

CELP

ANNUAL REPORT 2015

Message from the Director and the Executive Manager

CELP's constitution aims to achieve:

- The organisation and promotion of congresses, conferences, seminars, workshops and information sessions on education law and education policy, and participation in similar events in South Africa and abroad.
- Initiating, carrying out, promoting or evaluating research on education law and education policy. Undertaking contract research and providing clients of the centre with information on education law and education policy at the agreed fees.
- Liaison and co-operation with as many institutions as possible involved in the training of teachers in South Africa: foreign and international institutions, groups, organisations, bodies and persons involved in aspects of education law and education policy.

In 2015 CELP members contributed in many ways by assisting schools, governing bodies and educators in their huge task. In our endeavours to make a meaningful contribution to the knowledge and skills of as many persons as possible, CELP published a book on international education reform, provided training to school principals and sold copies of the revised monographs to students and other interested persons countrywide. Through the collaboration of its members, CELP creates a practical source of information for those in the field of education in South Africa. We strive to promote interest in and understanding of the legal framework of education and the rights and obligations of learners, parents, school governing bodies and educators.

Members of CELP presented papers at international conferences in England, the USA and South Africa. Members of the executive of CELP participated in the South African Education Law Association conference. Prof. Rika Joubert and Dr van Rooyen presented papers at the International Symposium on Education Reform in Uppsala Sweden, the Law School of the University of Kentucky and at the annual Education Law conference held this year in Cleveland, Ohio in the USA.

The education law monographs, revised in 2014 were sold to students and other interested persons nationwide. Publishing and making these monographs available via the CELP website means that information on various aspects of Education Law are accessible to educators, students and schools throughout South Africa.

Prof. Joubert is the editor of a special publication that includes papers on International Education Reform (ISER). This ISER-related book published by the Interuniversity Centre for Education Law and Policy (CELP) is devoted to the research of scholars in South Africa, the USA and four Nordic countries who have studied the roles and responsibilities, as well as the outcomes of education reform strategies in their own countries.

The strength of CELP depends on the cooperation of the various partners. We would like to thank the members of the executive committee for their dedication and commitment in 2015 and express our appreciation to all our clients, contributors and partners for their continued support.

Prof. Rika Joubert

Dr Jean van Rooyen



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Sentrum vir
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Policy



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Board of CELP

Prof. Melodie Slabbert is the chairperson of CELP's Board. She is presently the Deputy Executive Dean of the College of Law at Unisa. She holds the following degrees: BA, BA (Hons), Magister Artium (MA) and DLitt from the University of Pretoria, and the degrees LLB and LLD (in medical law) from the University of South Africa. She was admitted as an advocate of the High Court in South Africa in 1996. She is also the co-editor of the Comparative and International Law Journal of Southern Africa and was recently involved in its revision.



Prof. Melodie Slabbert

Prof. Trynie Boezaart is the vice-chairperson of the Board. She is the Head of the Department of Private Law at the University of Pretoria and her fields of expertise are Child Law and Law of Persons.



Prof. Trynie Boezaart

International Symposium on Education Reform Conference

Dr Jean van Rooyen and Prof. Rika Joubert represented CELP at the 2015 International Symposium on Education Reform in Uppsala, Sweden.

Education reform strategies require school systems to provide for constitutional guarantees, new policies, a new funding system, a new curriculum and teacher training programmes, the availability of physical resources, discipline strategies and, most importantly, accountability.

The extent to which the interpretation and implementation of reform strategies affect the quality of education is dependent upon how well the practitioners are able to apply those strategies while maintaining high quality education for all.



The International Symposium on Education Reform annually brings together academics and PhD students from countries such as the USA, China, Finland, Sweden and South Africa to share their research on current education reform strategies. Their research covers aspects related to the roles of the state, education leaders, parents, technology and in particular, education leaders.

South African Education Law Association (SAELA)

The 20th Annual SAELA conference took place at Golden Gate Hotel, Golden Gate Highlands National Park, Free State, South Africa from **6-9** September 2015. The theme of the conference was: 'Shaping education through a Bill of Rights, legislation and case law'.



Sub-themes that were discussed include:

- Fundamental rights in shaping education in a country
- Legislation and the legislature in shaping education in a country
- Case law in shaping education in a country
- Education law in general, or any focus thereof in shaping education.



Dr Jean van Rooyen

Prof. R Joubert
en
Dr Jean van
Rooyen

Dr Jean van Rooyen is the President of SAELA and the conference was held under his leadership. The following papers were presented by Board members and members of the Executive Committee of CELP:

Prof. Anne Skelton & Prof. Seges Kamga , – *Broken promises: Constitutional litigation for free primary education in Swaziland*. Prof Rika Joubert and Dr Nicolus Mollo read a paper titled: *Understanding and implementation of due process during learner discipline: A South African case study*. The purpose of this paper was to investigate how education managers, school governing body members and education officials understand and implement due process during learner discipline. Prof JP Rossouw, & Ms Mong – *Shaping the educator is shaping education: an overview on educator security over the past decade*. Dr Mariëtte Reyneke, – *Rethinking the guidelines for the drafting of a code of conduct: Almost 20 years later*.

