

The Director General
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For Attention Adv. T.D. Rudman

Comments on the Basic Education Laws Amendment Bill

We, **the Cape Home Educators (CHE)**, are an autonomous Home Educating association representing our constituents' home education interests in the Western Cape. The Department of Education has the association on their database as an interested and affected party. In 2014 and 2015 we were invited by the DBE to take part in 2 two-day sessions respectively, which included various presentations from the main home educating associations, legal and other. Together with related dynamic discussion and dialogue, these sessions were constructive and according to Dr. Simelane and others, very informative and educational, but nevertheless too short to adequately address the various complex issues.

BACKGROUND

Since homeschooling was legalized in South Africa at the dawn of our democracy, home education has been growing exponentially. In the 2011 census, there were approximately 58,000 children who were receiving home education in the country as the current education system failed families and could not cater for the various needs which children and families were burdened with. Contemplating international trends, we strongly believe that homeschooling will continue to increase at an exceptional rate.

Art.51 of the SA's school act of 1996 which addresses home education, is such a failure that it resulted in only **approximately 5%** of home educators complying with the policy. Due to education officials not understanding the philosophy of home education, a great sense of mistrust has been bred over the years between the home educating community and the Department of Education. Therefore, as an association we can appreciate and welcome the efforts of the DBE to rectify the flaws of the current bill. Since the request for an extension on the closing date for the 10 November was not granted we reserve the right to continue submitting comments after the closing date. Unfortunately, the proposed changes in the BELA bill will make the situation worse and even fewer home educating families will comply. As an association we are grateful for the opportunity to work with government to find workable, viable solutions to these issues.

1. Art. 51 (1) & 51 (2)

51 (1) a parent of a learner who is of compulsory school going age may apply to the Head of Department for the registration of the learner to receive home education.

51 (2) The Head of Department must approve the application and register the learner as contemplated in subsection (1) if he or she is satisfied that-

OBJECTION

Parents have the primary responsibility for the upbringing and development of the child. From the ages of 0-7 years and from 15 years to adult, the parents can fulfil their responsibility to their children without having to ask for permission from the Head of Department.

If it is in the child's best interest to be educated in an acceptable cultural and religious environment, the parent should not be impeded by bureaucracy to do what is in the best interest of the child.

If schools are overcrowded and the institution cannot deliver adequate education, the parent should not be impeded by bureaucracy to do what is in the best interest of the child.

If families are living in remote, rural areas far from educational institutions, the parent should not be impeded by bureaucracy to do what is in the best interest of the child.

If a child has learning disabilities which the school cannot cater for, the parent should not be impeded by bureaucracy to do what is in the best interest of the child.

If a child is abused, raped or bullied in a school, the parent should not be impeded by bureaucracy to do what is in the best interest of the child.

If a child excels in a certain sport or cultural activity and needs more time to pursue this talent, which homeschooling accommodates, the parent should not be impeded by bureaucracy to do what is in the best interest of the child.

If the child has a physical disability or sickness and cannot function properly in a school environment, the parent should not be impeded by bureaucracy to do what is in the best interest of the child.

The above clause proposed in the BELA bill restricts the parent to fulfil their obligation to their children.

PROPOSAL

As an association we propose that the idea of having to **ask permission** from the HOD to home educate the child be removed and replaced with the parent having to **notify** the department of their intention to home educate.

2. Art.51(2)

(d)(iii) arrange for the learners educational attainment to be assessed annually by a competent assessor, approved by the Head of Department, at the parents own expense who will apply a standard that is not inferior to the standard expected in a public school according to the learners age, grade level and ability; and

51(2)(d)(iv) provide the Head of Department with the learners assessment report signed by a competent assessor

OBJECTION

The financial burden placed on Home Educating families by this article, is extremely high. This will make home education unattainable for families of a low-income bracket and homeschooling will not be perceived as an educational option for all in South Africa, but only for the rich. Due to this fact, many homeschooling parents will be forced to send their children back to school, which will put further strain on the current institutional system.

Homeschooling families also contribute to the tax base which funds education. In more enlightened countries i.e. New Zealand, home educators receive grants for taking the responsibility to home educate and relieving the educational system and the state of the financial burden.

The department of education will have to appoint officials who can process and assess the reports of the 52 000 children who are currently being home educated. This, once again, will place an exorbitant financial burden on the state.

PROPOSAL

The current homeschooling curriculum providers offer various school-leaving internationally accredited qualifications. i.e. Cambridge, SAT's, GED, CAPS. IEB, etc. These providers are, by default, regulating the home education environment just like the NSC are regulating schools.

At present school-going children can advance through grades without passing a single exam, since they can only fail once per phase. Enforcing stricter policies on home educated children through annual assessment as condition for a learner's registration for home education would constitute discrimination towards a minority group.

3. Art. 3 (6).

(a) any parent who without just cause and after a written notice from the Head of Department, fails to comply with subsection (1) is guilty of an offence and is liable of conviction or a fine or imprisonment for a period of six {months} years, or to both such fine and such imprisonment.

OBJECTION

As home educating parents sacrifice much i.e. an extra income, to do what is in the best interest of their children, they are now also liable to be imprisoned for six years for non-compliance with a draconian policy. Law abiding citizens will be criminalized as opposed to serious crimes of which the penalty is less than aforementioned. This section of the article will once again, drive home educating families into a covert position where they will act like a persecuted minority.

PROPOSAL

The current social, welfare and policing systems are adequate to prevent abuse of children and it should not become the task of the Department of Education.

CONCLUSION

Due to the lack of research by the DBE and proper consultation with the various effected parties, the BELA BILL, in its current form, will unfortunately, once again, be rejected by the home educating community. We therefore URGE the DBE to educate themselves with regards to home education and its various philosophies. The home educating community is driven by passionate parents who love their children immensely and have their best interests at heart. Herein is an opportunity for this passion to be channelled by government in the right direction, to **benefit** education in this country.

Regards
Victor Sabbe
CHE Chairman