

The Deputy Director-General: Curriculum Policy, Support and Monitoring
Department of Basic Education
222 Struben Street
Pretoria
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22nd November 2017

Attention: Ms P Ngcobo

CC: Adv. Rudman, Mr. Chris Leukes, Ms. Kirsten Eksteen

Dear Ms Ngcobo

Draft POLICY ON HOME EDUCATION - Request for an extension to the closing date for comments on the Policy

Introduction and Background

The Pestalozzi Trust (IT6377/98) (**"The Trust"**) is a legal defense fund for home education, established in 1998 to protect the rights and freedoms of all member families to educate their children at home according to their own religious and/or philosophical persuasions, pedagogical convictions and cultural traditions. The Trust has a substantial member base, is the only legal defense fund for home education in South Africa, and works closely with homeschooling associations locally and internationally.

On the 17th November 2017 the Department of Basic Education (**"DBE"**) invited public comment on the draft Policy on Home Education (**"The draft Policy"**) gazetted in Government Gazette no. 41256 and released via www.gpwonline.co.za.

Once again the Trust and the representative bodies for home education (whose details are lodged with the Department) have been excluded from the process of drawing up this policy, and have not even been given the courtesy of any advance warning of its release. While we have come, over the years, to expect this treatment from the DBE, this latest example is even more egregious, as we have been in constant contact with Adv. Rudman regarding the BELA Bill.

This is an intolerable situation, as the Trust and its members have been doing all they can to assist Adv. Rudman and the Chief Directorate: Legal and Legislative Services to handle the unprecedented response to the call for comment on the draft BELA Bill. The Trust has done this at considerable cost to itself, and as evidence of our civic-mindedness and our intention of not seeking to disrupt the work of the DBE, but to enhance it to the benefit of all learners in South Africa.

In view of the latest turn of events it appears that the good faith of the Trust and of the homeschooling community at large is being abused.

Furthermore, it is with deep and renewed concern that we note in media release¹ by the DBE, the absence of home education representatives on the Working Group and the prominence of the PSG-owned curriculum provider, Impaq. We fail to see how this can have constituted meaningful consultation.

In addition, the draft Policy appears to be a mix of provisions coming from the South African Schools Act (No.84 of 1996, as amended) and the draft Basic Education Laws Amendment

¹ <https://www.education.gov.za/Newsroom/MediaReleases/tabid/347/ctl/Details/mid/5986/ItemID/5502/Default.aspx>

Bill (with the provisions stemming from the latter being a potential imposition on the prerogatives of parliament).

Given the lack of prior consultation and the continued evidence that, irrespective of the degree to which the Trust and home educators in general are engaged with the DBE, we will not be treated as partners by the DBE as a whole, we make one final appeal to the DBE to act in a reasonable, transparent, and constructive fashion and, in evidence of same, to grant an extension to the period for comment on the draft policy.

The Pestalozzi Trust reserves its rights in this regard.

Reasons for seeking an extension

The Deputy Minister has already dealt with our application for an extension to the public comment period on the BELA Bill with sympathy and pragmatism.

That being the case, the reasons for extension that we have raised in that request apply with renewed and even greater force to the limited period for comment on the draft Policy. We will not restate them here but refer you to the copy of our request for an extension of the period of comment on the BELA Bill, attached hereto.

However, it is our position that the draft Policy is complex, contradictory, and confusing, and that it requires careful consideration. This is underlined by the fact that on Radio 702² Dr. Simelane, Director: Inclusive Education - and therefore a senior policy official in the department - stated incorrectly that the assessment of learners only has to take place at the end of each phase, while the new draft Policy states clearly in Section 13(2)(e) "the parent undertakes to - (iii) arrange for the learner's educational attainment to be assessed *annually* [our *emphasis*] by a competent assessor".

If Dr. Simelane, who has been working on this policy for years and is the government official directly responsible for this area of policy, is making such elementary misstatements of fact, how can we expect ordinary citizens to be given only 21 days to analyse and comment on such a complex and contradictory document?

Duration of extension

Given the reasons above we wish to request:

1. a 30 (thirty) day extension to the initial comment period of 21 days; and
2. that the days falling between the 15th December and 5th January (inclusive) be excluded from the calculation.

As this would take us to Tuesday 29th January we ask for an additional 3 (three) day extension which would mean that the closing date for comments on the draft Policy is the 1st February 2018.

Conclusion

The public consultation process employed by the department continues to be grievously flawed and the draft Policy remains rife with complexities and, it appears, even some contradictions.

For the reasons set out above, we therefore respectfully request that the period for public comment be extended until the 1st February 2018.

² http://www.702.co.za/articles/281517/public-outraged-at-basic-education-homeschooling-regulations?utm_content=buffer56f0a&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer

In conclusion, we wish to inform you that one of the reasons that we are asking for this extension is that we intend to also use this time to seek a meeting with the Deputy Minister, in order to raise the many concerns we have with both this process, and the process leading to the formulation of the provisions in the BELA Bill pertaining to home education.

Given the fact that the period for comment is only 21 days, we have no alternative but to request that you inform us of your decision regarding the requested extension within 5 (five) working days of the receipt of this letter by you.

CEvan Oostrum

Mrs CE van Oostrum,
Executive Officer

Pestalozzi Trust (IT6377/98)

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