

## A Roundtable with a carrot and a stick

Home Educators were shocked in 2017 when the Basic Education Laws Amendment (BELA) Bill was published for public comment, without prior engagement or warning. This bill would transform home education into an unaffordable type of public school education at home. Shortly afterwards, a draft Policy on Home Education was also published for public comment. Since this policy introduced stringent measures to deter parents from choosing home education, the home education movement flooded the Department of Basic Education (DBE) with an avalanche of objections. Despite the avalanche, the policy was published in November 2018, without any significant changes.

On 28 February 2020, the Minister of Education held a Roundtable discussion on Home Education with various stakeholders. Some home education leaders who attended felt excited after the event. After the disappointment of ignoring 740 objections to the policy, they seemed to sense a new openness. One leader said: *"They are VERY open to all we can suggest right now."*

This raises the question whether the DBE has now embraced the vision of liberty in learning. Has the Minister finally realised that parents have the prior right to choose the kind of education for each individual child, directed at the full development of their personalities? Unfortunately, an analysis of the [speech of the Minister](#) does not seem to justify any excitement.

### Social Compact

The speech opens by stating that the main purpose of the meeting is to *"... create a social compact ..."*. The idea of a social compact was introduced by President Ramaphosa in his 2019 SONA and repeated in the 2020 SONA. According to the President, a social compact means: *"that government must create an enabling environment and use public resources wisely. Business needs to keep the country's national strategic objectives in mind when taking decisions, ... and civil society is tasked with holding government to account while participating to achieve common goals."* This is about civil society participating with government to achieve *"common goals"*, and not individual liberty. In a compact, families are expected to sacrifice the unique goals of individual children to pursue the common goals. Therefore, it can also be inferred that if the Minister talks about *"the best interests of the child"*, she refers to the interests of children as a collective, and not to any specific individual child. That is why the DBE talks about *"our children"*, and never about *"your children"*.

### Stakeholders

The Minister then explains the composition of the compact, and the reasons why specific stakeholders were invited to be part of the compact.

- Independent curriculum/ material service providers were invited, because home educators make use of their services.
- SGBs and Principals' Associations were invited, because some homeschooling families take part in extra-curricular activities at public schools.
- Relevant state departments such as Stats SA, Department of Justice, Social Development, Health and International Relations and Cooperation were invited.
- The South African National Association for Special Education (SANASE) was invited, since home education is often chosen for learners with special needs.

It is however important to note that the following parties were not invited:

- The Pestalozzi Trust, which defends the rights and freedoms of home educating parents.
- Home Education Associations that represent the interests of home educators.

These parties originally were not invited, but after requesting to be invited they were allowed to attend. It is highly unlikely that the exclusion of the Pestalozzi Trust and the Associations from the Roundtable was accidental, for the following reasons:

- The DBE is aware of the existence of the Associations, because they attended the meetings with the DBE in 2014/15, and continued to engage with the DBE afterwards. Already during the 2015 meeting the DBE mentioned to the Associations that they would be invited to a Roundtable on home education.
- The Pestalozzi Trust also attended the meetings with the DBE in 2014/15. After the Minister announced the Roundtable in PCBE in October 2019, the Pestalozzi Trust requested to attend this, but was informed that the Roundtable planned for 28 November 2019 had been cancelled. The Pestalozzi Trust also attended a meeting with the Minister on 28 January 2020.
- When the parties who had been engaged in the discussions in 2014/15, and whose bottom lines or views on liberty in learning are already known to the DBE, requested to be invited, the response was: *"Your request will be discussed by the management and you will be notified of the outcome in due course."* If the exclusion had been a mere oversight, it is unlikely that there would have been a need for management to discuss it.
- When these parties were eventually invited, they were limited to only one delegate per organisation.
- Since home educators are affected by the matters discussed at the Roundtable, the Associations requested changes to the agenda to allow the concerns of the home educators to be addressed. This request was however not granted. Had one of the speakers not been unable to attend the Roundtable, the time allocated to questions and answers would have been limited to only 15 minutes.
- In the commissions that followed the general discussion, the home educators were presented with a number of standard DBE forms and were asked how these could be improved to ensure that home educators would comply with the DBE's demands.

