deviations per year between 2007 (the previous year in which testing occurred) and 2013[29]. The steepness of these improvements can be considered highly satisfactory.

The third source is the **Grade 12 examinations**. Clearly, much caution is needed when drawing conclusions around system-wide trends. Examinations are designed to provide qualifications to individual learners, not to gauge systemic improvements. Yet if one pays sufficient attention to the equivalence of scores across years, and focusses on the full distribution of marks in individual subjects, important conclusions can be drawn. Analysis conducted by the DBE in 2016 points to a narrowing of the gap between rural and township schools, on the one hand, and advantaged schools, on the other hand, over the period 2008 to 2016[30].

Simply quality-assuring the research so that there can be certainty around what the trends are is vital. This seems to have been done rather well. But **this information needs to be communicated repeatedly**. It is information which is easily politicised, in South Africa and elsewhere in the world. Typically, governments may be tempted to exaggerate improvements, whilst opponents to the government may be tempted to discredit evidence of improvements.

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[27] Trends in International Mathematics and Science Study.

[28] Department of Basic Education, 2017.

[29] See Department of Basic Education (2017a). The time it has taken to finalise the 2013 round of SACMEQ testing is indicative of how complex standardised testing involving many countries can be. Importantly, preliminary 2013 SACMEQ results presented to the Parliamentary Portfolio Committee in September 2016 should be ignored. Those results were subsequently found to be too high, as a result of problems with the way the raw data were converted to SACMEQ scores. Final results for all countries are expected to be announced in May 2017.

[30] Gustafsson, 2016a.

Clearly, rigorous and transparent analysis should counteract undue politicisation of the debates.

Knowing whether a country's schooling system is improving is important because this has policy implications. If there is no improvement over an extended period of time, citizens can justifiably argue that policies should change fundamentally. However, this is not justifiable if improvements are occurring. The challenge is that educational quality improvements are, even in a best case scenario, painfully slow, in large part because it is difficult to change the capabilities and practices of teachers rapidly. This makes it easy for popular perceptions that nothing is improving to emerge, even if relatively strong improvements are occurring. This, in turn, can result in undesirable policy instability, or a situation where a schooling system lurches from one 'quick-fix' to another. Clearly, such a situation should be avoided.

So what has contributed towards the improvements seen in the quality of learning outcomes in South Africa? As discussed in section 2, system-wide improvements can virtually never be explained to a high level of certainty. The dynamics are highly complex and no single research method would be adequate. Though it is commonly believed that educational improvement must be a result of government action and policy success, even this may not be true. Other indirect factors may be playing an important role. To illustrate, **in 2003 only 41% of learners in schools enjoyed the presence of at least one household member with at least a Grade 12 qualification. By 2015, this figure had risen to 56%**[31]. Better support in the household is likely to have contributed towards test score improvements.

The DBE, in its *Action Plan to 2019*, attributes the quality improvements to, above all, **three changes in the way schooling is conducted**, all changes which were brought about by policy change. All three are plausible, and would be consistent with, for instance, Unesco's view on what brings about educational progress.

Firstly, **better access amongst learners to textbooks** is said to have contributed to the improvements. This would have been brought about both by a stronger emphasis on textbook use in the curriculum, and increased spending on books. The TIMSS data point to the very dramatic changes that occurred: in 2002 as few as 30% of Grade 9 teachers reported using a textbook as their main classroom resource for teaching mathematics. By 2011, this figure had increased to 70%[32]. In support of this theory of change is the finding, from a randomised control trial conducted by the DBE in 2012, that delivering study guides to schools helped improve Grade 12 examination results substantially[33]. Clearly the availability of books does impact on learning outcomes.

Secondly, more standardised testing, and in particular **the introduction of the Annual National Assessments (ANA) programme**, seemed to have sent strong and influential signals through the system that it was important to focus on the acquisition of basic mathematical and language skills[34]. This would be in line with conclusions drawn in other countries, some of it supported by rather good empirical evidence (see section 2). Given the amount of criticism that has been directed at the design of ANA, by teachers and even education researchers, it may appear strange to attribute educational gains to this programme.

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[31] Own analysis of Stats SA General Household Survey microdata, available at https://www.datafirst.uct.ac.za.
[32] Department of Basic Education, 2015a: 12.
[33] Taylor and Watson, 2015.
[34] Standardised testing started becoming widespread even before the launch of ANA in 2011. Some of this occurred as part of the Foundations for Learning campaign, introduced through Government Notice 306 of 2008.

