

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 it is.
- Words in red must be **REMOVED**.
- Words in blue must be RESTATED in your own words and the original blue words **REMOVED**.

SEE THE BOTTOM OF THIS TEMPLATE FOR SENDING INSTRUCTIONS.

If you are unsure of 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).

XXth of January, 2024

ATTENTION: Ms Noluthando Skaka

Dear Mr ME Nchabeleng, Chairperson: SC on Education and Technology, Sports, Arts and Culture

RE: BASIC EDUCATION LAWS AMENDMENT BILL

[Give a brief introduction to your family: why did you start homeschooling, what curriculum/approach do you use, why it benefits your family. If you are not homeschooling yourself, explain what relation you have to homeschooling, OR how the Bill will affect you.]

I reject the BELA Bill for the following reasons:

Choose 3-5 of the points below that are most important to you. DELETE THE POINTS YOU DO NOT WANT TO ADDRESS.

Restate each of your 3-5 points 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!

- The Bill is procedurally flawed because the home education sections are not based on research – Explain that the Minister admitted to the PCBE that the DBE does not have any research on home education. The SEIAS Guidelines require that research be done.
- The Bill is procedurally flawed because the Socio-Economic Impact Assessment was not published with the Bill in 2017 or in 2022 – explain that you as a member of the public couldn't properly evaluate the Bill and participate meaningfully in the process because the Socio-Economic Impact Assessment was not published with the Bill in 2017 or in 2022.
- Clause 1, Definition of Home Education – You can ask that full-time education away from the home be allowed under parental supervision, as well as full-time tutoring at home.
- Clause 1, Definition of a Competent Assessor – A home educator will have to pay a competent assessor at the end of grades 3, 6 and 9 to assess their children. A competent assessor is defined as someone registered with SACE, a recognized body in the field of education, and a person or body registered with SAQA. Ask that “a professional body in the field of education” be defined. Explain what the cost implication would be to your family if you have to pay someone to assess your child/ren at the end of grades 3, 6 and 9). If you have an educational objection to assessments, explain why you believe assessments to be bad for your children.
- Lack of Choice of Programme: Clause 35(2)(a)(iii) – This clause says that home learners would have to follow a curriculum that “predominantly covers content as skills at least comparable to the national curriculum”. 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? Request that a “freedom of curriculum and methodology” clause be added.
- Clause 35, Subsection 6 – This clause states that a learner will be “deemed registered” if the Department doesn't respond to the application for registration within 60 days. Explain that the word “respond” is too vague, allowing the HOD to merely acknowledge receipt to fulfill their obligation in that section. Request that it rather be substituted with “approve or decline”.
- Clause 35, Subsection 16 – This clause allows the Minister to make regulations on the registration and administration of home education. Explain that the Minister does not have research on home education. Explain that the expertise on home education, contrary to what is the case with school education, is with parents and not the DBE.

Explain that she is allowed uncommonly broad powers to regulate. This subsection should be removed OR limited to registration OR the regulations must be written “in consultation with” home educators.

I am also deeply concerned about the following:

- Clause 35 allows a Provincial Education Department to set aside the decisions of parents by giving the power to HODs to decline applications for home education. – Explain that education officials would not be able to understand all the factors that you have taken into account in choosing home education, because they are private and include many non-educational factors.
- Clause 35 unlawfully restricts the right to education to only that which covers skills and content comparable to the national curriculum, and outlaws education of a similar or higher standard that covers different skills and content– Explain the religious, cultural, philosophical and educational reasons why you have chosen a curriculum that cover skills and content that might not be comparable to the national curriculum. Also explain why this curriculum is in the best interest of your children and of a standard similar or higher to the national curriculum.

I therefore support the Pestalozzi Trust Proposal. Please find the proposal attached below as Appendix 1.

Sincerely yours,

[Name and surname]

[Email]

[Daytime telephone number]

APPENDIX 1:

Pestalozzi Trust Proposal

A. Key Proposals:

1. **Upholding the Rule of Law:** We propose clear guidelines to ensure that officials respect the educational choices made by parents in the best interests of their children.
2. **Proposing a New Regulatory Framework:** We advocate for a new, research-based regulatory framework. This should limit the powers of the Head of Department in

overriding parental decisions and involve judicial oversight in disputes regarding the adequacy of home education.

3. **Guidance for Officials in Home Education Cases:** We propose a framework for officials be developed to intervene in cases where home education may not serve the child's best interests, but without impinging on the rights of responsible homeschooling parents.
4. **Addressing Homeschoolers' Concerns:** We seek to recognize and address the concerns of the homeschooling community, including the perceived overreach in seeking permission for home education, the success rate of registration applications, the outdated nature of certain provisions, and restrictions on curriculum choices.
5. **Protecting Curriculum Freedom:** We affirm the right of parents to choose curricula and educational approaches that they deem fit for their children's unique needs.

B. Proposed Wording

We propose the following wording for Clause 35 amending Section 51 of the South African Schools Act:

Section 51

(1) If the parent of a learner who is subject to compulsory attendance as contemplated in section 3(1) of the Act chooses to educate a learner at home, such parent must register the learner to receive home education with the Head of Department.

(2) The Head of Department must approve the application and register the learner as contemplated in subsection (1) if the parent undertakes to:

- (i) Ensure that home education is in the best interest of the child.
- (ii) Ensure that the standards to be maintained will not be inferior to the standards in comparable public schools.
- (iii) Provide evidence of learning or arrange appropriate assessments for submission to the Department, if there is reason to believe that the education being received by the learner is of an inferior standard to that in comparable public schools.

(3) The Head of Department may investigate cases if there is reason to believe that the education being received by the learner is of an inferior standard to that in comparable public schools.

(4) The Head of Department may advise and mediate to address cases where there is reason to believe that the education being received by the learner is of an inferior standard to that in comparable public schools.

(5) If the Head of Department has reason to believe that home education is not in the best interest of a child, then he/she may approach a court to set aside the decision of the parents to choose home education

C. Motivation:

The essence of our proposal is to strike a balance between the state's duty to ensure educational standards and the constitutional rights of parents to decide on the education of their children. By implementing these recommendations, we believe that the BELA Bill can better serve the diverse educational needs of all South African children, while respecting the liberties and responsibilities of parents.

We trust that the Committee will consider these proposals in the spirit of advancing South Africa's educational framework in a manner that respects individual rights and promotes the well-being of all children.

INSTRUCTIONS FOR SENDING YOUR LETTER

First proofread your letter:

1. Check for typos, missing words, etc.
2. Make sure you have added everything you wanted to say.
3. **REMOVE ALL RED AND BLUE WORDS.**

Now you are ready to send your letter!

1. Open a new email in your mailing program.
2. Copy and paste the following address in the "TO" field: belabill@parliament.gov.za.
3. Copy and paste the following address in the "BCC" field:
homeschoolfreedom1996@gmail.com.
4. Give your letter and appropriate subject line, such as: "RE: Comment on the Basic Laws Amendment Bill."
5. Copy your submission into the body of the letter.
6. Send!

**A heartfelt thank you for standing up for the rights
and freedoms of our children!**