

# ***-Kyk Asb AFRIKAANS ONDERTOEF-***

## **BELA Fact Sheet: What does BELA say?**

Bela is the Basic Education Laws Amendment Bill, the "BELA Bill" [<https://goo.gl/2izK4T>].

- On the 13th October 2017 the Department of Basic Education released the draft of the BELA Bill for public comment.
- This is the first stage of the process followed for a Bill to become an Act.
- The public currently has until the 10th November 2017 to comment on the Bill.
- BELA is an *amendment Bill*. That means it is trying to amend previous existing legislation. If you want to fully understand BELA, you must not only look at BELA but at the Acts it is **amending**.
- In this case the most important Act that it proposes amending is the South African Schools Act 84 of 1996 (SASA) [<https://goo.gl/3p6RBo>].
- BELA contains a number of provisions that will at very least severely limit the freedom of parents to educate their children at home.
- The most important changes are contained in Clause 25, which is the clause dealing with the Substitution of Section 51 of SASA (p.60).

***The most important changes are the following:***

### **You must comply with CAPS**

*“51(2)(c) the proposed home education programme is suitable for the learner's age, grade level, ability and covers the acquisition of content and skills at least comparable to the relevant national curriculum determined by the Minister; and”*

The key phrase here is “contents”. You will have to have a curriculum that at least covers the content of CAPS.

### **A “competent assessor” must assess your child every year at your cost**

*“51(2)(d)(iii) arrange for the learner's educational attainment to be assessed annually by a competent assessor, approved by the Head of Department, at the parent 's own expense who will apply a standard that is not inferior to the standard expected in a public school according to the learner's age, grade level and ability; and”*

This essentially means a school teacher or SAQA accredited assessor will have to assess your children annually to see if they have covered the content of the CAPS curriculum. You will have to pay for this. In the higher grades it is likely that you will

have to pay for multiple assessors as a single assessor will not be competent to assess a subject they do not teach. This will apply up to and including grade 9.

## **Matric**

If you want to write a 'matriculation exam' you must write the National Senior Certificate Exam i.e. the South African matric.

*"51(6) A parent of a learner who wishes to continue with home education after the learner has completed grade 9, must make use of the services of a private or independent service provider accredited by Umalusi, established in terms of section 4 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001), to register for the Senior Certificate Examination through an independent or private assessment body."*

This means the following:

- You must use an "accredited service provider" - no self study.
- You must complete grade 10,11 and 12 to write your matric.
- This will cost you upward of R30 000 and rising.
- You may not write the GED, Cambridge or any other international 'matric' unless you enrol in a school to do that.

## **Prosecution**

In addition Clause 2 (a) which deals with the amendment to Section 3 (6) of SASA (p.50) states that a home educating parent may now be jailed for 6 years.

*" 3(6)(a) any parent who without just cause and after a written notice from the Head of Department, fails to comply with subsection (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six [months] years, or to both such fine and such imprisonment; or"*

## **Cottage Schools/Learning Centres**

In Clause 1, which amends Section 1 of SASA (p.49), it is made very clear that 'Cottage Schools', 'Tutor centres' and 'Learning Centres' are not considered as places of home education and not covered by this Bill.

*at 1.(e) " home education' means a purposeful programme of education for a learner, alternative to school attendance, which—,(a) is provided under the direction of the learner's parent primarily in the environment of the learner's home;"*

## **Recent Developments**

On the 18th October 2017 The Pestalozzi Trust sent a request to the DBE setting out compelling reasons that home educators be granted an extension of the period for public comment until the 15th February 2018.

The Deputy Minister has declined to grant our request for an extension of the comment period. However, the representatives of the DBE explained during the meeting the procedures to be followed when considering the comments. It is clear that it is a very long drawn-out process, which in all likelihood will not be finalized in a few months' time. All comments received before the finalization of the process are therefore welcome.

## **BELA Act Sheet: What should I do?**

### **We are now in the comment phase**

We must make detailed submissions to show why we are opposed to the bill. The Trust is aware that each family is different and therefore we have devised a number of different ways for you to make your submission. Choose the method or methods most appropriate for you and your family but please make sure your voice is heard.

