***IMPORTANT*: DO NOT SEND THIS TEMPLATE IN AS IS – FOLLOW THE INSTRUCTIONS CAREFULLY**

INSTRUCTIONS FOR USING THIS TEMPLATE

* Words in black can be left as is.
* Words in **red** must be **removed**.
* Words in blue must be RESTATED in your own words and the original blue words **REMOVED**.

If you are unsure whether your submission is in order, feel free to send it to us at defensor@pestalozzi.org before you submit it. We will be happy to have a quick look.

This template was developed by the Pestalozzi Trust ([www.pestalozzi.org](http://www.pestalozzi.org)).

XXth of [May/June], 2022

ATTENTION: Mr LA Brown

Dear Mrs BP Mbingo-Gigaba, Chairperson: Portfolio Committee on Basic Education

**RE: BASIC EDUCATION LAWS AMENDMENT BILL – Concerns about Home Education sections.**

[Express gratitude for the opportunity to comment on the BELA Bill]

**Introduction and Background**

[OPTIONAL – Introduce yourself and your family. How big is your family? How old is/are your child/ren? Etc.] [You do not need to disclose these personal details if you do not wish to do so. However, if the reader can picture you and your family as real people with real lives, the impact of your letter is much stronger.]

[Tell your story:

* How long you have been homeschooling;
* Why you started homeschooling;
* Any negative experience you have had with CAPS and/or schools;
* Any positive impact home education has had on your child/ren and/or family.]

[Explain:

* the curriculum and approach you use;
* why you chose it;
* how it benefits your family;
* If you are using an approach or curriculum other than CAPS, explain why you would not want your child to follow CAPS or be assessed against CAPS.
* If you use CAPS only for certain subjects or at a different pace than the schools, explain that.
* If you do not use grades, or do different grades for different subjects, mention that.
* If you do not use subjects, mention that you do integrated learning (doing two or more subjects at the same time]

**Clause-by-Clause Comments**

Below is a list of issues that many home educators have expressed concerns over. Only highlight the ones that are of most concern to you.

The brief explanations in red are for your benefit. **Do not include them in your submission.**

Remember to restate each sentence/paragraph below in your own words. The easiest way to do that is to read through the sentence/paragraph, then write down what you remember without looking back to the original sentence/paragraph. Don’t just copy-and-paste!

HOD Approval: Section 51(1)

Anyone who wishes to home educate must apply to the Head of Department (of a provincial education department) and the official that the HOD has deputed will take the decision if the child can be educated at home.

[Explain that;

* As a parent you and not an official has the primary responsibility for your child’s education and that you should make the educational decisions for your child.
* As a parent you are free to choose to send your child to either an independent or public school. Should this not apply to home education as well?]

[Explain that:

* As a parent you are the best judge of your child’s best interests and your child’s educational needs.
* How can an official based on a few pages in an application form make an informed decision about your child’s education?]

[**Make some suggestions**: You could suggest that parents should have to notify the department that they are home educating but that the officials should not be empowered to decide whether you can home educate your child or not.]

Competent Assessor: Definitions, Section 51(2)(b)(iii)(aa) and Section 51(2)(b)(iv)

A competent assessor can be a SACE registered educator (most school teachers) or a person or an organization that is registered with SAQA to do assessments.

You will be required to arrange an annual assessment with the competent assessor and submit the competent assessor’s report to the officials at the provincial education department at the end of each phase.

Most South African CAPS curriculum providers will be registered in this way.

If you are using a curriculum provider and strictly following CAPS this section is unlikely to be of concern to you.

However, this definition excludes educational psychologists, occupational therapists or other educational specialists. If you assess your child yourself, do not use CAPS, or use an educational psychologist or occupational therapist or other educational specialist that is not necessarily registered as an assessor with SAQA, you may want to object to this limitation.

Courts for example generally call for evidence from educational psychologists, occupational therapists and other specialists, and not necessarily ordinary teachers or assessors. If this is good enough for a court, why not for an education department?

[General points: Explain how having to use a competent assessor will impact your home education. Aspects that you can consider are:

* Your ability to afford this additional cost. The interval at which you could afford this cost, every year? At the end of every phase?
* Availability of a competent assessor who understands your approach to home education in your area.
* Have you used a curriculum provider in the past and then changed your approach? Why did you do this?

[Assessment by other educational specialists:

* If you have used or do use an educational psychologist, occupational therapist other educational specialists, explain how them not being allowed to act as a competent assessor will impact your home education.
* You will be free to use these professionals to assess your children for your own purposes, but these assessments will not be accepted by the provincial education departments if this clause does not change.]

[If you assess your children yourself or by using assessments from non-CAPS providers like overseas curricula, non-CAPS SA curriculums, or programmes like Khan Academy, explain why you do this, the benefits and what the impact of having to use a competent assessor would have on your use of these resources.]

[**Make suggestions that would coincide with how you home educate** e.g., Ask for the educational psychologists, occupational therapists, and other educational specialists to be included. Ask for recognition of the assessment methods you use. Suggest international or national benchmarking tests be used for assessment.]

Pre-registration Home Education Site Visit: Section 51(3)

When you register, you will have to allow an official to conduct a pre-registration home visit.

[**If you object to home visits**, set out your concerns:

* Concerns could include privacy, security, mental health and health concerns and/or whether you feel these visits have any practical value.
* You can also mention what the impact on you and your child/ren has been. If these visits have caused anxiety or impacted you and/or your child’s mental health in any way in the past, explain this.]

[**If you can suggest alternatives**, please do so. This could include:

* you visiting the offices of officials,
* meeting at a neutral venue, or
* providing the required information in written or visual form.]

