

Draft Policy (Draft) Response by the Gauteng Association for Home Schooling

Definitions:

- “home education” (a) under direction and supervision of parent. This is a limitation from close family, such as grandparent(s) etc.
(c) meets requirements for registration. But requirements are unlawful.
- Home education site. Means home of learner (should be child) and home should be broader. Homeschoolers, like schools, take children out on tours.
- The term “learner” is not a concept embraced by homeschoolers. To us it is our children. It is an intimate relationship, based on which a journey of life-long learning is fostered. This is not possible in a classroom of 70 children (as proposed in the public domain by Mr Lesufi).
- “Parent” means:
 - (c) the person who undertakes to fulfil the obligations of a person referred to in (a) and (b). Does this imply close family and or a family friend and/or tutor?

2 Objects of the Policy:

- 1 Protect, promote and ensure the rights of learners to basic education. This is not the work of the DBE. It is the obligation of the parent. It is a gross overreach by the state. The rights of the learners is constitutionally enshrined and is not necessary to be enforced by the DBE. If this is in doubt, social services must investigate and then act if found valid.
- 2 Point 2 should be the only point of this part of the policy. We thank the DBE for admitting this. Most of the policy is in conflict with this point. However, there are more international (UN and other) charters to be considered, which are omitted in the draft policy.
- 3 While this is fine, it should be elaborated on to state clearly that such policy for registration should be in line **and subservient** to the Constitution.
- 4 The policy of 1999 should not be repealed. It is merely necessary to fix some glaringly unconstitutional conflicts.
- 5 **Uniform** procedures is in conflict with the parents obligation and rights to determine what is best for the child. It can never be **uniform**, because children are not uniform. Every child is unique and parents map the education of the child accordingly. This proposed clause severely inhibits the best interest of the individual child.

3 Application and scope of the policy

- Fine with 1 and 2
- Problem with 3 as it violates the best interest of the individual child.

4 Nature of basic education

- None of the points describes the nature of basic education. It only refers to the right to access to basic education as opposed to higher education.

5 Legal framework

- No comment

6.1.1 Legal background – Constitution

- Some vital elements are shockingly absent. Such as freedom of association and freedom religion.

6.1.2 The department should take note of this, for the policy is in serious conflict with the Constitution.

6.1.3 Again the freedom of association and religion is omitted.

6.1.4 This Bill of rights

(a). The DBE is not the state, it is a department of state concerned with education. The Bill of rights must be adhered to by the DBE, and the DBE may offer education on the Bill of rights. It is however outside of its mandate to enforce it via a policy for home education – the DBE is **not an “enforcement arm of state”** in terms of the Bill of Rights. It is the parent that has to ensure that the child enjoys the benefits of the Bill of rights.

(c) There is a difference between the right to basic education and what the parent judges as what that basic education implies. This is not for the DBE to decide and the DBE already admits this in its own draft policy – refer to Objects of the policy 2 (2) and the best interests of the child 4 (b) etc.

6.2 (c) (i) The parent is responsible to care for the child then 6.2 (d) (i and ii). Care, being the responsibility of the parent (the state and definitely not the DBE is not included) this implies that the parent directs and secures the education of the child and the whole development of the child, which includes upbringing, religious and cultural education in a manner deemed appropriate by the parent for the age of the child, as well as ensuring the best interest of the child.

Homeschoolers deem interference in home education of any kind as contrary to the best interests of the child. Homeschoolers deem standardised testing to be **severely detrimental** to the child, a view supported by scientific study and as implemented by some Scandinavian countries **with great success. It is for the parent to decide when the child is ready for assessment** and standardised tests (examinations). As a general rule, this starts with the examinations provided by International Curriculum providers such as Cambridge and GED/SAT. We believe that absolutely no continuous evaluation and quarterly examination should be done prior to the commencement of programmes, such as Cambridge, GED/SAT. This has been scientifically proven to be detrimental to children **and a severe barrier to learning**. It is therefore not in the best interest of children and a Constitutional violation of the basic rights of children.

