The Deputy Director-General: Curriculum Policy, Support and Monitoring

Department of Basic Education

222 Struben Street

Pretoria

0001

xx December 2017

Attention: Ms P. Ngcobo

Dear Ms. Ngcobo,

**Draft POLICY ON HOME EDUCATION – Comment on the Policy**

[YOU DO NOT NEED TO USE ALL THESE ARGUMENTS. RATHER USE ONE FROM EACH SECTION THAN DO NOTHING AT ALL]

**Summary**

[WRITE THIS SECTION LAST]

[STATE YOUR MAIN REASONS FOR THE ABOVE STATEMENT. I REJECT THE POLICY BECAUSE…, I SUPPORT THE POLICY BECAUSE][KEEP THIS BRIEF]

[DRAW REASONS FROM YOUR CONCLUSION]

[STATE THAT YOU WELCOME THE OPPORTUNITY TO COMMENT]

[THANK THE DBE FOR SHOWING AN UNDERSTANDING OF THE CONSTITUTIONAL AND EDUCATIONAL PRINCIPLES THAT HOME EDUCATION IS BASED ON.]

[STATE THAT THE POLICY IS VERY COMPLEX AND YOU NEED TIME TO STUDY IT IN DETAIL AND DETERMINE HOW IT WILL IMPACT YOU, YOUR CHILDREN AND YOUR FAMILY. BECAUSE OF THE COMPLEXITY OF THE POLICY YOU WILL NOT BE ABLE TO DO THIS IN DETAIL BEFORE 8TH DECEMBER 2017]

[YOU HAVE JUST FINISHED COMMENTING ON THE BELA BILL. IT IS UNREASONABLE TO EXPECT MEMBERS OF THE PUBLIC TO HAVE TO COMMENT ON TWO IMPORTANT DOCUMENTS WITHIN THE SPACE OF A TWO MONTHS.]

[THIS IS SUCH AN IMPORTANT MATTER YOU ARE HOWEVER GOING TO SUBMIT COMMENTS. BUT DO SO UNDER PROTEST]

**General Comments**

Lack of meaningful consultation

[IN RESPECT OF THE LACK OF MEANINGFUL CONSULTATION YOU MAY INCLUDE THE FOLLOWING AS A QUOTE]

“Home Education representatives, individual homes educators involved in the process of consultation and the Pestalozzi Trust have explained the events around the consultation process as follows:

The last communication received from the DBE by any homeschooling association or the Pestalozzi Trust was on the 29 January 2016. The Pestalozzi Trust learned about the publication of the BELA Bill when they were informed by a vigilant homeschooler that read about it in the media on 13 October 2017.

Since then the Pestalozzi Trust in particular has been in regular contact with the DBE, yet no consultation on the release of the draft Policy took place and once again the Trust had to use its own sources to discover that the draft Policy had been released.

Home education representatives and individual home educators withdrew from the ‘consultation’ process (which began in 2014) in protest when it became clear the DBE was ignoring their inputs. They did however remain avaialble as a resource to the DBE and were willing to consult with the DBE.

The content of the BELA Bill and the ‘application’ provisions of the draft Policy confirm that that the DBE does not seriously consider any inputs provided during a consultation process.”

[I THEREFORE BELIEVE THAT THIS HAS NOT BEEN A PROCESS OF MEANGINGFUL CONSULTATION]

The draft Policy pre-empts discussion of the BELA Bill in Parliament

[THE POLICY PRE-EMPTS THE DISCUSSION OF THE BELA BILL IN PARLIAMENT. NEW POLICY SHOULD ONLY BE ISSUED AFTER PARLIAMENT HAS FINISHED CONSIDERING THE BELA BILL]