Lack of Choice of Programme: Section 51(2)(a)(iii)

To be registered, home educators will have to demonstrate that their home education programme “**predominantly** covers the acquisition of content and skills at least comparable to …” CAPS/NCS. This is an improvement on early versions that required strict adherence to CAPS. The use of “predominantly” now means that your programme must **mostly** cover CAPS both in terms of content and skills.

In practice, the Trust has seen that provincial education departments interpret this as including all CAPS subjects. They have been challenged on this and in general have backed off for now. However, if this clause is passed as written it would strengthen their hand to insist on home educators doing all CAPS subjects.

The use of the word programme may suggest that self-directed and non-curriculum-based learning may be included.

Certain provincial education departments when challenged on what this clause actually means have considered the possibility of determining a minimum set of content and skills that a programme will be evaluated against.

[Explain what the impact of even just mainly having to follow CAPS would have on your home education. Highlight that the requirement to follow the CAPS content is not reasonable because if your child displays the relevant skills, why is the content used to achieve this relevant.?]

[Many home educators change programme in the course of the year or use eclectic programmes. This would make this requirement irrelevant. If you have changed programme (curriculum or approach), explain how often you have done this and why.]

[Do you think the education department should even consider the programme used?]

[**Make suggestions**: If you think this requirement is irrelevant, then state that it would be better to assess your home education rather than control the inputs. If you would be willing to use a programme that meets minimum skills requirements, ask that this should rather be the requirement.]

Assessment: Section 51(2)(b)(iii)(aa)

Even though the BELA Bill has been changed to allow for more freedom of programme choice, the assessment requirement remains rigid. Your child will have to be assessed annually “against

a standard that is not inferior to the standard determined in the National Curriculum Statement”. This is a case of giving with one hand and taking with the other. It really doesn’t matter what programme you follow if you are going to be assessed against the “standards” of CAPS.

[If your child has been in school or used a programme that assessed them against CAPS, explain what the impact of that was.

* Did assessment issues play a role in your choice to home educate?
* What do you believe the impact of having to be assessed against CAPS will be on your child and your child’s home education?
* Do you believe that your child should be assessed using the type of assessment that is part of the educational programme you have chosen for your children?]

[**Suggestions**: State how you believe children should be assessed. Argue that the assessment method should be the method that your approach uses.]

**Conclusion**

I would like to ask for the following changes to be made to the BELA Bill:

Only include the points on which you have made comments. If you have made suggestions earlier in your letter restate those suggestions here:

* [Parents should be allowed to notify the HOD that they are choosing home education, or make your own suggestion.
* Include educational psychologists, occupational therapists and other education specialists in the definition of competent assessors. Include parents and allow them to forward assessments, or make your own suggestions.
* Home visits should not be allowed or only allowed on certain conditions, or make your own suggestions.
* There is no point in assessing the programme to be used as this often changes. The focus should rather be on the outcomes. Home educators should have the freedom to choose the programme that is best for their child/ren, or make your own suggestions.
* Other forms of assessment such as assessments included in programmes or international/national benchmark tests should be used, or make your own suggestions.]

[If you would like the opportunity to address the Portfolio Committee on Basic Education in person (an oral submission), ask for that opportunity here.]

[Express gratitude for the opportunity to comment, as you do not feel as if your voice has been heard by government while the Bill was prepared. Thank the Chairperson for considering your submission.]

Sincerely yours,

**INSTRUCTIONS FOR SENDING YOUR LETTER**

First proofread your letter:

1. Check for typos, missing words, etc.
2. Make sure have added everything you wanted to say.
3. **Remove all red and blue text**.

Now you are ready to send your letter!

Open the submission form at this link: <https://pestalozzi.org/pestalozzi-letter/>. This is an automated system which keeps track of all letters sent. If you send your letter through this system, we will know if it is delivered, read, gets lost, or is deleted.

Now choose one of the following ways to send your submission:

1. **If you want your contact details to be publicly released with your submission**, do the following:

Copy-and-paste your submission into the first field (marked “Copy-and-paste your submission/cover letter here:”). **Make sure nothing that was written in red or blue is included.** Complete the rest of the fields at the bottom and click “Submit”. Your submission will be signed with your contact details and will be sent to the correct email addresses in parliament. You will also receive a copy of your submission in your inbox.

1. **If you do NOT want your contact details to be publicly released with your submission**, follow these steps:
2. Copy-and-paste your submission into a new Word document. **Make sure no blue or red words are included**. Make sure your name and surname are written at the bottom of your document in Word and save it in a PDF. Give it an appropriate title such as “Comment on the BELA Bill – Portfolio Committee of Basic Education”.
3. Copy-and-paste the following into the first field of the submission form (marked “Copy-and-paste your submission/cover letter here:”):

*Attention: Mr L A Brown*

*Dear Mrs B P Mbingo-Gigaba, Chairperson: Portfolio Committee on Basic Education*

*RE: BASIC EDUCATION LAWS AMENDMENT BILL*

*Please find attached my submission on the BELA Bill to the Portfolio Committee on Basic Education.*

*For privacy reasons I do not wish my contact details to be publicly released with my submission.*

*Sincerely yours,*

1. Attach the PDF of your submission in the next field.
2. Complete all subsequent fields. The submission form will automatically sign your letter with the appropriate details.
3. Click “Submit”. Your submission will be signed with your contact details and sent to the correct email addresses in parliament. You will also receive a copy of your submission in your inbox.

**Remember that the office of Parliament will still be able to see your contact details. However, only the PDF will be released publicly, and not your contact details. Any submission made to Parliament, in whichever format, needs to show the details of the sender. Otherwise it might be regarded as spam or a bot message.** **If you are worried about whether it is dangerous to write to Parliament, please read our explanation** [**here**](https://pestalozzi.org/wp-content/uploads/2022/05/Is-it-dangerous-to-write-to-Parliament.pdf)**.**