6.2 It is unclear why this is contained in a policy document, especially as there is no context for its inclusion. **It appears to be included solely as means to intimidate**. The Act already provides for this. A policy is a document stating how the act is to be implemented.

7.2 (a) This is in conflict with 2 (2). The state has no mandate to decide the best interests of the child. Only the parent has this right and obligation.

7.2 (b) It is for parents to decide the schooling material of the child – refer to 2 (2) of your own document.

7.4 (c) Duly consider does not imply reaching a just, fair and equitable conclusion. This point is severely lacking substance.

7.5 Appeal should be to an independent body of recognised home educators and representatives with a proven track record (to be defined and agreed to) and may then include the MEC.

8.3 While this clause includes a number of accurate points, it displays significant ignorance of the character and nature of home education. We are not surprised by this fact, as consultation about homeschooling excluded homeschoolers and their representative bodies. The DBE opted to consult entities, such as curriculum providers that stand to benefit financially from the proposed policy, to represent homeschoolers in this vital regard. As a result the view on homeschooling is severely limited and eschewed, it is flawed to the core. While the DBE alleges that homeschooling representatives were involved, the objective truth is that notice periods were extremely short and no agenda's were supplied. For this reason representatives were unable to consult on an agenda with its constituents and since most representatives do this work part-time (they are all working people), they could not attend on the short notice given.

8.4. Again, while some of the points are accurate and even valid, how does the DBE reach these conclusions as being a complete picture, sufficient to guide its own employees, when homeschoolers were not duly consulted? ***The DBE, again, consulted with entities that stand to benefit financially from the policy, none of whom ever homeschooled a single child of their own.***

9. Again, this is vastly insufficient to declare it "principles of home education". Homeschoolers and their representative organisations were not consulted. Those consulted never homeschooled their own children and stand to benefit financially from the policy. ***This is a travesty of justice.***

10. Responsibilities of the parent. The burden placed on the parent is not fair and equitable. It violates what your own 2 (2) implies. What is demanded here is an admin burden that will make the parent an administrator of the DBE rather than an educator – enslaving parents to admin. 10 (k). This is extremely vague. Define outsourcing – it is not in your definitions. K (ii) is also ridiculous. Homeschoolers understand that every trip outside the home is an invaluable opportunity to apply theory. A trip to the supermarket is a practical maths tutorial. Children do not learn if they do not apply knowledge. The draft policy severely hampers true education, by making applied learning unacceptable. It is not in the best interests of the child. K (iii). The constitution and the bill of rights demands freedom of movement and association. Should a group of homeschoolers decide to gather from time to time to share ideas and skills of knowledge, to help each other, will this now become an illegal independent educational institution?

10.2 (2) We object to monitoring, as it must be based on something. That something is assessment and standardised testing, which is detrimental to learning – as stipulated above.

10.2(3) – the HOD may delegate to ANY official of the PED. We question this. What will be the criteria to determine whether such a delegate has the skills to act on behalf of the HOD. What qualifications will the delegate have to prove that they are skilled and equipped to act on behalf of the HOD. While the DBE expects minimum standards from parents, they do not reciprocate when assessing parents.

12.2 (c) Again, this violates the best interest of the child. Homeschoolers do not necessarily subscribe to these phases because it demands uniformity and ***children are not uniform***. Each child is unique, which is one of the cornerstone principles and motivations for homeschooling. A point which the draft policy missed, because it never duly consulted with actual homeschoolers on the matter. This (our position) point is, again, supported by scientific study and is now the norm in some Scandinavian countries. Children develop in different areas at different ages. A child may be assessed on grade 1 level in language, yet in grade 5 level in mathematics. What is demanded in this proposed clause is to follow an average child programme, which is not representative of the reality of learning as it varies between individual children. The average child is a concept that works in

academia only – in textbooks found at university. ***The average child, for whom curricula are written, does not exist in real life.*** That is a cornerstone principle and motivation (one of many) that parents look at when deciding what is in the best interest of each child's education.

