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# South African Legal Framework to Prepare Pre-Service Teacher **Education Programmes: A Freirean Approach**

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## **ABSTRACT**

The education sector in South Africa is governed by a complex legal framework that outlines guidelines, policies and standards for pre-service teacher education programmes. In order to prepare pre-service teachers for the classroom, universities must navigate this legal framework and ensure that their programmes comply with the requirements set forth by various regulatory bodies. However, the authors argue that these requirements are not enough to prepare student teachers for the classroom. Rather, by using Paulo Freire's critical pedagogy as a theoretical lens, they argue that student teachers should be conscientized to become agents of change in the classroom and promote social justice, while adhering to legal guidelines in their teacher training. Furthermore, education spaces need to consider the context of schools and higher education institutions, student society, teaching and scientific endeavours, educational administration, pedagogical imageology and intercultural education to address these standardisation challenges. Through a desktop analysis, this article provides an overview of the legal framework for integrating learning into pre-service teacher education programmes in South Africa. The study asks: what are the legal requirements and guidelines that universities must follow to prepare pre-service teachers for the classroom in South Africa? To answer this question, the authors conducted a literature review of relevant legal frameworks and guidelines, including legal documentations, case law, academic literature and publications from professional organisations. The research methodology primarily consisted of a search for literature using specific search terms and databases. The article provides recommendations for how universities can effectively navigate the legal framework in training pre-service teachers, drawing on key findings from the literature review. These include the need for universities to ensure that their teacher education programmes are socially just.

# **KEYWORDS**

Teacher pre-service education; critical pedagogy; Paulo Freire; South Africa legal frameworks; education policies.

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#### **INTRODUCTION**

The legal framework for integrating learning into pre-education education programmes of teachers in South Africa is a complex system of guidelines, policies and standards established by various governing bodies. The South African Council of Educators (SACE) is responsible for regulating the teaching profession and ensuring that teachers meet specific professional standards (South African Council of Educators, 2011). The Higher Education Qualifications Framework (HEQF) is the regulatory body responsible for ensuring that all higher education institutions in South Africa comply with specific quality assurance standards (Higher Education Qualifications Framework, 2013). The South African Qualifications Authority (SAQA) is responsible for the development and implementation of the National Qualifications Framework (NQF) (South African Qualifications Authority, 2018). Finally, the Department of Basic Education (DBE) is responsible for establishing educational policies and guidelines for teacher education programmes in South Africa (Department of Basic Education, 2011).

Universities in South Africa have an obligation to adhere to the legal framework for integrating learning into pre-service teacher education programmes. This can be situated on "theory offered in the programmes" and "practice on the ground" (Phillips & Condy, 2023). Teacher educators need to be aware that a widening gap exists between the theory of teaching and its practice. This endeavour has to do with critical pedagogy and social justice. In order to ensure that pre-service teachers are adequately prepared to enter the classroom and meet the specific professional standards set forth by SACE, they should not only to be compliant with the HEQF but should also be aware of social mobilities and social capital (Behr & Temmen, 2012).

In this article, our aim is to conduct a comprehensive desktop analysis of the legal framework for integrating learning into pre-service teacher education programmes in South Africa. By achieving this aim, this article will serve as a valuable resource for university administrators, faculty members and pre-service teachers themselves.

# **CONCEPTUAL FRAMEWORK**

The underpinnings of pre-service teacher education programmes in this article are foregrounded by a critical pedagogy perspective that emerged from the work of Brazilian educator Paulo Freire in the 1960s and 1970s. This concept emphasises the role of education in promoting social justice and challenging power imbalances, with a focus on empowering learners to critically examine and transform their social realities (Dube et al., 2023; Giroux, 2011; Palmer et al., 2023; Robbins et al., 2019).

For pre-service teacher education programmes in South Africa, critical pedagogy can be a useful theoretical lens to promote equality and social justice in education. This is particularly relevant given the historical inequalities and systemic issues that continue to impact access to quality education in the country even after the demise of apartheid. According to Kromhout et al. (2015) and Pietersen & Plaatjies (2023), critical pedagogy can help address the power

imbalances inherent in education by fostering critical awareness among learners, promoting democratic participation, and challenging dominant discourses and practices.