### **Choose a method to make a submission:**

- **Make a submission now**, if you are used to making submissions to government or feel comfortable that you do not need help and have studied the amendment Bill please go ahead and make your submission right now. Send it to Adv Rudman at [rudman.d@dbe.gov.za](mailto:rudman.d@dbe.gov.za). Bcc a copy to [homeschoolfreedom1996@gmail.com](mailto:homeschoolfreedom1996@gmail.com); this will allow the Pestalozzi Trust to keep track of the submissions. AND/OR:
- **Wait for the Trust's guidelines and info pack**. Over the week-end (Yes, we are working around the clock) the Trust will release an info pack and guidelines for writing a submission. This will give you all you need to make an informed initial submission on the Bill. This will be released onto the Pestalozzi Trust and BELA bill Facebook pages as well as the tuisonderwys yahoo group. So please visit there. We will also send the guidelines and info pack to Trust members. AND/OR:
- **Make an anonymous submission**. One of the major concessions we were able to negotiate is that the DBE will accept anonymous submissions if handled through a legal process developed by the Trust. Your details will be completely hidden from the DBE officials. This process will be managed by the Trust's lawyers. Please follow the guideline in the infopack (it is the same process as that followed with a standard submission, except for the last step, which is different).

### **Key points in your submission**

Make the following three points the key ones in your submission and keep making them when speaking to family, friends or even the media. The Trust will make this an issue that people will be asking you about. The three points:

- The DBE has not consulted with Home educators.
- We were extremely disappointed that we have not been given an extension to the comment period. We do appreciate that all comments received before the finalization of the process (which may take many months) are welcome. This

however, does not give us the opportunity to comment in the detail which we would like. Should additional matters come to our attention we will include them in additional submissions.

- The Bill is completely impractical and will never work.

## **Survey Monkey**

We have created a survey on Survey Monkey. We will then submit this survey to the DBE. You will be able to keep your details anonymous. Please take the Survey.

## **Share and spread the word**

Please tweet about your experience using #BELAbill and #homeschoolfreedom. Please also comment on the Pestalozzi Trust Facebook page at the FACT/ACT post, and post on the BELAbill Facebook page. Please tweet and post about every aspect; “Writing now, just read the pack, just sent my submission” etc.

## **Organizations**

If you are a Home education or Cottage school organization, association, school or a service provider to any of the above, please contact Karin Van Oostrum and the Pestalozzi Trust will provide you with professional assistance to draw up your submission.

## **Not a Member yet?**

If you are not a member of the Pestalozzi Trust join to-day by going to [\[https://goo.gl/7ndQsB\]](https://goo.gl/7ndQsB)

***We will add one or more new actions to take every few days; so please check in.***

# BELA FEITE: Wat sê BELA?

BELA is die Basic Education Laws Amendment Bill, die "BELA Bill" [<https://goo.gl/2izK4T>], oftewel die Wysigingswetsontwerp op Basiese Onderwyswette.

- Op 13 Oktober 2017 het die Departement van Basiese Onderwys die Wysigingswetsontwerp op Basiese Onderwyswette vrygestel vir openbare kommentaar.
- Dit is die eerste stadium van die proses wat 'n Wetsontwerp deurgaans om 'n Wet te word.
- Die publiek het tans tot 10 November om kommentaar te lewer op die Wetsontwerp.
- BELA is 'n *wysigingswetsontwerp*. Dit beteken dat dit poog om bestaande wetgewing te wysig. As 'n mens BELA dus goed wil verstaan, moet jy BELA nie alleen lees nie, maar ook kyk na die Wette wat BELA wil **wysig**.
- In hierdie geval is die vernaamste Wet wat dit wil wysig die Suid-Afrikaanse Skolewet, 84 van 1996 (SASA) [<https://goo.gl/3p6RBo>].
- BELA bevat 'n aantal bepalinge wat die vryheid van ouers ernstig sal inkort om hul kinders tuis te onderwys.
- Die belangrikste veranderinge is vervat in Klousule 25, wat die klousule is wat beoog word as 'n plaasvervanging van Artikel 51 van die SA Skolewet (p.60).

