

UNIVERSITY OF FORT HARE  
Faculty of Education  
ALICE CAMPUS

**Question Paper – Main Exam**

**Course:** Educational Law

**Codes:** EDB416

**Degree:** Bachelor of Education

**Date:** June 2023

**Time:** 2½ hours

**Marks:** 60

**Int. Examiners:** Mr. MAA Macanda & Mrs. Kafu-Quvane, B

**Ext. Examiner:** Dr. Mollo, NT

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This paper consists of 4 pages, including this cover page.

**INSTRUCTIONS TO CANDIDATES**

1. This paper has three sections.
  2. You are required to answer one question from each section.
  3. Check the mark allocation for each respective question.
  4. Identify the key requirements in each question before answering.
  5. Focus on answering the actual questions throughout each case.
  6. At the end, check that you have fulfilled each question's requirements.
  7. Number your answers as they are numbered in the question paper.
  8. Make sure that your writing is clear and neat.
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## SECTION A

**NB:** Choose ONE question from this section.

### QUESTION 1: Public Policy

- 1.1. What is a good or just public policy from the perspective of each of the following groups of people:
- a) Liberals. (2)
  - b) Conservatives. (2)
  - c) Libertarians. (2)
  - d) Communitarians. (2)
  - e) Socialists. (2)
- 1.2. Describe, in not more than five sentences in all, what is done according to Anderson (2015) in each of the five policy process stages. (5)
- 1.3. Give one example of a basic education policy that is congruent with the following five categories of policies by Anderson (2015):
- a) Constituent. (1)
  - b) Distributive. (1)
  - c) Regulatory. (1)
  - d) Self-Regulators. (1)
  - e) Re-distributive. (1)

**[20]**

**OR**

### QUESTION 2: Introduction to Educational Law & Policy

*Educational Law is "those components of the constitution, other statute law, the common law and case law, that create an education system and regulates the multilateral interaction of individuals, groups, independent bodies and official authorities within that system" (Maree 1995 in Coetzee, Van Niekerk & Wydeman, 2008, p. 184)*

Discuss, with illustrative examples, how Educational Law and Policy is located (found) within the South African legal system. (20)

**[20]**

## SECTION B

**NB:** Choose ONE question from this section.

### QUESTION 3: Sources of Educational Law (Constitution & Case Law)

Section 7 (1) of the Constitution compels the state to “respect, protect, promote and fulfil the rights in the Bill of Rights.

- 3.1. Choose any four rights in the Bill of Rights that are pertinent to Basic Education and illustrate how, as a teacher, you would *protect* and *promote* these rights. (8)
- 3.2. You have read at least five judgments of the superior courts about educators who have been dismissed on the grounds of misconduct following a disciplinary hearing. What did you learn on the following:
- a) Facts of the cases. (2)
  - b) Arguments of the parties in dispute. (2)
  - c) Legal principles or legal tests used by the courts. (2)
  - d) Conclusion of the courts. (2)
  - e) Orders of the courts. (2)
  - f) Implications for teachers in the field. (2)

[20]

OR

### QUESTION 4: Learner Discipline

*“Discipline in schools is an essential element in the socialization of children, in the formation of their character, and in the process of education. Learners are entitled to an education free from frequent disruptions in a safe and secure environment.” (Magwa & Ngara, 2014, p. 79)*

Refer to the sections of the Constitution, common law, legislation, and case law and suggest (legal advice) how learners should be disciplined in the South African FET schools. (20)

[20]

## **SECTION C**

**NB:** Choose ONE question from this section.

### **QUESTION 5: Care and Safety of Learners.**

Discuss how the different sources of Educational Law inform and frame the responsibilities of educators and school management with regard to learner care and safety matters. (20) **[20]**

**OR**

### **QUESTION 6: Accountability**

Analyse the concept of accountability and show how it is applicable in the context of the responsibilities of an educator. (20) **[20]**

**End of the Question Paper**

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