One key feature of critical pedagogy is its emphasis on dialogue and collaboration. Giroux (2011) argues that critical pedagogy involves a "dialogical relationship between the teacher and the learner", in which both are active participants in the learning process. This approach encourages learners to engage in critical thinking and reflection and to challenge their own assumptions and beliefs. By incorporating critical pedagogy into pre-service teacher education programmes, future teachers can be equipped with the skills and knowledge necessary to create learning environments that are democratic and inclusive, while promoting critical thinking and reflection.

#### LITERATURE REVIEW

South Africa's legal framework for pre-service teacher training programmes is complex and multifaceted, and universities must adhere to guidelines, policies and standards established by various government agencies. This section presents a comprehensive review of the current literature on the legal framework and highlights key guidelines and policies set by the South African Education Council (SACE), the Higher Education Qualification Framework (HEQF), the South African Qualification Authority (SAQA) and the Department of Basic Education (DBE).

# The role of the South African Council for Educators (SACE)

The South African Council for Educators (SACE) is a statutory body that was established in terms of the South African Council for Educators Act of 2000 (Act No. 31 of 2000). The primary objective of SACE is to promote the professional development of educators and to improve their status, morale and effectiveness. To achieve this objective, SACE is required to regulate the teaching profession by setting standards for the registration and certification of teachers, monitoring compliance with these standards and taking appropriate action against those who do not meet the required standards (SACE, 2022). However, standardisation of teacher training has its limits. Rusznyak and Kimathi (2018:3) maintain that there are other important elements to effective and inclusive teaching:

A substantial body of national research argued for greater attention to content knowledge, studies in the theoretical foundations of education and opportunities to develop the pedagogical reasoning of prospective teachers in relation to their university-based coursework and in the context of work-based learning.

SACE has a significant role to play in the integration of learning into pre-service teacher education programmes in South Africa. The council's mandate to set standards for the registration and certification of teachers means that universities offering pre-service teacher education programmes must align their programmes with the professional teaching standards set by SACE. This alignment ensures that graduates of pre-service teacher education programmes are prepared to meet the standards expected of them by the council and are able

to obtain the necessary professional registration and certification to work as teachers in South Africa.

Adherence to the professional teaching standards set by SACE has a direct impact on preservice teacher education programmes. The standards cover a range of competencies that preservice teachers must demonstrate to obtain professional registration and certification. These competencies include knowledge of the subject, pedagogical skills, communication skills, assessment and evaluation skills, and professional ethics (SACE, 2018).

Universities offering pre-service teacher education programmes must ensure that their programmes incorporate these competencies into the curriculum and provide opportunities for pre-service teachers to develop and demonstrate these competencies. Failure to do so can result in graduates not being able to meet the professional teaching standards set by SACE and not obtaining the necessary professional registration and certification to work as teachers in South Africa. The idea of looking at standards may be positive in one sense, but it does not consider how people impact their environments and how environments in turn influence people's behavior. To this end, student teachers need to be made aware of how social inequality affects the teaching environment, as Dos Santos explains (2020:8):

It is worth noting that the study context was a multi-cultural and former colonial city where the understanding, pedagogy, and teachers' professional training curriculum and instruction were highly influenced by the European standard.

The analysis of the legal framework for integrating learning into pre-service teacher education programmes in South Africa has highlighted several important issues. It is clear that the legal framework for integrating learning into pre-service teacher education programmes in South Africa is comprehensive and well developed. This framework provides a clear set of guidelines and regulations for universities to follow in order to ensure that preservice teachers are adequately prepared for their future roles as educators.

## The impact of the Higher Education Qualifications Framework (HEQF)

The Higher Education Qualifications Framework (HEQF) was implemented in South Africa in 2007 to standardise the classification of higher education qualifications throughout the country (Mouton, 2010). The HEQF provides a framework for the development, classification and recognition of qualifications offered by higher education institutions (South African Government, 2013). It also sets minimum standards for the content of the programme, the development of the curriculum, the assessment and the results of the programme for all the qualifications offered by higher education institutions in South Africa (South African Government, 2013). As Ramrathan explains (2016:2):

Moja and Cloete (1996) noted early in our democratic society that, through a review of South African universities, the overall higher education system at that time perpetuated inequalities and that reforms to redress inequalities were needed to ensure greater relevance, accountability and democracy.

