

# **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**.

If you are unsure of whether your submission is in order, feel free to send it to us at [defensor@pestalozzi.org](mailto: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)).

XX<sup>th</sup> 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**

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

[State that you REJECT the BELA Bill, specifically clause 35, which amends section 51 of the SASA and deals with home education]

### **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.]

## **Principled Objections**

[Explain how and why on a principled basis you are opposed to the BELA Bill.

Your in-principle objections could be based on any of the following:

- Religious or philosophical objections that as a parent it is your duty to educate your children and that the State must not interfere unduly with that duty.
- An official should not be able to override a parent's decision to homeschool,
- It is a fundamental principle of international education law that the parent has a prior right to choose the kind of education a child receives and the BELA Bill makes significant inroads into that right.
- The Minister should not have such a broad scope in making regulations on home education and/or should only be able to make regulations "in consultation with" homeschoolers.

Or any of your personal objections.]

In addition to my principled concerns I have a number of practical concerns:

- Cabinet instructions were not followed when developing and distributing the SEIA.
- The BELA Bill does not reflect the reality on the ground and the diversity of home education practices.
- It is impractical and will not work in practice.

## Practical Concerns

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!

A. Cabinet instructions were not followed when developing and distributing the SEIA.

a. *The SEIA is not based on research*

[Explain that the Minister admitted in a PCBE meeting that the DBE has no research on home education – this while the need for research on home education was admitted in internal documents as early as 2015]

[Explain that:

- research is a fundamental prerequisite for a credible Socio-Economic Impact Assessment;
- without research, a credible Socio-Economic Impact Assessment cannot be done; and therefore
- the SEIA developed by the DBE is fundamentally flawed.

[Explain that the Pestalozzi Trust provided research to the DBE, which was not considered or reflected in the final SEIA]

[Explain that, as a home educator, you believe the impact of this Bill on the home education sector will be significant. The Bill should not be allowed to proceed without a proper evaluation of the impact and possible unintended consequences of the Bill.]

b. *The SEIA was not distributed with the BELA Bill for public comment*

[Explain that the SEIA was not shared with the public as required by the SEIA Guidelines. It was not shared when the DBE published the Bill for public comment in 2017. When parliament called for public comment in May 2022 the SEIA was also not shared on Parliament's website. This means that you as a member of the public couldn't properly evaluate the Bill and participate meaningfully in the process.

B. The BELA Bill does not reflect the reality on the ground and the diversity of home education practices

[Explain that home education is a diverse field with many different approaches. It is usually tailored to the specific needs of each child. Highlight how you do this for your child. This type of education cannot be treated in the same way that school education is treated.]

C. It is impractical and will not work in practice.

[Explain that:

- The Head of Department is not equipped to make decisions on the best interest of the child: Clause 35, subsections 1, 2, 4, 12.
- The HOD doesn't know the curriculum and approaches that you have chosen for your children to use and doesn't know the benefit your children have gained from using them. The HOD therefore has no means of assessing your application.
- The DBE has admitted that they do not know enough about home education to conduct assessments and that this must be left to competent assessors who know the chosen approaches/curricula – however, in processing your application the HOD will have to assess if it is comparable to CAPS. How can this be done without knowing the approach?
- It will take a significant amount of time, money, and manpower per child to gather enough information on your child/ren to make a truly informed, reasonable decision.
- This is not feasible to do this with every single application, considering the budget available to provincial education departments as well as the requirement in the Bill that all applications for unregistered home schoolers must be made within 30 days of the Bill passing.]

[Explain that:

- you, as a parent, know your child/ren intimately;
- you are therefore in a much better position to make decisions on the best interests of your child, without having to spend extra time or money; and
- someone with less knowledge should not be allowed to overrule your decisions.]

[Explain that:

- the HOD's area of expertise is school education.

- However, the decision to home educate is rarely, if ever, made solely on purely educational grounds.

[Explain why you decided to home educate.

- Name several of your considerations.
- Think of financial, psychological, religious, social, and familial considerations.
- Point out the fact that neither the HOD nor any of the officials are trained to deal with such matters, never mind make decisions about it.
- Repeat that the HOD's area of expertise is school education and that he/she is not equipped to make decisions in the family sphere.]

## **Conclusion**

In light of the above points, I would like to ask that Clause 35 amending Section 51 of the BELA Bill be withdrawn and a new Bill be submitted with the appropriate Socio-Economic Impact Assessment having been done.

[If you would like the opportunity to address the Select Committee on Education and Technology, Sports, Arts and Culture (in 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 being prepared. Thank the Chairperson for considering your submission.]

Sincerely yours,

[Name and surname]

[Email]

[Daytime telephone number]

## **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](mailto:belabill@parliament.gov.za).
3. Copy and paste the following address in the "BCC" field:  
[homeschoolfreedom1996@gmail.com](mailto: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!**