However, it seems that even a flawed testing system, whilst clearly not ideal, is better than having no standardised testing at all.

Thirdly, **more suitable curriculum documents**, and training associated with this, seems to have contributed to better classroom practices. To illustrate, the curriculum document covering grades R to 3 English home language which became applicable in 2004 was relatively short, just 45 pages. In contrast, the corresponding Curriculum and Assessment Policy Statement (CAPS) document introduced in 2012 had 128 pages, and more details on how to teach, as opposed to just descriptions of the learning outcomes which had to be attained[35]. The same could be said for the curriculum documents for other languages. Some of the improvements preceded the CAPS documents. For instance, a national reading strategy document was released in 2008[36].

Insofar as the above interventions have contributed to improvements, they should be protected and prioritised. In particular, the implication is that ANA, or something like it, needs to be re-introduced following the 2015 suspension of the programme.

6 Focus areas of the Portfolio Committee on Basic Education

The minutes of Parliament's Portfolio Committee on Basic Education, available online[37], were scrutinised to obtain a sense of the current areas of focus of legislators dealing with basic education. The factors which determine these areas of focus are obviously complex, and would be political, personal and economic (for instance, relating to the resources available to the Portfolio Committee for administration, research and monitoring). Making realistic recommendations is not easy. However, if one uses as one's point of departure the ideals of the National Development Plan (NDP), then the following seems to stand out in the minutes of the Portfolio Committee.

Wide range of areas covered, relatively penetrating questions. Most of the policy areas outlined in section 7 are at some point covered. The general meeting format of presentations, generally by the Department of Basic Education, followed by questions and discussions, seems logical. It is clear that members of the Committee engage with the presentations and ask relevant questions. These are all strengths within the current system.

A large portion of time spent on sharing and clarifying basic information. Much time seems to be devoted to presentations, and simply clarifying the thinking, facts and numbers behind the presentations. Sharing and clarifying information is obviously vital, but if this is not done with sufficient efficiency, little time is left for deeper discussions around, for instance, policy design. This problem is common in large organisations and systems. The solutions generally put forward are: more and better scrutiny of presentations before the meeting; more informative and coherent presentation packages; a strong emphasis by meeting chairpersons on setting aside enough time for the deeper discussions.

Too little focus on the basics of learning outcomes and grade attainment. There are essentially two ultimate outcomes of the basic education process: learners should progress up the grades as far as possible (this is known as 'grade attainment'), and learners should learn in line with stated aims and targets ('learning outcomes'). There is some discussion of how many learners reach Grade 12, but the patterns of grade attainment below this level receive too little attention. The Committee should pay more attention to what learners learn, and how

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[35] Notice 710 of 2002, and Notices 722 and 723 of 2011. See also Department of Education (2002) and Department of Basic Education (2011).
[36] Department of Education, 2008.
[37] See https://pmg.org.za/committee/28. Around fifteen minutes, covering fifteen meetings, from 2016 and 2017 were analysed.

effective the system is at monitoring this vital aspect of the schooling system. To illustrate, the discussion of the country's TIMSS results (21 February 2017) could have focussed to a greater extent on how certain we can be of the veracity of the trends we see, whether other information confirms the TIMSS trend, and on whether the speed of South Africa's positive TIMSS is as fast as one could hope it to be. There seems to be no reason to doubt the positive trends seen in the TIMSS data, but experiences around the world suggest one needs to question these kinds of statistics rigorously[38], in part because just having this process of questioning can raise the public's trust and interest in this information. It not adequate to leave all the details to experts. Whilst members of the Committee cannot be expected to become, say, assessment experts, they should question the experts and insist on good information packages that 'demystify' the technical details.

Discussions on implementation not sufficiently focussed on annual reports and plans. One way of bringing about a more holistic approach to service delivery, with a focus on long-range implications, is to pay careful attention to plans and reports mandated by legislation and linked to budgets. Here the annual performance plans and annual reports of the DBE and provincial education departments are key. The Committee could pay more attention to these documents, not just at the points of the year when they are published. For instance, to what extent are actions in the sector throughout the year focussed on what was prioritised in the annual plan? How is the DBE ensuring that the plans of provinces (which control most of the budget in the sector) are logical and aligned to national priorities? This kind of questioning can greatly assist in improving the quality of annual plans and reports. In general, the stakes around annual plans and reports should probably be raised significantly.