The impact of the HEQF on teacher education programmes in South Africa has been significant. The requirements of the HEQF requirements stipulate that all qualifications offered by higher education institutions must be structured around a set of learning outcomes that are aligned with the requirements of the National Qualifications Framework (NQF) (South African Government, 2013). This means that pre-service teacher education programmes must align with the NQF and HEQF requirements to ensure that graduates meet the necessary qualifications for professional registration and certification. Although these standardised procedures were among the primary forces behind changes in government policy, reforms in higher education institutions took a number of different paths, these were not always inclusive practises that prioritised student success.

Universities offering pre-service teacher education programmes must develop curricula that align with the NQF and provide opportunities for students to develop the knowledge, skills and values required for professional teaching practice (Govender, 2015). This includes providing opportunities for students to engage in critical thinking, problem solving and reflective practice, as well as develop an understanding of the social and cultural contexts in which they will be teaching (Govender, 2015). This means standardisation and programme levels are never isolated from pedagogy and social contexts. This can be summarised by Reddy as follows (2021:171):

Students are immersed into local communities linked to schools at which they are placed during practicum periods. This provides for opportunities for expanding relationships beyond the school into communities which often have unique local issues... By providing access to such networks teacher educators can facilitate links between local expertise (community) with academic expertise (teacher educators and students) to address local issues collaboratively. Teacher education (through the practicum) could thus act as a networking hub to establish, sponsor or develop transdisciplinary teams that can focus on key issues in the community through an educative position or stance.

The above reflections seem to suggest that the alignment of pre-service teacher education programmes with the HEQF and NQF requirements needs to be wide enough to consider key factors, including societal and contextual issues in ensuring the quality of teacher education programmes. The HEQF requirements provide a set of minimum standards that are met by all higher education institutions offering teacher education programmes, ensuring that graduates are well-prepared for professional teaching practice.

# Education policies set forth by the Department of Basic Education (DBE)

The Department of Basic Education (DBE) is responsible for developing education policies and implementing programmes that support the achievement of high-quality education in South Africa (DBE, 2019). In recent years, the DBE has developed a range of policies that are relevant to pre-service teacher education programmes, including policies related to teacher development, curriculum implementation and quality assurance.

One of the key policies developed by the DBE is the Integrated Strategic Planning Framework for Teacher Education and Development in South Africa (2011–2025), which outlines the government's strategy for improving the quality of teaching and learning (DBE, 2011). The policy focuses on improving the recruitment, training and retention of high-quality teachers, with the goal of ensuring that all learners have access to well-trained and competent teachers. The policy also emphasises the importance of integrating technology into teaching and learning and promoting the use of evidence-based teaching practices. This kind of evidence-based teaching allows for national oversight and policy authorities in the higher education sector to begin to emphasise interventions to improve university training and support student teachers, so that success rates in training teachers can improve (Heleta, 2016). As Subbaye states (2018:248):

Current challenges faced by public universities include: demands for increased access to higher education; students' protests regarding fee increases (Fees Must Fall), mediums of instruction that do not cater for the majority of students and pressures to address racial and gender inequities in staffing profiles, among other less publicised concerns. As a result, there are rising student demands for curriculum reform and a decolonised higher education with opportunities for all.

Another important policy developed by the DBE is the Curriculum and Assessment Policy Statement (CAPS), which sets the national curriculum for primary and secondary schools in South Africa (DBE, 2011). CAPS is designed to provide a comprehensive and coherent curriculum that is aligned with the needs of the country and that prepares learners for further education and the workplace. In addition to establishing the content of the curriculum, CAPS also provides guidance on the pedagogical approaches that should be used in teaching, as well as the assessment standards that should be used to evaluate learners' progress.

In terms of quality assurance, the DBE has developed the South African Schools Act (SASA), which sets out the legal framework for the governance, funding and management of schools (DBE, 1996). SASA emphasises the importance of ensuring that schools are well-managed, well-resourced and accountable to the communities they serve. It also provides for the establishment of School Governing Bodies (SGBs), which are responsible for the management and governance of schools, and for ensuring that the needs of learners are met. This includes looking at how schools are funded, a contentious issue given that the inequality between well-resourced and poorly resourced schools is very pronounced in South Africa. As Mutekwe notes (2020:3):

...the educational disparities in resource allocation and provision of access between the affluent and non-affluent schools remain a great challenge, which needs to be addressed through the enactment of the learning equity agenda in schools.

