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Response to Umalusi's Statement Regarding Unisa Open School (and Online Schools)

The recent statement released by Umalusi, while factual in part, is irresponsible without appropriate context. As an institution entrusted with safeguarding the quality of education in South Africa, Umalusi must ensure its communication is clear, balanced and complete, especially on matters affecting thousands of learners.

Lack of Clarity on Accreditation of Online Schools

Umalusi's statement fails to explain why it does not accredit online schools and/or distance education providers. The reason stems from Umalusi's legal mandate as defined in the General and Further Education and Training Quality Assurance Act (GENFETQA Act No. 58 of 2001). While the Act empowers Umalusi to accredit institutions that offer qualifications under the National Qualifications Framework (NQF), it is limited to providers established or registered under the South African Schools Act, 1996 (Act No. 84 of 1996), the Further Education and Training Act, 1998 (Act No. 98 of 1998), and the Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000). Unfortunately, online schools are not explicitly defined or recognised within these acts, limiting Umalusi's mandate to accredit such providers.

This interpretation of the law potentially confines Umalusi's scope, thereby excluding alternative educational providers and their clients such as home-schoolers, online schools and part-time learners. These institutions have, over the years, operated through alternative legal frameworks or concessions, with the responsibility for assessments falling on accredited assessment bodies.

Under-regulated Environment Acknowledged

While Umalusi refers to online schools as operating in an "unregulated environment," we must clarify that the **distance education sector is not unregulated but rather under-regulated**, particularly with respect to accreditation.

For over 12 years, Umalusi has allowed private assessment bodies such as the **Independent Examinations Board (IEB)** and the **South African Comprehensive Assessment Institute (SACAI)** to accommodate distance education providers. These bodies ensure that the provision of assessments meets a standard that has been acceptable to Umalusi. Therefore, distance education providers have been operating within a structured system under the regulation of these accredited assessment bodies.

The current **legislative vacuum** pertains to the mandate of **accreditation**, as Umalusi is not currently mandated to accredit distance education providers under the **General and Further Education and Training Quality Assurance Act**. However, the concessions that Umalusi has extended to private assessment bodies enable distance education providers to legally register learners, who are then assessed in accordance with Umalusi-approved standards. This process allows Umalusi to certify learners with a **National Senior Certificate (NSC)**, effectively ensuring that these learners are not left in an unregulated system.

Furthermore, we must also emphasise:

Distance and Correspondence Education: Correspondence and distance education have been integral to the basic education sector for over 35 years, with online schooling growing over the past decade. Institutions such as YaleSA and Futures Academy have been accommodating distance learners for 10 years, demonstrating a longstanding presence in the sector.

Department of Basic Education's Commitment: In July 2023, Minister Angie Motshekga indicated to stakeholders that a framework was developed to allow online schools and distance education providers to register as distinct entities under the Department of Basic Education. This framework was set for implementation in January 2024 following the opportunity for such providers to apply for registration in September 2023. However, to date, there has been insufficient progress in this regard.

Engagement with Stakeholders: Futures Academy has actively sought engagement with Umalusi regarding the accreditation of distance education providers within the Basic Education sector. However, we have received limited guidance on the processes and pathways available to achieve formal registration and accreditation as distinct distance education providers and online schools. This lack of clarity has created challenges not only for us but for other institutions operating within this evolving sector. Furthermore, the public has not been sufficiently informed about the distinctions between registration and accreditation.

Reckless Communication by Umalusi

In response to a concerned parent's inquiry on Twitter, Umalusi clarified that its statement regarding the Unisa Open School does not apply to online institutions that have been granted a concession to administer the National Senior Certificate (NSC) examinations through accredited bodies such as IEB or SACAI. This critical piece of information should have been included in the original press release to avoid confusion and concern amongst parents and learners.

By omitting this clarification, Umalusi created unnecessary uncertainty regarding the legitimacy of online institutions that operate under legal concessions. Moreover, the timing of Umalusi's press release is particularly poor. The statement was issued after the matric final examinations had already commenced with the Life Orientation Common Assessment Task, a crucial final examination paper. By releasing such a statement at this critical juncture, Umalusi has caused unnecessary anxiety among thousands of distance learners who are now questioning whether their efforts in these final examinations will count towards a recognised qualification. This lack of consideration for learners' well-being further underscores the recklessness of Umalusi's communication.

Furthermore, we urge parents and learners to take proactive steps to verify the credibility of any educational institution by directly engaging with accredited assessment bodies such as IEB or SACAI. These organisations can confirm whether an institution is authorised to administer NSC examinations and operate within the current legal frameworks.

Constitutional Implications

The Constitution of South Africa enshrines the right to education, and any communication or policy that undermines this right must be carefully scrutinised. The failure to establish a clear, regulated framework for online and distance education providers threatens to violate learners' constitutional right to access quality education. A framework that addresses the current gaps in legislation is crucial to ensure that all learners—whether in traditional, online, or distance education settings—are protected and empowered to achieve their full potential.

Call for Action

We call on the Minister of Basic Education to urgently address the legislative vacuum in the distance education sector. As education evolves with technology, it is critical that the regulatory environment keeps pace, ensuring both quality assurance and equitable access for all learners.

We also stand ready to engage with the Department of Basic Education and Umalusi as soon as the long-awaited framework for the registration of online schools is implemented, demonstrating our proactive approach to working within any reasonable regulatory frameworks

established in the future. The futures of thousands of learners hang in the balance, and they deserve clarity, consistency and support from the state.

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