[MENTION IS MADE OF COMPETENT ASSESSORS BUT THERE IS NO MENTION OF SUCH A ROLE iN THE SOUTH AFRICAN SCHOOLS ACT. THE ONLY MENTION IS IN THE BELA BILL WHICH IS STILL OPEN FOR PUBLIC COMMENT. THIS REINFORCES THE VIEW THAT THE DBE IS NOT INTERESTED IN MEANINGFUL CONSULTATION AS IT IS ASSUMING PARLIAMENT WILL NOT MAKE AMENDMENTS TO THE BILL. AND THAT PUBLIC COMMENT CAN MERELY BE DISMISSED]

[THE POLICY SHOULD BE WITHDRAWN UNTIL THE BELA BILL PASSES PARLIAMENT]

Home education treated like a form of public education in the draft Policy

[THE PROVISIONS IN THE DRAFT POLICY ESPECIALLY THOSE REGARDING THE CAPS CURRICULUM AND THE NATIONAL SENIOR CERTIFICATE TREAT HOME EDUCATION AS IF IT WAS AN ALTERNATIVE CHANNEL TO DELIVER THE SAME EDUCATION AS AT PUBLIC SCHOOLS]

[HOME EDUCATION IS DISTINCT FROM PUBLIC EDUCATION AS EVIDENT FROM THE PROVISIONS OF THE CURRENT POLICY]

[THE NEW DRAFT POLICY REPRESENTS AN ATTEMPT TO UNDERMINE THE CONSTITUTIONAL PROTECTIONS OF HOME SCHOOLING.]

There is a conflict between principles set out in the policy and application of those principles.  
[IN THE FOLLOWING SECTION THE DBE SETS OUT CERTAIN CONSTITUTIONAL AND HOME EDUCATIONAL PRINCIPLES ON WHICH YOU AGREE

YOU CAN MENTION ANY OR ALL OF THE FOLLOWING:

SECTION 6.1 “CONSTITUTION”

SECTION 8.3 “THE CHARACTER OF HOME EDUCATION”,

SECTION 8.4 “RATIONALE AND MOTIVATION FOR HOME EDUCATION”

SECTION 9 “GENERAL PRINCIPLES OF HOME EDUCATION”

YET WHEN THE DBE COMES TO APPLY THOSE PRINCIPLES IN THE REST OF THE POLiCY THE APPLICATION DOES NOT MATCH THOSE PRINCIPLES.]

[DISCUSS HOW HAVING TO FOLLOW THE CAPS SYLLABUS, WRITE THE NCS, HAVE YOUR CHILD ASSESSED, HAVE A DEDICATED WORK SPACE ETC. IS IN CONFLICT WITH THE PRINCIPLES STATED BY THE DBE IN THE SECTIONS QUOTED ABOVE]

Internal flaws in the draft Policy make comment difficult

[IN ADDITION TO THE FUNDAMENTAL CONFLICT BETWEEN PRINCIPLE AND THE APPLICATION OF THE PRINCIPLE, BASIC FLAWS IN THE DRAFT POLICY MAKE IT DIFFICULT TO COMMENT ON. THESE FLAWS WILL MEAN THAT WHEN PROVINCIAL OFFICIALS APPLY THIS POLICY, THEY MAY DO SO INCONSISTENTLY AND THAT WILL LEAD TO REGULAR CONFLICT BETWEEN OFFICIALS AND PARENTS. SOME OF THESE CONFLICTS MAY RESULT IN UNNECESSARY COURT CASES]

[DEFINITIONS ARE MISSING, TERMINOLOGY IS VAGUE AND COMPLEX]

[EXAMPLE 1:“TUTOR” IS DEFINED AS “A QUALIFIED EDUCATOR PROVIDING SUPPLEMENTARY SUPPORT SERVICES ON PARTS OF THE CURRICULUM.” BUT WHAT A “QUALIFIED EDUCATOR” IS IS NOT DEFINED EITHER IN THE DRAFT POLICY OR IN THE SOUTH AFRICAN SCHOOLS ACT]

[EXAMPLE 2 : AT S(14)(2)(3) THE DRAFT POLICY STATES “IF THE HOD APPROVES THE REGISTRATION OF A LEARNER FOR HOME EDUCATION, THE HOD SHALL WITHIN 30 DAYS AFTER APPROVAL: (A) ENTER THE CHILD ON THE REGISTER; AND (B) PROVIDE THE PARENT WITH A CERTIFICATE OF REGISTRATION FOR THE CHILD.

