

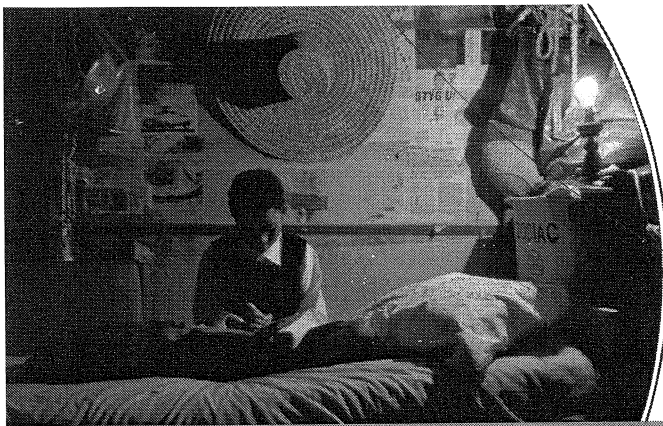
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DOES THE SOUTH AFRICAN SCHOOL ACT OF 1996 TRANSLATE INTO PRACTICE WITH REGARD TO NON-EXCLUSION OF PREGNANT TEENAGERS FROM SCHOOL, 15 YEARS POST ITS PROMULGATION?



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HUMAN SCIENCES RESEARCH COUNCIL

BACKGROUND

- 4,9% of all females aged 13-19 years were reported to be pregnant (GHS, 2010)
- Teenage pregnancy rate in South Africa is 90% (Health Statistics, 2007)
- Pregnancy has served as one of the reasons why some learners were not attending any educational institution (Statistics South Africa, 2010).
- For moral, social, cultural and personal implications, pregnant learners are often expelled from schools e.g. *"Pregnant pupils expelled"*, *The Mercury*, May 9, 2008.

LEGISLATION AND POLICIES

- The different legislations that have a bearing on teenage pregnancies are:
 - Child Care Act (84 of 1996),
 - Education Policy and Abortion Act (Act 92 of 1996).
 - South African School Act, No 84 of 1996
 - Circular 53, 2000
 - Provincial policies

PRACTICE - QUESTIONS REMAIN?

- How reasonable is it to expect educators to provide one or selected learners with so much attention when South Africa is already faced with a shortage of educators and overcrowded class-rooms?
- How successful has SASA been in achieving its aim or is there still a long way to go?
- Are moral, social and cultural implications of pregnant teenagers' at school determining the failure of implementation of SASA?

MORAL, SOCIAL AND CULTURAL IMPLICATIONS

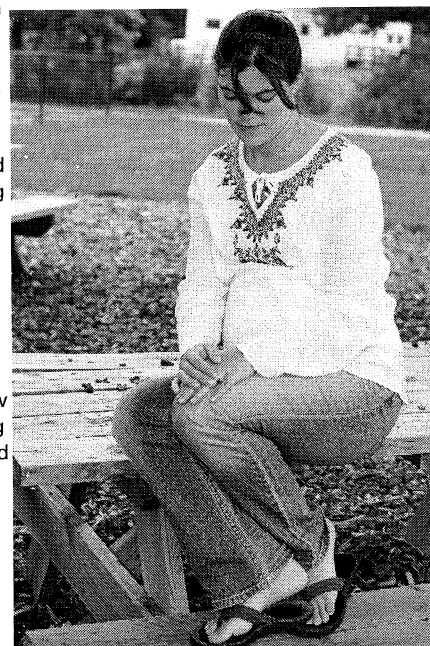
- "discourse of contamination", where the presence of pregnant learners and teenage mothers is seen as a bad example consequently contaminating fellow innocent girls
 - Pregnant teens and teen mothers were classified as sexually immoral and permitting them to stay and return to school was "letting them get away with it"
- Stigma attached to teenage pregnancy or teenage mothers, especially those unwed
 - Verbal abuse, being ignored, the ridicule, prejudice and embarrassment
 - Perpetuated by the media's portrayal of teenage mothers as "failure - the bad girl who behaved uncontrollably, irresponsibly, and immorally"

WHO ARE THE GATEKEEPERS?

- Teachers are evidently having difficulty in overcoming their own beliefs, moral values to accommodate pregnant teenagers
- Difficulty is experienced at even higher levels of leadership e.g. *"One would argue that ... the [pregnant] teenage girl ... should be expelled together as the Minister of Education Naledi Pandor had suggested in 2002."*
- Within the education administration, it is generally felt that the lack of expulsion of pregnant teenagers has a large role in influencing teenage pregnancy.