Policy discussions not specific enough. Whilst there is considerable discussion in the committee meetings of what should be done, this is too often too general, and not sufficiently focussed on the specifics of policies. A key aim of the current report (in particular sections 3 and 7) is to contribute towards a stronger focus on the 'mechanics' of the policy changes that might be needed.

National Development Plan barely mentioned. Annual plans should of course be guided by long-term plans, in particular the NDP and the DBE's own *Action Plan to 2019*. Whether this is happening seems not to be a focus of the Committee. In fact, these long-term plans are barely mentioned in the minutes of the Committee's meetings. Failure to engage properly with the NDP is a problem that goes beyond basic education. Yet this should not stop the Committee from addressing this gap.

7   Recommended policy work going forward

The National Development Plan (NDP) is an obvious point of departure for considering what should change in the basic education sector. The NDP can be seen as offering two levels of guidance to the sector. At the highest level, it provides guidance on general planning principles, or 'critical success factors', for government as a whole. Policy should be formulated on the basis of experience and evidence, a vigorous national education discourse is needed, institutions should improve continuously and incrementally, and there should be a sufficient sense of prioritisation[39].

Ten NDP priorities that are specific to the sector are described in the box that follows. The NDP does not highlight explicitly these ten priorities, but they do reflect the points of emphasis of the NDP, and work which, on the whole, the international evidence suggests can bring about change in the sector. Importantly, the NDP is what the National Planning Commission recommends. What government departments are formally mandated to do in

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[38] See footnote 6.
[39] National Planning Commission, 2012: 59.

terms of the plan is expressed in the Medium Term Strategic Framework (MTSF)[40] compiled by the Department of Planning, Monitoring and Evaluation (DPME). Moreover, it is generally considered permissible for government departments such as the Department of Basic Education to deviate slightly from, say, the MTSF, in order to adhere to its budgets and procedures, details which DPME may not have been aware of when the MTSF was drawn up. To some extent these issues are covered below.

Each of the ten NDP priorities comes with a discussion, in italics, of policy changes, budget re-prioritisation and shifts in emphasis in, say, Parliamentary debates implied by the ten priorities. This discussion includes a few questions which were raised as matters of special concern by the Panel.

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1. Better aligned rights and duties for school principals. In line with much of the guidance around the world on school improvement, and in line with the South African Schools Act, the NDP advocates a more concerted move towards the ideal of capable school principals enjoying sufficient leeway to manage the school in a manner that responds to local needs[41]. The NDP thus implicitly opposes a more centralist view which says that principals should be 'micro-managed' from above. In South Africa, such a view is common, in part as a response to weak school principal capacity in many, though clearly not all schools.

The 2007 amendments to the South African Schools Act[42] requiring school principals to compile plans and reports focussing on academic improvement were clearly intended to make the principal a more central driver of qualitative change. However, without the presence of effective system-wide tools and policies to guide principals (such as those discussed in points 3 and 4 below), these amendments are unlikely to achieve the desired changes.

With respect to resource usage in schools, the funding norms[43] seem to provide school principals with sufficient leeway. However, it seems as if these norms are too often flaunted, resulting in a situation where principals are not able to allocate resources with sufficient discretion. Legislators should probably insist on better information in this regard. The South African Principals Association (SAPA) could be asked to express the needs of principals more clearly. Legislators could monitor more closely whether the information-sharing protocols of the funding norms are followed. If school principals are not properly informed of, for instance, what the provincial department has spent on their behalf, it is difficult for principals to follow up suspected under-spending.

A key matter for principals is their ability to manage teachers in the school. Here it has been argued strongly that the powers of school principals relative to parents need to be strengthened in the teacher appointment process[44]. These arguments seem convincing, particularly in the case of schools serving poorer communities where parents are often far less educated than the school staff. At the same time, much of challenge consists of better compliance with existing rules, in particular a stronger willingness by departmental officials to support effective disciplinary processes aimed at upholding teacher professionalism.

A policy on the 'standards for school principals', published in 2016[45], is a move in the right direction when it comes to having the right policies relating to principals. However, this policy seems to skirt around the more difficult challenges the system faces, including the role of the principal in fighting corruption, how the performance of principals should be gauged,

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[40] See Appendix A of Presidency (2014a).
[41] National Planning Commission, 2012: 310.
[42] See section 3.
[43] Notice 869 of 2006.
[44] Department of Basic Education, 2016a: 44.
[45] Notice 323 of 2016.

in part to determine the degree of management freedoms a principal should enjoy, and how the administration should 'listen' to the concerns of principals through, for instance, professional bodies. Further guidance and policy on these matters seems necessary.