***Die belangrikste veranderinge is die volgende:***

## **Jy moet aan CAPS voldoen**

*“51(2)(c) the proposed home education programme is suitable for the learner's age, grade level, ability and covers the acquisition of content and skills at least comparable to the relevant national curriculum determined by the Minister; and”*

Die sleutel frase hier is “contents”. Jy sal 'n kurrikulumbenadering moet gebruik wat ten minste die inhoud van CAPS dek.

## **‘n “Kompetente assessor” moet jou kind elke jaar op jou koste assesseer**

*“51(2)(d)(iii) arrange for the learner's educational attainment to be assessed annually by a competent assessor, approved by the Head of Department, at the parent's own expense who will apply a standard that is not inferior to the standard expected in a public school according to the learner's age, grade level and ability; and”*

Dit beteken dat 'n onderwyser of SAQA-geakkrediteerde assessor jou kinders jaarliks sal moet assesseer om vas te stel of hulle die inhoud van CAPS gedek het. Jy sal daarvoor moet betaal. In die hoër grade sal jy waarskynlik vir 'n aantal assessors moet betaal, aangesien 'n enkele assessor waarskynlik nie in staat sal wees om 'n vak te assesseer wat buite sy onderrigveld lê nie. Dit sal van toepassing wees tot en met Graad 9.

## **Matriek**

As jy 'n "matriekeksamen" wil skryf, moet jy die Nasionale Senior Sertifikaat skryf, d.w.s. die Suid-Afrikaanse matriek.

*"51(6) A parent of a learner who wishes to continue with home education after the learner has completed grade 9, must make use of the services of a private or independent service provider accredited by Umalusi, established in terms of section 4 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001), to register for the Senior Certificate Examination through an independent or private assessment body."*

Dit beteken die volgende:

- Jy moet 'n "geakkrediteerde diensverskaffer" gebruik – geen selfstudie nie.
- Jy moet Graad 10,11 en 12 voltooi om jou matriek te skryf.
- Dit sal jou minstens R30 000 kos.
- Jy mag nie die GED, Cambridge of enige ander internasionale "matriek" skryf nie, tensy jy by 'n skool inskryf om dit te doen nie.

## **Vervolging**

Klousule 2 (a), wat wysigings op Artikel 3 (6) van SASA (p.50) voorstel, meld dat 'n tuisskoolouer nou vir 6 jaar tronk toe kan gaan.

*"3(6)(a) any parent who without just cause and after a written notice from the Head of Department, fails to comply with subsection (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six [months] years, or to both such fine and such imprisonment; or"*

## **Klein Skole ("Cottage Schools") en Leersentrums**

In Klousule 1, wat Artikel 1 van SASA wysig (p.49), word dit duidelik gemaak dat 'Cottage Schools', 'Tutorsentrums' en 'Leersentrums' nie as deel van tuisonderwys beskou word nie, en nie in hierdie Wetsontwerp gedek word nie.

*at 1.(e) " home education' means a purposeful programme of education for a learner, alternative to school attendance, which—,(a) is provided under the direction of the learner's parent primarily in the environment of the learner's home;"*

## **Onlangse Verwikkelinge**

Op 18 Oktober 2017 het die Pestalozzi Trust 'n versoek aan die DBO gerig, waarin oortuigende redes verskaf word waarom tuisskolers versoek dat die tydperk vir openbare kommentaar tot 15 Februarie 2018 uitgestel word.

Die Adjunkminister het ons versoek van die hand gewys. Verteenwoordigers van die DBO het egter tydens die vergadering verduidelik wat die prosedure is wanneer die

kommentaar oorweeg word. Dit is duidelik dat dit 'n lank uitgerekte proses is, wat na alle waarskynlikheid nie binne 'n paar maande voltooi sal wees nie. Al die kommentaar wat ontvang word voor die proses afgehandel is, is dus welkom.

# **BELA Verdere Stappe: Wat moet ek doen?**

## **Ons is nou in die kommentaarfase**

Ons moet gedetailleerde voorleggings maak om uit te spel waarom ons teen die wetsontwerp gekant is. Die Trust besef dat elke gesin uniek is en daarom stel ons 'n paar verskillende maniere voor waarop julle jul voorleggings kan maak. Kies die metode(s) wat jou en jou gesin die beste pas, en sorg dat jou stem gehoor word.