CONCLUSION

- Everyone has a right to basic education including pregnant learners and teenage mothers
- Schools, require guidelines on how to uniformly and optimally prevent and respond to early pregnancy such that the right of the adolescent to education is protected and equally balanced against their need to access healthcare and support, and to maintain the focus on learning within the school environment.
- Other school policies seem to harm the same pupils they intend to protect e.g. *(WCED) policy of 2003 on Managing Learner Pregnancy*
- Lack of proper guidelines, preventive strategies and resources for both the schools, pregnant learners and teenage mothers may be the underlying reasons for the ill-treatment, lack of support, prejudice, and why only a third of teenage mothers return to school (Panday et al., 2009).
- Whilst the existing Act, policies and other guidelines on retaining pregnant teenagers within schools, it is clear that the implementation varies from province to province, from school to school.
- Largely, pregnant teenagers are discouraged from continuing attending school for fear of "contamination" of other girls
- To a great extent, pregnant girls are "released or expelled" from school
- Proper guidelines on how to implement the existing policies should be provided to schools



DOES THE SOUTH AFRICAN SCHOOL ACT OF 1996 TRANSLATE INTO PRACTICE WITH REGARD TO NON-EXCLUSION OF PREGNANT TEENAGERS FROM SCHOOLS, 15 YEARS POST ITS PROMULGATION?

Teenage pregnancy has become a global phenomenon with detrimental consequences, particularly amongst school-going learners. According to the 2010 General House-hold Survey “4, 9% of all females aged 13–19 years were reported to be pregnant” during 2009 (Statistics South Africa, 2010, p.16). Health Statistics (2007) showed that the teenage pregnancy rate in South Africa is 90 %. Pregnancy has served as one of the reasons why some learners were not attending any educational institution with just over 2% of girls aged between 7 and 24 years confirming this (Statistics South Africa, 2010).

Because teenage pregnancy has moral, social, cultural and personal implications for both the pregnant teenager and the community at large, pregnant learners were often expelled from schools. One of the many newspaper headlines provides a glimpse of common practices in SA schools; “Pregnant pupils expelled”, The Mercury, May 9 2008. The inability to accommodate pregnant learners paved the way to the implementation of the South African School Act of 1996 (SASA).

The different legislations that have a bearing on teenage pregnancies are the Child Care Act (84 of 1996), the Education Policy and Abortion Act (Act 92 of 1996).

In order for the South African School Act, No 84 of 1996 to comply with South African Constitution of 1996 which states that “everyone has the right to basic education”, it should prohibit exclusion, expelling and discrimination of learners on the basis of pregnancy (Department of Education [DoE], 2000). In other words, SASA allows pregnant learners to remain in schools to re-enter the school after giving birth (Bhana *et al.*, 2010). The South African School Act gave the teenage mothers a two year period to return to school after giving birth.

In 2000, a document called ‘circular 53’ was disseminated, which was further developed and explained by SASA. ‘Circular 53’ had the following procedures and systems for management of teenage pregnancy at school:

- Provide appropriate and relevant educational support and guidance (e.g. the principal must ensure that the learner enjoys the rights to confidentiality; an educator who has competence in this area should conduct the initial consultation; the School Support team (SST) should ensure that counseling and educational support is available to the learner(s); the District Education Auxiliary Services (DEAS) personnel may be contacted to provide counseling and educational guidance and support if necessary; for the safety of the learner, it is advised that the pregnant learner be monitored by the SST in conjunction with the family and

other relevant supporters; the pregnant learner should be afforded respect and be protected from emotional, verbal and physical abuse (e.g. carrying heavy things, engaging in strenuous sporting activities)).

- Grant of Special Leave of Absence (e.g. the principal must grant special leave of absence from school which should be based only on written medical opinion stating period of and location (e.g. hospital) after consultation with the parent(s) and the learner; the school should make work available for study at home if indicated by the medical practitioner and should support continued learning where possible; allow the learner to continue with her schooling after the delivery of her baby)
- In cases of rape, follow the procedure stipulated below (e.g. rape (statutory, date rape) should be reported immediately to the Child Protection Unit and / or the Department of Social Services and Population Development. The DEAS Unit should also be informed. If pregnancy results following rape this should be reported immediately and appropriate support provided).
- Maintain a database of teenage pregnancy (e.g. a database of teenage pregnancy must be maintained).

It is acknowledged that in theory these are very comprehensive and appropriate procedures. However, how reasonable is it to expect an educator(s) to provide one or selected learners with so much attention when South Africa is already faced with a shortage of educators and overcrowded class-rooms?

This paper serves to examine the effectiveness of The South African School Act 15 years after its implementation. In simple terms, how successful has SASA been in achieving its aim or is there still a long way to go?