The Panel raised the question of whether the training of principals in school management, and the monitoring of this, is being properly carried out, and what future work is needed. Training programmes in this area are relatively well-developed, and are offered by a variety of universities, under the Advanced Certificate in Education banner. There does not seem to be any overall monitoring of issues such as participation and graduation rates. Setting up this monitoring should not be difficult: the numbers are relatively low. In general, there are problems with the frequency and nature of reporting on university participation in specific programmes. This is related to limited capacity in the Department of Higher Education and Training to use data collected from universities.

2. An effective school principal appointment process. The NDP, but also the Mangaung Resolutions of the African National Congress, are remarkably frank in arguing that the process of appointing school principals is plagued by undue influences, including undue union influence. The NDP sees a part of the solution lying in the introduction of a 'competency assessment' for school principals'[46], which would ensure that individuals not displaying the requisite skills would not become principals. The training of officials involved in the appointments processes and in the application of existing labour laws is also seen as a solution. The assumption is that to some extent a lack of knowledge of these laws allows irregularities to occur, and limits the ability of officials to take corrective action.

The 2014 proposed amendment to the Employment of Educators Act, discussed in section 3, aims to remove undue influences from the principal appointment process by allowing the provincial department to nominate a few candidates, and then force the school governing body to select from the department's candidates. Currently, the process essentially occurs the other way round. The amendment appears to be a move in the right direction, though it is no guarantee that, for instance, the undue influence of unions will be removed. If unions exert sufficient influence over the provincial department, they can still unduly influence who becomes a principal. Should the amendment be debated in Parliament, these matters ought to be explored.

There is nothing in law yet on the proposed competency assessments for school principals. Whilst specific legal provisions may not be necessary[47], legislators could insist on a better policy framework for school principals, given the emphasis on their role as agents of change in the NDP. As discussed previously, the existing policy needs to be clearer on how principals should tackle problems they typically face. A look at a few policies from other countries can be instructive[48].

3. More reliable national assessments of learning. Despite the pausing of the Annual National Assessments (ANA) since 2015, largely due to teacher union pressure, the NDP's insistence that better information is needed on what learners learn at the primary level still holds. How exactly this should be brought about has been a hotly debated issue, though it need not be as the guidance provided by the assessment experts is relatively clear. The NDP seems to promote the idea of testing all learners in one primary grade annually in order to produce performance statistics which can tell stakeholders whether the quality of schooling is

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[46] National Planning Commission, 2012: 309.

[47] It is difficult to gain an idea of what the school principal competency assessments consist of, partly because these assessments must deliberately be kept confidential. An idea of the competencies covered in South Africa is provided by http://www.principalsacademy.ac.za/wp-content/uploads/2015/03/Compscores-1024x471.jpg.

[48] One of many interesting examples, in terms of its clarity and specific focus on the school principal, is New Zealand's (2016) policy on the principal.

improving[49]. The problem with this approach is that it is costly and technically difficult to have tests covering all learners which *also* provide stakeholders with sufficiently accurate statistics on, say, province-level progress. This is often not understood by laypersons. The solution, adopted in many schooling systems, is fairly straightforward. One needs *both* a system of universal testing that allows one, for instance, to gauge how well individual schools perform, *and* a sample-based testing system with highly secure tests with 'anchor items', or test questions that are repeated from year to year. The DBE has put forward a vision, following these principles, for improving assessments in its sector plan[50]. A detailed, but preliminary, 2016 proposal by the DBE is also available publicly[51]. The bottom line is that the NDP, the MTSF and the DBE should all prioritise the strengthening of assessment systems in line with best practices around the world.

What is essential if a national assessment programme is to succeed is a clear over-arching policy. The absence of such a policy is said to have contributed to the confusion and disputes which ultimately led to the stopping of ANA[52]. To illustrate, it was unclear to what extent and how ANA results could be used to hold individual schools accountable. The DBE's 2016 proposed policy is clearly a move in the right direction. Previous policies on assessments, such as a 1998 policy[53], a 2013 National Protocol[54] and a 2015 proposal on the administrative elements of ANA[55], have contained little to specify what the ultimate purpose and overall shape of a national assessment programme might look like. Given the sensitivity of standardised assessments, it is vital to have not just formal policy, but also simplified versions of this aimed at ordinary citizens. Australia's policy guide fulfilling the latter purpose is one of several worth consulting[56].