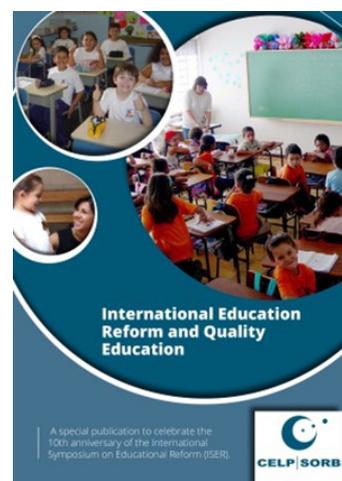
In 2016 SAELA will publish a book commemorating 20 years of interpreting and implementing education law through lively discussions, debates, individual papers, legal panels and international partnerships at the annual SAELA conferences. Ten years ago selected contributions delivered at the first ten SAELA conferences were published in two comprehensive volumes. The new publication aims to focus on aspects of education law that reflect the developments and contributions of conference participants during the past ten years. The publication will have a special focus on the development of case law affecting education. Prof. Rika Joubert , Prof. JP Rossouw and Prof. Elda de Waal are the editors of this publication.

International Education Reform Publication

This book published by the Interuniversity Centre for Education Law and Policy (CELP) is devoted to the research of scholars in South Africa, the USA and four Nordic countries who have studied the roles and responsibilities, as well as the outcomes of education reform strategies in their own countries

Prof. Rika Joubert with Lars Björk and Tricia Browne-Ferrigno from the University of Kentucky in the USA are the editors of this book.

Education reform comprises any planned changes in the way a school or school system functions, from teaching methodologies to administrative processes. Comprehensive reform of education requires the careful application and harmonisation of each provision of the reform strategy to the context of education. More obviously, what do the education reform strategies aim to achieve? What does the right of learners to education, equality, human dignity, language, and culture mean in educational reform contexts? How do the policy makers envisage the role of the State in the implementation of the education reform strategies in the school setting? This publication covers aspects related to the roles of the state, education leaders, parents and technology. While major international research focuses on the implementation of education reform policies, it is becoming increasingly important to hear the voices of those involved on how they experience inclusion, exclusion and marginalisation.



Annual Education Law Association (ELA) 5-7 November 2015 in Cleveland, Ohio, USA

The mission of the Education Law Association of the USA is to bring together educational and legal scholars and practitioners to inform and advance educational policy and practice through the knowledge of the law. ELA communicates this knowledge through conferences and publications. The first ELA conference was held at the University of Chicago in 1955.

ELA's annual conference provides a professional forum for attendees to learn about, and discuss, current education law issues with a wide range of established and emerging experts. The presentation format stimulates dialogue among attorneys, professors, administrators, educators, and students, allowing these groups to share information and resources.

On Friday, November 6 a special session on, 'Safe Schools: Safety and Legal Issues for K-12 and Higher Education Campuses' was presented by academics in the fields of law and education as well as attorneys working in this field. The main themes addressed at this year's conference included current issues facing higher education dealing especially with students with disabilities, safety issues with regard to search and seizure, bullying, drugs, sniffer dogs and liability. Of special interest were the challenges faced by schools with regard to the role and functioning of school resource officers (commonly known as school policing officers).

Prof. Joubert and Dr van Rooyen presented a paper entitled: Religious freedom in public schools in South Africa: Balancing policy and praxis. They discussed the differences and resonances between guaranteeing religious freedom to everyone and the practical interpretation and implementation thereof in South African public schools with special reference to an upcoming case affecting freedom of religion in schools.



Dr van Rooyen, Prof. William Thro
(past president of ELA) and
Prof. Joubert



Prof. Joubert and Dr Van
Rooyen

Visit to University of Kentucky in Lexington, Kentucky, USA



Prof Joubert and Dr van Rooyen were invited as members of CELP to address students of the Law School on current issues in education law in South Africa. Issues such as freedom of religion in schools, admission of learners and challenges dealing with language of instruction were discussed. Forthcoming court cases on religion in schools and language of instruction in the Gauteng province were presented.

Dr W Lewis, Dr J van Rooyen
En Prof. Lars Bjork

Education Law and Training

During 2015, CELP presented training in aspects of Education Law.

School safety : La Lucia JP School on 12 March

Lady of Fatima Dominican Convent School in Durban on 13 March.

Topics included:

- Responsibilities and accountability of management and staff regarding:
- Developing and implementing school policies
- Safety aspects such as search, seizures, transport
- Learner discipline – developing and implementing the code of conduct

In April a special training session was presented to school principals at Hoërskool Waterkloof.

The main purpose of this session was to discuss the interpretation and practical implementation of provisions in the Schools Act, departmental policies and circulars with special reference to language policies and the development of admission policies by school governing bodies.



CELP's website

www.celp.co.za

The opinions expressed by individual members of CELP at conferences, meetings and training sessions do not necessarily represent the official views of the Interuniversity Centre for Education Law and Policy.

Board and Executive Committee members

Board:

Chairperson:

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Deputy chairperson:

Prof. C J Boezaart (UP)

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vir Onderwysreg en
Onderwysbeleid**

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