By implication, in managing schools, the DBE and school governing bodies should focus on redressing social injustice. This will help establish concepts, such as learning equality, equitable access to resources and fair engagement for all pupils (Chrisholm et al., 2003).

The policies established by the DBE have important implications for pre-service teacher education programmes in South Africa. For example, the focus on improving the quality of teaching and learning and integrating technology into teaching and learning highlights the importance of ensuring that pre-service teachers are well trained in the use of technology and evidence-based teaching practices. Similarly, the emphasis on curriculum development and assessment standards underscores the importance of ensuring that pre-service teachers have a deep understanding of the curriculum and are able to design and deliver effective learning experiences that meet the needs of all learners. This is highlighted by what Gorski and Dalton (2020) describe as "the relationships between their ideologies and the sociopolitical conditions that underlie policy, pedagogy and context".

# The work-integrated learning (WIL) programme

The legal framework for incorporating work-integrated learning (WIL) into pre-service teacher education programmes is not limited to higher education institutions, but also extends to schools. Schools are an essential component of WIL programmes as they provide pre-service teachers with the opportunity to engage in practical teaching experience. The South African Schools Act No. 84 of 1996 and its related regulations outline the legal requirements for schools to accept WIL students (South African Schools Act, 1996). According to the act, schools must cooperate with institutions of higher learning in the practical training of pre-service teachers (South African Schools Act, 1996). Furthermore, the National Policy Framework for Teacher Education and Development in South Africa highlights the importance of school-based learning in teacher education (Department of Basic Education, 2015). The policy states that the practical component of teacher education programmes should take place in schools and that schools should be supported by higher education institutions (Department of Basic Education, 2015).

Despite these legal requirements, some schools are reluctant to accept WIL students due to various factors, such as resource constraints, time constraints or concerns about pre-service teachers' readiness to teach. However, despite the legal framework and potential benefits of school-based learning, challenges remain in the implementation of WIL programmes in schools. For example, there may be a shortage of suitable schools in some areas, particularly in rural and under-resourced communities (Motala, 2013). Furthermore, the quality of the practical experience provided to pre-service teachers may vary depending on the school's resources, the support provided by the higher education institution, and the experience and expertise of the cooperating teacher. These challenges highlight the need for ongoing collaboration between higher education institutions and schools to ensure the effective implementation of WIL programmes and to address any issues that may arise (Hlatshwayo, Shawa & Nxumalo, 2020). This is expressed by Bazana and Mogotsi as follows (2017:2):

The history of these universities is briefly discussed, once again demonstrating the effects of apartheid and colonialism. The movement towards decoloniality and transformation in these universities is discussed, including their pitfalls, according to the available literature.

and quality education for all.

In other words, from Freire's critical pedagogical perspective, the Department of Basic Education and other relevant education authorities need to consider that in the cultural diversity of post-apartheid South Africa, they ought to prompt higher education institutions to take WIL students seriously in order to develop a critical mass of previously disadvantaged student teachers (McKinney & Soudien, 2010). In addition, WIL programmes provide opportunities for schools to showcase their commitment to quality education and their support

#### **METHODOLOGY**

for teacher education students in terms of the transformational goals to move toward inclusive

This study employed a comprehensive literature review method (Thomas et al., 2023), to investigate the legal requirements and guidelines governing pre-service teacher education programs in South Africa from a Freirean perspective (Motala, 2016). The objective was to explore the intersection between the legal framework and critical pedagogy, aiming to prepare pre-service teachers as agents of change while ensuring compliance with regulatory standards.

The research methodology primarily consisted of an extensive literature review focused on identifying and analysing relevant legal frameworks and guidelines related to teacher education in South Africa. This review encompassed legal documents, case law, academic literature, and publications from professional organizations.

A systematic search strategy was employed to gather pertinent data. Specific search terms and databases were utilised to identify key legal documents, case studies, and academic literature that addressed both the legal requirements and the potential integration of critical pedagogy principles within pre-service teacher education.