The NDP pays some attention to the popular question of what the 'pass mark' should be in national assessments[57]. Here a warning is in place. There is of course nothing static about, say, a mark of 50 out of 100. Tests can be manipulated to make the achievement of a mark of 50 more or less difficult. Debating just what the 'pass mark' should be, in isolation from underlying systems of benchmarking (which should preferably be international) and quality assurance is not really useful.

4. Learning results reported to parents. Linked to improved national assessments is the NDP's emphasis on the systematic provision of information to parents, not just about the academic performance of individual learners, but also the performance of the school as a whole[58]. This is essentially an emphasis on what are referred to as 'school reports cards' in the international literature. Though the NDP's emphasis is on reports drawing from an ANA-like assessment system, a logical extension of this would be school report cards distributed to parents based on data from the Grade 12 examinations system. In fact, detailed proposals for such report cards have recently been developed[59].

As emphasised with respect to the previous point, clear policy is needed. In particular, there is antipathy amongst many educators to competition between schools. Some sense of performance differences across schools to drive decision-making is clearly needed, yet

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[49] National Planning Commission, 2012: 311.
[50] Department of Basic Education, 2015a: 15.
[51] Department of Basic Education, 2016b.
[52] Department of Basic Education, 2016b: 11.
[53] Regulation 1718 of 1998.
[54] Notices 1115 and 1116 of 2012, also Department of Basic Education (2013a).
[55] Department of Basic Education, 2015b.
[56] https://www.nap.edu.au/docs/default-source/default-document-library/naplan-2017-information-brochure-for-parents-and-carers.pdf?sfvrsn=2.
[57] National Planning Commission, 2012: 305.
[58] National Planning Commission, 2012: 311.
[59] National Treasury, 2017.

sensitivities in this regard need to be carefully considered. Abusive practices which should be proscribed by any policy include unfair comparisons across schools where the socio-economic circumstances of learners are not taken into account. All effective systems around the world which gauge school performance include some measure of socio-economic advantage, so that 'apples are compared to apples'. Without such a measure, fair judgements of which school principals are more and less effective are impossible to make.

5. Financial incentives attached to standardised assessments. The NDP promotes paying financial incentives to schools which display exceptional improvements in their national assessment results[60]. As discussed in section 2, experience from around the world suggests this is a complex area. It should arguably not be a first priority. What seems more important is to resolve problems around the way incentives work in the existing systems. In a sense, this is about fixing the leaking living room before new rooms are added to the house. Just having better information on which schools are performing well creates good pressure in the right areas, even without financial incentives. Teachers need to feel that exceptional effort and talent is rewarded, for instance through promotion opportunities.

Whilst no policy work has occurred on attaching financial incentives to ANA results, considerable work occurred around ten years ago on the design of financial incentives linked to improvements in Grade 12 examination results[61]. Those proposals involved making changes to the 2006 funding norms.

6. New methods for teaching basic reading skills. What the NDP is not explicit about, though it is implied, is the need to promote better teaching methods amongst teachers in grades R to 3 (the foundation phase), in particular in the area of reading. As indicated in section 2, new research compellingly argues that there is much that is wrong with the way young children have traditionally been taught to read. As a result, too many children barely learn to read. Correcting this is a high priority in the NDP[62].

Closely related matters are grade repetition and class sizes in the foundation phase. Grade repetition in Grade 1 is particularly high, with around 20% of learners in this grade being repeaters in any year in some provinces[63]. This obviously pushes class sizes up and makes the implementation of innovative teaching methods, for instance in reading acquisition, more difficult. South Africa's learner-educator ratios and class sizes, at the foundation phase but also across other grades, are exceptionally high by international standards[64], largely due to the fact that relative to other developing countries, South Africa's teachers are paid relatively well. Reducing class sizes through expanding the teacher workforce can only happen gradually, due to economic constraints. However, it has been argued that one possible way of reducing class sizes in the more immediate future would be to drastically reduce grade repetition, especially at the foundation phase. Though current policies deal with how many times an *individual* learner repeats grades[65], what seems to be missing are policies guiding schools on the overall level of permissible grade repetition. To some extent promotion standards in the curriculum do this, but it is clear that standards are applied rather differently across schools, as seen in varying grade repetition patterns even in schools serving similar communities.