“Schools are expected to be spaces of sexual innocence” (Bhana *et al.*, 2010, p. 874), thus, the presence of a pregnant learner or a teenage mother in a school has moral, social and in some cases cultural implications.

Moral implications

Pillow (2004) explains a “discourse of contamination”, where the presence of pregnant learners and teenage mothers is seen as a bad example consequently contaminating fellow innocent girls. Pregnant teens and teen mothers were classified as sexually immoral and permitting them to stay and return to school was “letting them get away with it” and this is illustrated by the words of one teacher (Bhana *et al.*, 2010, p.874; Bhana *et al.*, 2008, p. 81-82):

I think that they should not be in school. It encourages the other girls do to the same- if she can get away with it, why can't I do the same? Although the

education department says we must accept them etc.,... [they] should not be allowed in school. (Mrs Naidoo, formerly Indian school)

None of us really want them at school...if we could say there's a special school for those who are pregnant...they must go there...be taught there and they can all look after their babies there together (Mrs Gravett, Munster Girls)

I don't think it's wise to have learners being pregnant at school. First and foremost they're supposed to be children. What precedent are they setting? (Mrs Zondi, Maputo Secondary)

Teachers are evidently having difficulty in overcoming their own beliefs, moral values and accommodate these learners. Some teachers fail to empathize with them, to support them for example, go through the lessons that the girl missed due to motherhood as a result some fail to cope with the demands of school and drop-out (Chigona & Chetty, 2008). According to Love Life (2007) the policy that allows pregnant girls to continue attending school should also be held responsible for the rise in pregnancies.

This difficulty is experienced at even higher levels of leadership. The HSRC, 2008 reported the following comment by one of the education leader; "One would argue that both the teenage girl and the boy who had impregnated the girl should be expelled together as the Minister of Education Naledi Pandor had suggested in 2002." Within the education administration, it is generally felt that the lack of expulsion of pregnant teenagers has a large role in influencing teenage pregnancy

Social and Cultural implications

Stigma attached to teenage pregnancy or teenage mothers, especially those unwed are intricately related to society and culture consequently perpetuating gender inequalities. It is common knowledge that culture or rather most African cultures positions young women in an unfair and unequal way in a sense that more often than not, the child becomes the burden of the girl and her family. Hence the absent of the 'teenage father'.

This stigma is also visible in the verbal abuse, being ignored, the ridicule, prejudice and embarrassment that these learners encounter daily from learners and fellow learners (Chigona & Chetty, 2008). This stigma may also be perpetuated by the media's portrayal of teenage mothers as "failure – the bad girl who behaved uncontrollably, irresponsibly, and immorally" (Pillow, 2004, p.116).

Discussion and Conclusion

It is acknowledged that everyone has a right to basic education including pregnant learners and teenage mothers. However, 'forcing' public schools' hand in a manner of speaking through SASA to permit pregnant learners and teenage mothers is clearly rebounding negatively on the very people that it is aiming to protect. There are no proper guidelines, policies or resources in place on how teachers must treat pregnant learners and teenage mothers and how teenage mothers can balance the demands of parenthood and school. Schools, require guidelines on how to uniformly and optimally prevent and respond to early pregnancy such that the right of the adolescent to education is protected and equally balanced against their need to access healthcare and support, and to maintain the focus on learning within the school environment.

The Western Cape Education Department (WCED) policy of 2003 on Managing Learner Pregnancy in public schools indicated that, "the learner must be considered to be a learner with special needs". This is in an attempt to move teachers away from expecting pregnant learners and teenage mothers to perform and behave like other learners in their classes (Chigona & Chetty, 2008). This policy reinforces the inequality and non-discrimination that it is was initially trying to prevent, due to the fact that if pregnant learners and teenage mothers must be treated as 'special needs' learners, then they will be labeled and treated as the 'othered'. Consequently agreeing with arguments made by other teachers that they should have their own school as all 'special needs' learners globally have their own schools away from mainstream school. Furthermore, if teachers are supposed to expect less from them compared to other learners, then the issue of them potentially 'contaminating' fellow innocent girls gains merit.

This is not to say that SASA should have not been promulgated because continued education correlates positively with economic productivity, higher earnings, improved social and health outcomes (Kaufman, De Wet & Stadler, 2001; Macleod, 2001). However, lack of proper guidelines, preventive strategies and resources for both the schools, pregnant learners and teenage mothers may be the underlying reasons for the ill-treatment, lack of support, prejudice, and why only a third of teenage mothers return to school (Panday *et al.*, 2009).

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