



Cape Home Educators

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Minister Debbie Schäfer, Advocate Lynn Coleridge-Zils

LETTER TO MINISTER ANGIE MOTSHEKGA – SECTION 51 OF THE BELA BILL TO UNDERGO TOTAL REVIEW

The education landscape changed fundamentally since 2020. Covid-19 brought disruption and uncertainty, but it also brought a new perspective and opportunity for change. The traditional school system could not realise the right to a basic education. Some schools scrambled to devise ways in which to continue to provide a basic education and Zoom classes, online schools, educational YouTube channels, and tutoring apps came to the fore. Others had to close their doors and hope to be able to catch up when the situation improves. Home education on the other hand, with its flexible curricula and approaches could weather the storm and with a few quick adaptations, continued to provide learners with a basic education.

While the education landscape changed fundamentally, BELA Bill did not change. In 2012, the minister stated in parliament that the BELA Bill was designed “... *with the view of providing for Home Education as part of the formal schooling system.*” (Q 2521 in 2012). Laws pertaining to home education is part of the Schools Act and over time this will force home education to be more like school which will result in it being shackled to the past and the flexibility and robustness of this alternative education system will be severely limited. Home education is an education modality that is as far removed from the school system as a car is from a train. And though they are both forms of transport that convey people from point A to point B they are not regulated under the same act.

Provinces handle independent school registration according to their provincial competency. During the pandemic provinces handled crisis schooling as part of their provincial competency, and even had different school opening dates. In contrast we have in section 51 of the BELA Bill, a very detailed prescriptive law that limits a province’s ability to regulate home education in its own province. The DBE is “nationalising” home education as it has a registration portal on the DBE Website. This appears to infringe on a provincial competency. CHE are concerned that home education is treated differently from other modalities.

We recognise and appreciate the efforts of Adv Lynn Coleridge-Zils in drafting changes to the home education provisions of the BELA Bill. It is evident that her understanding of home education has deepened. The changes she proposed in our meeting of 25 August 2021 unfortunately, still does not fit with the practice of home education. Our serious concerns regarding assessments were not adequately resolved and our concerns regarding registration requirements were not addressed.

Education officials not well-versed in home education will struggle to comprehend that a “purposeful programme” does not always make use of a set of textbooks or that child-paced education means

that a learner might only learn to read at age 12. The requirement to have one's child assessed by a competent assessor (one who is registered with the South African Council of Educators or with the South African Qualifications Authority) in practice means that the learner will have to follow a curriculum that is aligned with the national curriculum statement (in this case CAPS). Some of the key findings from *The Impact of the BELA Bill Survey* indicated that 89% of the respondents do not use CAPS aligned curricula. 93% of the respondents plan to use an alternative school leaving qualification and not write the National Senior Certificate. The CAPS focus of Section 51 of the BELA Bill is misplaced.

It is also concerning that there is no clear indication of how the assessment reports, submitted to the Head of Department will be used. It might just be filed, never to be looked at. Or it could be used in a malicious effort to dissuade parents from home education. It is unreasonable to expect of parents to spend time and money on assessments simply to comply with a requirement that very possibly has no personal benefit. Adv Coleridge-Zils stated that evidence of learning is required, and we acknowledge this, but there are less restrictive and less discriminating ways to provide evidence of learning. The problem with this requirement is that the school modality is being used as a template for regulating home education. This leads to conflict and friction as the two modalities have very little in common, about as much as an apple and an orange.

We appreciate the amount of work that has been put into BELA Bill since 2013 and understand the desire to finalise it. However, the bill is fundamentally flawed as it is not in line with the reality and practice of home education. It will receive significant resistance when presented to parliament and if promulgated will be challenged in courts. Going back to the drawing board now will avoid exponentially more conflict and wasted effort later.

We had high hopes that the registration requirements would change to be in accordance with the practice of home education. The draft requirements treat parents as incompetent and callous carers and is perceived as a threat by many home education parents.

A survey conducted by CHE among home educators in the Western Cape indicated that 75% of the 152 respondents are willing to register for home education if registration is not subject to approval. 87.5% indicated that they are willing to register for home education if they are permitted to follow the educational approach and philosophy of their choice. The low compliance with registration is of concern to both CHE and the WCED.

Cape Home Educators (CHE) thanks minister Schäfer for affording us the opportunity to have had multiple meetings with the Western Cape Education Department, for establishing a Joint Liaison Committee on Home Education and for appointing a home education representative to the Western Cape Education Council. We acknowledge that this is a national bill, but CHE respectfully requests minister Schäfer, as our political representative, to advise minister Angie Motshekga of our deep concerns with the BELA Bill and to point out the practical problems it will lead to in the Western Cape. We ask that you relay our request for a total and collaborative review of the home education provisions of the BELA Bill. Amending a couple of clauses does not correct the fundamental flaws contained in the home education provisions of the BELA Bill.

As requested by yourself at the beginning of this series of meetings, we propose the following new definition for home education: *Home education shall mean education managed and controlled by the parent that shall include the choice of educational method and or curriculum, assessment, and educational resources.*

Or a slightly expanded version: *Home education shall mean education, alternative to compulsory school attendance, managed and controlled by the parent and where appropriate the learner, that shall include the choice of educational method and or curriculum, assessment, and educational resources.*

Adv Coleridge-Zils informed us that your efforts to add BELA Bill to the CEM agenda was unsuccessful and that you might write a letter to minister Motshekga detailing your proposal. We request that you include our concerns in that letter and would appreciate it if you shared her response to your letter with us.

In summary our concerns are:

- The BELA Bill will not lessen the friction and level of mistrust between home educators and the education departments.
- The assessment requirement is impracticable.
- The requirements in BELA Bill does not address the reason for the low compliance to registration.
- Home education is a modality totally removed from the school modality.

To efficiently regulate home education, legislation should be research-based and drawn up in collaboration with home educators. We therefore suggest a total review of section 51 of the BELA Bill and emphasize the need for a new regulatory framework.

Yours sincerely,

A rectangular box containing a handwritten signature in cursive script that reads "Anelle Burger".

Anelle Burger

CHE Chairperson