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[60] National Planning Commission, 2012: 304.
[61] See discussion in National Treasury (2017a: 6) and Department of Basic Education (2015c: 33).
[62] National Planning Commission, 2012: 305.
[63] Department of Basic Education, 2016c: 30.
[64] Gustafsson and Patel (2008) discuss South African international standing with respect to both of these indicators. Spaull (2016) highlights the stark inequalities with regard to class sizes across provinces: in Western Cape only 3% of grades 1 to 3 learners are in classes exceeding 45 learners, against a figure of 40% in Limpopo.
[65] Notice 2432 of 1998.

As discussed in section 5, improvements to the curriculum have brought greater clarity to, for instance, the area of early grade reading acquisition. However, further work is needed. Government's National Education Evaluation and Development Unit (NEEDU) has argued[66] that a few simple additions to the rules could add great value, for instance in the form of norms on how many pages of writing learners should complete at specific points in the initial grades, and norms on the minimum number of words a minute a child should reach when reading out loud (such norms would obviously have to be language-specific). Similar recommendations have been made in a report funded by the Zenex Foundation[67]. Given the centrality of reading and writing for all education, many countries have formulated specific early grade reading strategies. In fact, the Department of Education published such a strategy in 2008[68], though this has been criticised for not being specific enough with respect to what teachers must actually do in the classroom. One guide for formulating a sufficiently practical strategy is that of Save the Children[69], which received special mention in the 2014 Global Monitoring Report of Unesco (see section 2 above). Having policy is not enough, however. NEEDU's report observed that many provinces have reading strategies which are poorly disseminated and barely known in schools. Peru's attempts around a decade ago to popularise simple reading acquisition techniques, through complementary exercises conducted by children and parents (often illiterate) at home, has been put forward as a good example[70]. This kind of initiative could be adapted to the South African context.

7. Broadband access for all schools. For the NDP, 'the most crucial enabler of ICT[71] [in schools] is high-speed broadband'[72]. What is striking with regard to not just broadband, but ICT in schools in general, is how sparse and inconsistent the available information is. The statistics which are available, and which appear trustworthy, point to gradually improving, yet relatively low levels of access for schools, teachers and learners. For instance, the TIMSS data indicate that by 2011 49% of South Africa's Grade 9 learners had regular access to computers (in 2002, the figure was 28%), against values of 86% for Botswana, 78% for Ghana and 82% for Indonesia[73]. The sparseness of information on ICTs, and the relatively low levels of access in South Africa, are indicative of an overall lack of policy direction in this area and insufficient cooperation between the various public entities whose inputs into the process are needed. The emphasis in the official documents on prioritising an effective policy framework, and institutional working relationships, seems justified, and would be in line with advice being given worldwide to countries facing similar ICT-in-schools challenges to South Africa[74].

Whilst a White Paper on e-education was published in 2004[75], that policy statement is generally considered too thin on detail relating to lessons from around the world, the contribution towards better learning and teaching, costs, and the technology trade-offs (the policy is also now rather dated). A key focus for legislators should be to ensure that a new and adequately focussed strategy document is produced. However, there are also more concrete and immediate issues that legislators could focus on. A well-established ICT

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[66] Department of Basic Education, 2013b.

[67] Pretorius *et al*, 2016.

[68] Department of Education, 2008.

[69] See Save the Children (2012). To a limited degree, Literacy Boost has been implemented in South Africa. Vezi *et al* (2013) provides an idea of this involvement.

[70] World Bank, 2007: 73.

[71] Information and communication technology.

[72] National Planning Commission, 2012: 303.

[73] Department of Basic Education, 2015a: 17.

[74] Department of Basic Education, 2015a: 18. See also Mooketsi (2015: 107). A recent and influential report by the OECD (2015) found that in the great majority of rich countries computers were adding virtually no value to learning outcomes, despite their high costs. This and other reports have contributed towards a more sober assessment of how to introduce computers into schools.

[75] Notice 1922 of 2004.

presence in schools are the two subjects 'information technology' and 'computer applications technology', offered in grades 10 to 12. Participation and success rates amongst learners in these subjects are hardly ever reported on (details do not appear in the official Grade 12 examination reports, for instance). The few statistics that are available suggest that far too few black and female learners participate, and that in general participation has remained stagnant for many years. One interesting case stands out as an exception: Free State appears to have increased access to these subjects amongst black learners in part through interventions that established computer centres in historically black schools[76]. The question is why the trend of increased black participation in these subjects has not occurred in other provinces, including provinces with relatively high ICT-in-schools budgets, specifically Gauteng and Western Cape.

8. Stronger focus on career guidance at the senior phase. The NDP sees better career guidance in the senior phase (grades 7 to 9) as one key intervention needed to address youth unemployment and discouragement. To a limited degree career guidance already exists in the school subject Life Orientation.