IN S9. OF THE EXISITING POLICY ON HOME EDUCATION IT STATES THAT “THE HEAD OF DEPARTMENT MUST TAKE ALL REASONABLE STEPS TO RESPOND WITHIN 30 DAYS AFTER RECEIPT OF THE APPLICATION ON THE PRESCRIBED FROM”.

SO UNDER THE DRAFT POLICY THE HOD CAN TAKE HOWEVER LONG HE LIKES TO APPROVE THE REGISTRATION, DAYS, MONTHS, YEARS BUT ONLY WHEN HE HAS APPROVED IT DOES HE THEN HAVE TO ACT WITHIN 30 DAYS.]

[ADD ANY EXAMPLES YOU FIND CONFUSING]

**Clause-By-Clause Comments**

[YOU CAN USE THE HEADINGS AND THE SECTIONS NOT IN SQUARE BRACKETS EXACTLY AS THEY ARE. DO HOWEVER RESTATE THE SECTIONS IN THE SQUARE BRACKETS THAT APPLY TO YOUR FAMILY IN YOUR OWN WORDS]

[YOU CAN USE EXACTLY THE SAME ARGUMENTS YOU MADE IN YOUR BELA BILL SUBMISSION HERE]

*s13(2)(e)(iii)* Annual Assesments

*“arrange for the learner's educational attainment to be assessed annually by a competent assessor, at the parent's own expense, who will apply a standard that is not inferior to that which is determined in the NCS….”*

[THERE IS NO EVIDENCE THAT ANNUAL ASSESSMENTS BY EXTERNAL ASSESSORS SERVE ANY EDUCATIONAL PURPOSE. THEY WILL BE COSTLY TO HOMESCHOOLING PARENTS. MANY PARENTS CHOOSE HOME EDUCATION BECAUSE IT IS AN AFFORDABLE MEANS TO PROVIDE THEIR CHILDREN WITH AN EDUCATION. SOME SACRIFICE A SECOND INCOME IN ORDER TO HOME SCHOOL THEIR CHILDREN. A MARKET RELATED PRICE OF AN ASSESSMENT IS ABOUT R600 PER ASSESSMENT PER SUBJECT PER CHILD. USING AN AVERAGE OF 7 SUBJECTS PER CHILD, THE ASSESSMENT COSTS OF A FAMILY WITH 7 CHILDREN COULD BE R600 X 7 X 7 = R30 000 PER ANNUM. THIS COULD MAKE HOME EDUCATION UNAFFORDABLE FOR SOME FAMILIES. APPLY THIS TO YOUR FAMILY. STATE HOW YOU WOULD USE THIS AMOUNT OF MONEY TO BENEFIT YOUR CHILD’S EDUCATION/STATE WHAT YOU COULD NO LONGER BUY TO SUPPORT YOUR CHILD’S EDUCATION IF YOU HAD TO PAY FOR ASSESSMENTS. BOOKS, TUITION, EQUIPMENT, FIELD TRIPS ETC.]

REASONS FOR OBJECTION

[THIS CONTRADICTS THE PRINCIPLES OF THE CONSTITUTION AND HOME EDUCATION MENTIONED AT SECTION 6.1 “CONSTITUTION”

SECTION 8.3 “THE CHARACTER OF HOME EDUCATION”,

SECTION 8.4 “RATIONALE AND MOTIVATION FOR HOME EDUCATION”

SECTION 9 “GENERAL PRINCIPLES OF HOME EDUCATION”]

[THIS TREATS HOME EDUCATION AS ANOTHER CHANNEL FOR PUBLIC EDUCATION WHICH IT IS NOT]

s13(2)(c)(ii) National Curriculum

“(ii) covers the acquisition of content and skills at least comparable to the relevant national curriculum outcomes as determined by the Minister; and ….”