12.2 (d) This demands standardised testing and continuous assessment based on a curriculum that is written for an average child and therefore not in the best interest of the child. It violates clauses of your own proposed policy as mentioned several times above.

13 (1) (a). Based on what will the HOD decide the interest of the child. The parent is mandated and obliged to decide what is not just in the interest of the child, but in ***the best*** interest of the child. In other words, if the parent says so, so must the HOD comply.

13 (1) (b) How does the policy propose to determine this in advance if the family does not wish to follow standard curricula and standardised learning, because it violates the best interest of the child in terms of education?

13 (1) (a) How does the policy propose to determine this if it is not its mandate Constitutionally? It is an overreach by the state and violates the best interest of the child.

13 (2) (b) How does the policy propose to assess the understanding of the parent?

13 (1) (c) How does the policy propose to assess the suitability if the parent, in the best interest of the child, has to decide at which level the child functions in different subjects? There is no tool for DBE to assess this, except standardised assessment tools, which violates the best interest of the child. It takes parents months, even years to determine some of these aspects. This cannot be implemented and constitutes an overreach by the state. It violates the best interest of the child.

13 (2) (d) This is simply unconstitutional and violates the privacy of the family and child. There are also no guidelines to determine this and is simply preposterous. The state cannot even do this in public schools (to this day children are taught under trees in the veld because the DBE does not provide suitable facilities). This is discriminatory and potentially demands more of parents than what the DBE does for its state schools. It is not just and equitable.

13. 2 (e) Not only does the state place a financial burden on parents for assessment, despite the fact that the parent still pays taxes for schooling – no deduction for saving the state money by educating the child at the parents cost, the state also does not define a competent assessor duly. Furthermore, homeschoolers do not subscribe to standardised testing and assessment as it is scientifically proven to be a barrier to good quality education and the fostering of a culture of learning. This is a violation of the rights of children and their best interests.

14 (2) How does the HOD come to this conclusion. Based on what? This is for parents to decide as indicated before - 2 (2) of your own document.

14 (4) (b). As stated above, appeal should be to a body of home educators and may include the MEC.

17 While the draft policy places this burden on parents, the DBE does not comply with this itself. It places a bigger burden on parents while not complying with this itself.

18.1 (1) This violates the parents right to determine what is in the best interest of the child. It also benefits those that will gain commercially from this policy, without consultation with parents and home educators and without considering the best interests of the child. This is in conflict with the early clauses of your own document.

18.2 This is an administrative burden on parents that removes time from actual education. It is also not even consistently applied in state schools. It is not fair and equitable to expect more from parents than what the DBE applies to schools.

18.3 Again, we do not agree with assessment. It obstructs good quality education.

18.5 This entire clause violates the best interest of the child because it has been scientifically proven to be detrimental to learning and quality education.

18.6 This entire clause violates the best interest of the child because it has been scientifically proven to be detrimental to learning and quality education, because it cannot occur unless 18.5 is enforced.

19 Barriers to learning assumes that standardised testing and assessment takes place, to which we object. 18.5 and 18.6 refers. The state must accept that parents are essentially and inherently responsible adults, proven by their decision to home-school in the best interest of the child. The parent will therefore act when and if necessary to address learning difficulties of each individual child, not based on some uniform standard based on an average child which does not exist on earth.

20 Monitoring is based on standardised testing and assessment. Again, 18.5 and 18.6 applies.

21 Again, the resourcing in terms of text books is prescriptive and out of place in terms of what parents regard to be the best education material for a child.

23 This entire clause is a serious violation of the constitutional rights of parents in terms of religious freedom, freedom of association and so forth. It prescribes to parents how to raise their children. It clearly violates

24 (2) (c). The HOD does not have legal jurisdiction to decide on the educational interest of the child. This is the sole responsibility of the parent.

26 Appeal should be to an independent body of home educators that may include the MEC.