Perhaps one of the most critical interventions to improve guidance to learners is the strengthening of assessment, and even certification, at the Grade 9 level, so that learners are better informed about where their strengths and weaknesses lie. This knowledge is critical if learners are to select the correct subjects for grades 10 to 12, and if TVET[77] colleges are to have the information they need to place learners appropriately within the college programmes. The great majority of learners entering the TVET colleges already have a Grade 12 certificate, although the colleges are in fact primarily designed to take in learners who have completed Grade 9. The reason why the latter is not occurring is in part a result of the lack of certification in Grade 9. Interestingly, having a Grade 9 qualification was a high priority in Education White Paper 1 of 1995, yet it has barely featured on the policy agenda since then. One exception is the 2014 Ministerial Committee review[78] which does recommend introducing a Grade 9 certificate.

9. All children to participate in an additional year below Grade R. One of the most far-reaching goals of the NDP is to have all children participate in a year of education before Grade R[79], in other words during the year they should ideally turn five[80]. The NDP is not explicit about whether the additional year should primarily be offered in schools, or in separate pre-school institutions. However, the MTSF has made it clear that this should be offered outside schools, and that the lead government department at the national level is the Department of Social Development, with the Department of Basic Education being a key second department[81]. Importantly, considerable growth has occurred in the enrolment of children aged four and five in recent years, in part due to government interventions, but also as a result of efforts by households. For instance, by 2014 around 75% of four-year-olds were attending an institution[82].

A 2014 impact evaluation report by DPME is often quoted for evidence on the poor quality of newly introduced Grade R classes in schools. Specifically, the evaluation found that Grade R being introduced over the years 2005 to 2011 had not improved children's preparedness for Grade 1. This would in part explain why Grade 1 repetition has remained high, even with the expansion of Grade R. However, it is also important to note that insufficient monitoring of quality trends in Grade R has meant that there is no firm evidence on whether interventions

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[76] Department of Basic Education, 2015a: 17.
[77] Technical and vocational education and training.
[78] Department of Basic Education, 2014.
[79] National Planning Commission, 2012: 299, 301.
[80] By implication, most children would be aged four when starting the year.
[81] Appendix 1 to Presidency (2014a).
[82] Department of Basic Education, 2016c: 13.

introducing new learning materials to Grade R in the years following 2011 have succeeded in improving the quality of learning in this grade.

Given how much pre-schooling is driven by household decisions, and at least partially by private funding, even amongst poor households, one key challenge is to use Stats SA household data to monitor developments. Simply tracking government initiatives is not enough. With respect to state interventions, the Department of Social Development's 2015 policy, produced in collaboration with Unicef[83], plus the 2013 curriculum for birth to age four[84], offer good points of departure. However, there are considerable policy changes. In particular, under current economic conditions much emphasis needs to fall on limiting unit costs (for instance cost per child), whilst providing services that are of a sufficient quality, and ensuring that funding targets the poor. Lessons will have to be drawn from relevant programmes in other developing countries.

One very fundamental policy conundrum has not been addressed in any official document to date. Though currently over 70% of four-year-olds attend some institution, only 23% of four-year-olds receive state funding. Thus three-quarters of the children envisaged by the NDP as participants in a new universal pre-Grade R system are not funded, and many of these would be poor. Which poor children are excluded seems to depend on matters such as province and what the budgetary situation was at the time the early childhood centre applied for funding. At the same time, the existing public funding system covers around 450 000 children whose age is below four, often as young as two, in other words children who should not be eligible for targeted funding according to the NDP[85]. One obvious question is whether funding for very young children should be withdrawn in order to distribute funds across more poor four-year-olds. Such a process of reallocation would not be easy. Legislators should engage urgently with the relevant department officials on these matters.

10. Twelve years of compulsory schooling by 2030. The NDP envisages that by 2030 all youths should complete twelve years of education. This goal would resonate with popular demands placed on the education system, demands which are in part informed by the absence of any national qualification below Grade 12. What is perhaps most noteworthy is how far into the future the NDP has placed the achievement of this goal. This would be in line with considerations of how fast the education system can grow, and how quickly quality improvements will allow youths to continue through to, say, Grade 12. As correctly argued in the DBE's 2016 Grade 12 examinations reports, South Africa does not fare poorly in an international comparison of upper secondary completion[86].