## **Kies 'n metode om 'n voorlegging te doen:**

- **Maak nou 'n voorlegging**, as jy gewoon is daaraan om voorleggings aan die regering te maak en gemaklik is daarmee, en voel dat jy die Wetsontwerp bestudeer het en nie hulp nodig het nie. Maak dan dadelik jou voorlegging. Stuur dit aan Adv Rudman by [rudman.d@dbe.gov.za](mailto:rudman.d@dbe.gov.za). Bcc 'n kopie aan [homeschoolfreedom1996@gmail.com](mailto:homeschoolfreedom1996@gmail.com); dit sal die Pestalozzi Trust help om tred te hou met die voorleggings. EN/OF:
- **Wag vir die Trust se riglyne en inligtingspak**. Oor die naweek (Ja, ons druk deur met die werk!) sal die Trust 'n inligtingspak en riglyne vrystel om 'n voorlegging te skryf. Dit sal alles bevat wat julle nodig het om 'n ingeligte voorlegging oor die Wetsontwerp te maak. Dit sal aan ons lede gestuur word, en sal dan op die Facebookblad van die Pestalozzi Trust en die BELAbill Facebookblad vrygestel word, asook op die tuisonderwys-yahogroep. Loer dus asseblief daar. EN/OF:
- **Maak 'n anonieme voorlegging**. 'n Belangrike toegewing wat ons kon onderhandel is dat die DBO anonieme voorleggings sal aanvaar, indien dit deur die regsproses gaan wat deur die Trust vir die doel ontwikkel is. Amptenare van die DBO sal geen toegang tot jou besonderhede hê nie. Hierdie proses sal deur die Trust se prokureurs behartig word. Volg asseblief die riglyne in die inligtingspak (dit is dieselfde proses as 'n gewone voorlegging, maar net die laaste stap verskil).

## **Belangrike punte in jou voorlegging**

Maak die volgende drie belangrike punte in jou voorlegging, en hamer daarop in jou gesprekke met jou familie, vriende en die media. Die Trust sal genoeg publisiteit hieraan gee, en mense sal jou daarvoor uitvra. Die drie sleutelpunte:

- Die DBO het nie met die tuisskolers gekonsulteer nie.
- Ons was baie teleurgesteld omdat ons nie uitstel gegee is vir die kommentaartydperk nie. Ons waardeer wel dat alle kommentaar wat voor die afhandeling van die proses (wat maande kan deur) ontvang word, verwelkom word. Dit gee ons egter nie die geleentheid om in soveel

besonderhede kommentaar te lewer as wat ons sou wou nie. Indien verdere kwessies intussen onder ons aandag kom, sal ons dit in bykomende voorleggings insluit.

- Die Wetsontwerp is heeltemal onprakties en sal nooit werk nie.

## **“Survey Monkey”**

Ons het ook ‘n meningsopname geskep op Survey Monkey. Ons sal hierdie opname dan aan die DBO voorlê. Diegene wat wil, sal anoniem aan die opname kan deelneem. Neem asseblief daaraan deel.

## **Deel die nuus aan almal moontlik**

Twiet asseblief oor jou ondervinding met #BELABill en #homeschoolfreedom. Lewer asseblief ook kommentaar op die Facebookblad van die Pestalozzi Trust by die BELA Bill FACT/ACT pos, en pos op die BELABill Facebookblad. Twiet en pos asseblief oor alle aspekte, bv “ek skryf nou, het nounet die inligtingspak gelees, het nounet my voorlegging gestuur”, ens.

## **Organisasies**

As jy ‘n tuisskool- of mikroskoolorganisasie, -vereniging, -skool, of -diensverskaffer is, kontak Karin Van Oostrum asseblief, en die Pestalozzi Trust sal jou professionele hulp verleen om jou voorlegging op te stel.

## **Nog nie ‘n lid nie?**

As jy nog nie ‘n lid van die Pestalozzi Trust is nie, sluit vandag aan deur <https://goo.gl/7ndQsB> te besoek.

***Ons sal elke paar dae iets nuuts byvoeg; bly dus in kontak.***