All the indications are therefore that it originally was the intention of the DBE to create a social pact that excluded the Associations and the Pestalozzi Trust. Only after pressure had been applied, the DBE re-strategized and allowed these parties to attend with restrictive conditions.

### **The common goal**

The Minister is clear about the common goal and says: *"At the heart of our Constitution, it is the obligation placed on the State to ensure that all children receive uniform, universal and quality basic education."* The State needs an instrument which would deliver their goal, and that explains why *"Registration is key in the monitoring and evaluation of the whole home education subsector."* Nothing in the speech indicates that the Minister is open to allow parents to choose from a diversity of educational forms and approaches to meet the unique needs of each individual child. In her oral speech, she repeatedly stated: *"Children belong to the state. They belong to the nation ..."*, implying that children are there to contribute towards the common goals of the collective.

## Purpose of registration and monitoring

If home learners are registered and monitored, it empowers the DBE to collect data, generate statistics, and report on this sector to Parliament and to the United Nations. This is described as the *“yin and yang of basic education governance”*. Apparently, these statistics and reports are essential *“... to ensure that all children receive uniform, universal and quality basic education.”*

This leads to the question: How do statistics and reports ensure a quality education? If statistics and reports do not trigger remedial actions to address deficiencies, then they serve no reasonable purpose. However, neither the Minister, nor the BELA Bill, nor the Policy mentions a single word about remedial actions. On the contrary, the Policy on Home Education states that: *“The PED may not be compelled to provide individualised professional support to each home education site.”* The Minister therefore requires all parents to carry the burden *“to keep records of learner progression; and evidence of assessments and examinations at the end of each year”*, merely to enable the DBE to generate statistics and compile reports on the sector, without any obligation on their part to implement remedies when gaps are detected.

If registration and monitoring are not about detecting children who fall through the cracks and taking remedial actions, then the only reasonable explanation is that the goal of the DBE is to capture information about home educators. This could logically be seen as a first step to gain control over the home education movement. Registration and monitoring will provide the DBE with detailed information about homeschooling families - what education they provide, how the children perform in assessments, etc. etc. Home educators will inevitably start shaping their home education according to the information requested by the DBE. Their home education will increasingly be directed by an imaginary DBE official who evaluates this information, and the best interests of the children might become subordinate to the best interests of the state. On the other hand, home educators will have no insight into what the DBE does with this information. Even if the DBE does not use the information at all, the mere act of capturing the information will give the DBE great power over home educators.

## The carrot and the stick

During the past decades it has become abundantly clear that the DBE does not have the capacity to enforce registration and monitoring – and it is even more clear after the 2020 budget speech. Given that registration and monitoring provide no benefits to homeschooling families, the DBE seemed to have decided on a plan consisting of a carrot and a stick to improve compliance with the law.

- The carrot will be given to bodies who will be allowed to perform the tasks of registration and monitoring on behalf of the DBE, for profit. In the breakaway sessions (the “Commissions”) it became clear that the DBE was well prepared for this plan. Officials were armed with templates that specified in detail the data that needed to be captured for registration, home visits and assessments. Home Education leaders however attempted to take control of the meetings and place home educators’ concerns on the agenda. This was reflected in the feedback given to the DBE.
- Many curriculum providers were invited to attend the Roundtable and the breakaway sessions. Most of them explained that their products and services were fully compliant with the DBE’s requirements and some offered to assist the DBE with the task of registration and monitoring.

- The stick is given to the home educators, who are intimidated by harsh sentences. In her speech the Minister reminded all that *“...the BELA Bill changes the legal ramifications for parents who fail to register their home educated children from what is currently a six-month imprisonment sentence to a possible six-year sentence instead...”*.

### **The way forward**

Since education leaders were able to attend the Roundtable, they could witness the unfolding of the strategy of the carrot and the stick. This will enable the home education movement better to resist the government’s stated intention: to expropriate the freedom of parents to serve the best interests of their children, and having parents pay for doing so as well. Home educators should stay closely involved in the process, be aware of co-opted curriculum providers who decide to serve the DBE instead of their clients, and resist the introduction of the BELA Bill every inch of the way. If the DBE decides to persevere with this strategy, the final battle will inevitably be in the constitutional court. Thanks to the loyal support of our members the Pestalozzi Trust is able to prepare for this battle.