This is one area where new policies have brought about fairly abrupt movements in the direction of NDP goals. In particular, new policies[87] relating to grade repetition and promotion requirements have reduced the number of learners repeating grades, and giving up on schooling before they reach Grade 12. The new rules explain the large 2014 to 2015 increase in the number of Grade 12 learners in public schools, of 21%, and the fact that Grade 12 enrolments in 2015 and 2016 were considerably higher than in any previous year. By 2016 around 80% of South Africans were reaching Grade 12 in a school, and about 55% were obtaining the National Senior Certificate[88]. In the light of this, the NDP target for 2030 is not that unrealistic. However, concerns have been raised about the effect of permitting many more academically weak learners into Grade 12 on results in general, and on resource-

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[83] Department of Social Development, 2015.
[84] Department of Basic Education, 2013c.
[85] Gustafsson, 2017.
[86] Department of Basic Education, 2017b: 23.
[87] See Department of Basic Education (2013d), authorised by Notices 1115 and 1116 of 2012. Also Department of Basic Education (2013e), and Notice 1495 of 2016.
[88] Department of Basic Education, 2016c: 64.

driven issues such as class size. The new rules have in fact been revised to slow down the trend[89]. *The challenge here for legislators is probably to monitor that the difficult balancing act between resources, popular demand for greater access to the Grade 12 qualification, and academic standards is managed properly.*

8   Additional policy priorities deemed interesting by the Panel

What follows are some responses to policy concerns raised by the Panel.

How should the performance gap between fee-charging schools and no fee schools be tackled?

The differences in learning outcomes across these two types of schools is to a large degree a reflection of the differences in home background, and specifically socio-economic status. On the whole, poorer quintiles 1 to 3 schools were declared no fee schools. How one addresses the educational inequalities would be to pursue the strategies outlined above, which are derived from the NDP. One intriguing question would be whether the absence of fees is in itself a factor leading to worse performance. This could be researched with the available data, but appears not to have been done. Some would postulate that having even low fees enhances parent involvement in the school, and a sense of accountability to parents. Even if this were found to be true, it is perhaps not politically possible to roll back the no fee schools policy.

How does one build a better institutional culture in schools?

Much of the debate around improving schools does indeed pay attention to the culture of schools. Culture is obviously important. What is implicit in much of section 7 above, and in the NDP, is that culture is something that policy shapes indirectly by putting in place the right incentives. If learners do not learn in schools, this should soon become apparent. Principals, who should be the best people for the job, should face consequences if they do not do something about under-performance. The employer, the provincial department, should pay attention to ensuring that standard disciplinary procedures are followed, so that the principal enjoys an environment that is conducive to good management and a good work ethic. And so on. It seems as if too much of the policy debate is focussed on 'painting the picture' of an ideal school, and speculating on which precise inputs make the largest difference, without sufficient attention going to the factors, specifically positive and negative incentives, which puts behaviour 'right'. The right school principal, with the right incentives (monetary and non-monetary) to perform well, should be able to line up school resources in the right manner, and create the right cultural environment.

Should government promote independent schooling for the less advantaged to a greater degree?

This is an argument that is often made, not just by independent school lobbyists, but development agencies such as the World Bank. It is not something prioritised by the NDP, or even Unesco, largely for ideological reasons. The notion that the ideal is effective *public* schooling is cherished by many, and defended vigorously by teacher unions (not just in South Africa). In the South African context, there should probably be greater use, by government, of independent schools to test approaches which may be difficult to test in the more rigid public system, for instance innovative ways of conducting multi-grade teaching. Bringing about a massive 'privatisation' if public schools is probably not something that is either doable from a political angle, or desirable in terms of stability. On a very specific and immediate level, it

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[89] DBE circular E22 of 2016.

seems justified for legislators to delve into reported problem whereby provincial departments appears to place bureaucratic hurdles in the way of establishing or running independent schools. This has been fairly well documented by the Centre for Development and Enterprise (2016).

How could international collaboration help to solve the country's teacher development challenges?

It should be noted that the country has been relatively successful at bringing about better teacher training programmes. This is strongly suggested by both the 2007 and 2013 SACMEQ data, which indicate that younger teachers emerging from the more recent university-based training system are more knowledgeable and produce better learner results than their older peers, by a large margin[90]. As implied by discussions in the rest of this report, an area where international collaboration should probably be stronger is in the *design* of teacher development programmes, particularly in more innovative areas such as new approaches for acquiring reading and the use of ICTs in the classroom.

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[90] Armstrong (2014) and Gustafsson (2016b).

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