The collected data underwent rigorous analysis, which involved: identifying key themes, patterns, and critical insights related to legal requirements for teacher education, evaluating the alignment of these legal mandates with the principles of critical pedagogy as advocated by Paulo Freire and assessing the potential for pre-service teachers to become agents of change in the classroom while adhering to legal guidelines.

## **DISCUSSION**

The analysis of the legal framework for integrating learning into pre-service teacher education programmes in South Africa has highlighted several important issues. Firstly, it is clear that the legal framework for integrating learning into pre-service teacher education programmes in South Africa is comprehensive and well developed (Marais, 2023). This framework provides a clear set of guidelines and regulations for universities to follow in order to ensure that preservice teachers are adequately prepared for their future roles as educators.

However, despite the existence of this legal framework, universities still face significant challenges. One major challenge is the lack of resources and support available to universities. Many universities in South Africa struggle with limited funding and resources, which can make

it difficult for them to meet the requirements set out in the legal framework. In addition, there are also challenges related to the training and support of academic staff, as well as the coordination of different departments and stakeholders involved in the pre-service teacher education process. All these issues ought to addressed and situated within the relevant socio-economic and historical circumstances of participating schools (Kibona & Woldegiorgis, 2023). It is necessary to reflect thoroughly on the historical trajectory of education on the continent itself, in order to comprehend the characteristics of African universities, their responsibilities in African cultures and their location within the global knowledge system (Kibona, 2023). As Woldegiorgis asserts (2022:1841):

...higher education within a historical context based exclusively on its form and shape because it has not only been differentiated in many ways, but it has also changed over time. However, higher education has represented both a higher learning space and a community of scholars across different cultural contexts.

To effectively navigate these challenges and implement the legal framework for integrating learning into pre-service teacher education programmes in South Africa, universities must take several key steps. Firstly, they must prioritise the development of adequate resources and support structures to enable the effective implementation of the legal framework. This may involve seeking additional funding from government or other sources, as well as investing in the training and development of academic staff. Relevant issues here include the discussion of power dynamics in lecture halls, WIL environments in schools and the larger communities to which students belong, as well as how these contexts affect their teaching and learning approaches (Banaji & Greenwald, 2016). This will provide a paradigm for a teaching practice model that is more inclusive (Freire, 2000).

Secondly, universities must ensure that there is effective coordination and collaboration between different stakeholders involved in the pre-service teacher education process. This may involve establishing clear lines of communication and accountability, as well as developing effective mechanisms for monitoring and evaluating progress towards meeting the requirements of the legal framework. This means that approaches of critical pedagogy honour the environment in which knowledge is produced and transmitted. As Nkealah and Simango state (2023:71):

...engagements with critical pedagogy based on the South African context have also taken into consideration the country's history of colonial domination and apartheid-based discrimination... have emphasised the important roles of emancipatory education... in this country, critical pedagogy is projected as teaching for social justice. It positions the school as a site in which inequalities can be challenged or maintained.

By prioritising the development of adequate resources and support structures, as well as ensuring effective coordination and collaboration between different stakeholders, universities can effectively navigate the legal framework and ensure that pre-service teachers are adequately prepared for their future roles as educators.

#### **CONCLUSION**

This paper has examined the legal framework for integrating learning into pre-service teacher education programmes in South Africa. An analysis of the relevant legislation has revealed that the government has taken significant steps to ensure that teachers are adequately prepared to provide quality education. However, universities face several challenges in implementing the legal framework, such as a lack of resources, insufficient funding and resistance to change. For universities to train successful teachers calls for a critical pedagogy that is framed within a social justice locum. This requires that we have a deeper understanding of how the current political, social and education systems shape our students' experiences from an early age and continue to determine what and how they learn both inside and outside the classroom (Saunders & Wong, 2020). This also enables critical thinking in education that considers the context of schools, higher education institutions, student society, teaching and scientific endeavours, educational administration, pedagogical imageology (Budnyk, 2023) and intercultural education to address these challenges. These recommendations include the need for collaboration with relevant stakeholders, the development of clear policies and guidelines, and the provision of adequate resources which will help universities overcome these challenges and ensure that preservice teachers are adequately prepared for their roles as educators and critical thinkers in the complex South African landscape.

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