[ANY PROPOSED HOME EDUCATION PROGRAMME MUST COVER CONTENTS AND SKILLS COMPARABLE TO THE NATIONAL CURRICULUM. THIS LIMITS THE PARENTS’ RIGHT TO CHOOSE THE CURRICULUM OR EDUCATIONAL APPROACH THAT IS IN THE BEST INTEREST OF THE CHILD.

THE CONTENT PRESCRIBED IN THE CURRICULUM CURRENTLY DETERMINED BY THE MINISTER (CAPS) CONTAINS CONTENT THAT IS IN CONFLICT WITH THE BELIEF SYSTEMS OF MANY PARENTS. PRESCRIBING THAT PARENTS MUST PROVIDE AN EDUCATION PROGRAMME THAT IS IN CONFLICT WITH THEIR CONVICTIONS IS AN INFRINGEMENT OF THE CHILD’S AND PARENT’S RIGHTS TO FREEDOM OF CONSCIENCE, RELIGION, THOUGHT, BELIEF AND OPINION AND ON THE RELIGIOUS RIGHTS OF PARENTS. IT IS FURTHERMORE AN UNREASONABE RESTRICTION OF THE ‘FREEDOM TO RECEIVE OR IMPART INFORMATION OR IDEAS]

[THIS TREATS HOME EDUCATION AS ANOTHER CHANNEL FOR PUBLIC EDUCATION WHICH IT IS NOT]

[THIS CONFLICTS WITH THE PRINCIPLES USED BY THE DBE IN THE DRAFT POLICY]

s12(4) School leaving qualifications

“The provision of education beyond the scope of this policy is provided in the *Regulations Pertaining to the* *Conduct Administration and Management of the NCS examination.”*

[THIS APPEARS TO INDICATE THAT ANY FURTHER EDUCATION POST-GRADE 9 MUST BE IN TERMS OF THE NCS EXAMINATION. THIS DESPITE REASSURANCES THAT ‘ALTERNATIVE’ SCHOOL-LEAVING QUALIFICATIONS WERE NOT TO BE IMPACTED BY THE BELA BILL. ONCE AGAIN WE NEED TO CALL FOR THIS TO BE CLEARLY AND EXPLICITLY STATED]

[THIS TREATS HOME EDUCATION AS ANOTHER CHANNEL FOR PUBLIC EDUCATION WHICH IT IS NOT]

[THIS CONFLICTS WITH THE PRINCIPLES USED BY THE DBE IN THE DRAFT POLICY]

**Conclusion**

[THERE HAS BEEN A LACK OF MEANINGFUL CONSULTATION]

[THE POLICY PRE-EMPTS THE DISCUSSION OF THE BELA BILL IN PARLIAMENT. NEW POLICY SHOULD ONLY BE ISSUED AFTER PARLIAMENT HAS FINISHED CONSIDERING THE BELABILL]

[HOME EDUCATION IS NOT A FORM OF PUBLIC EDUCATION]

[THE PRINCIPLES ON WHICH THE POLICY IS BASED ARE SOUND; THE APPLICATION OF THOSE PRINCIPLES IS FLAWED]

[THE PROVISIONS OF THE POLICY ARE IMPRACTICAL]

[THE PROVISIONS OF THE POLICY VIOLATE YOUR CHILD’S FUNDAMENTAL RIGHTS]

[THE DBE SHOULD WITHDRAW THE POLICY AND ENTER INTO MEANINGFUL CONSULTATION WITH HOME EDUCATORS IN ORDER TO CREATE PRACTICAL PROVISIONS THAT COINCIDE WITH THE CONSTITUTIONAL AND HOMESCHOOLING PROVISIONS THE DBE ADMITS FORM THE BASIS OF THE RIGHT TO HOME EDUCATE]

[YOUR NAME]

[E-MAIL ADDRESS]