

Concerns of the Home Education movement in South Africa

(compiled by Pestalozzi Trust)

1. Summary

The Department of Basic Education (DBE) is drafting the Basic Education Law Amendment (BELA) Bill, and has approved a new policy on Home Education. The home education movement is seriously concerned about the process followed to draft the legislation and approve the policy. The pre-mature publication of a booklet on home education by the DBE also raises concerns that BELA Bill and the policy will attempt to transform home education to the exact opposite of its nature.

2. What is Home Education?

“Home education is the oldest form of child education. It honours and represents a parent's preference or wish to facilitate the education of their children themselves. Home education encompasses exposure of the learner to the knowledge, skills and values required by an active community member and citizen of the modern world and for admission to further education, higher education or employment.” Home educators form part of a vast community that incorporates, other parents and children, schools, tutors, curriculum providers, sporting, cultural and religious groups. Home education allows for flexibility of learning provision, guided self-study and the use of a variety of media

3. Home Education in South Africa

The right to home education was not recognized under the Apartheid State. Home educators were actively persecuted and in 1993 the parents of three children were successfully prosecuted and sentenced to a jail term. While the parents were jailed in Johannesburg their three children were placed in an orphanage in the Eastern Cape. It appears this was done to make contact between the family members difficult. The parents were released from jail under the new democratic dispensation.

After the adoption of the new constitution, the right to home educate was recognized by s51 of the SA School Act of 1996. Home education has experienced exponential growth. From a handful of families in 1994 to an estimated 100 000 in 2017. Worldwide, home education is the fastest growing type of education.

The rapid growth in the number of children educated at home, the diversity in homeschooling methods and approaches and the revolution in learning technologies worldwide has led to the current regulatory framework being outdated. In order to remedy this in 2012 the DBE began the process of developing a new policy.

4. The diverse and distributed nature of home education

The homeschooling movement is diverse and distributed. It consists of a number of associations, the Pestalozzi Trust (a legal defence fund for home education), support groups, sport organisations, special interest groups, community-based schools, educational providers etc. etc. Due to a lack of administrative capabilities and unlawful registration practises in the provinces, more than 95% of home learners are not registered.

Homeschooling families make use of a variety of educational approaches such as traditional curriculums, unit studies, classical education, Charlotte Mason, unschooling etc. Around these educational approaches a variety of special interest groups such as curriculum providers and support groups were established. Hundreds of community-based schools have been established in urban and rural areas. Since these community-based schools are often too small to register as private schools, many are not registered and operate under the radar.

5. The need for extensive consultation

Due to the diverse nature of the homeschooling movement, it is important that all the various role players should get the opportunity to submit their comments. Otherwise it can easily happen that legislation will outlaw educational forms that provide a valuable service in communities, as an unintended consequence. Due to the distributed nature of the homeschooling movement, it is also important that more

time is allowed for submissions. Because the various role players are not registered with a single organisation, it takes much more time for information on making written and oral submissions to reach all role players.

6. BELA Bill drafted without consultation or independent research

The Socio Economic Impact Assessment Study (SEIAS) for BELA Bill shows that the homeschooling movement was not consulted, and the impact of the bill on the homeschooling movement was not considered.

On 13 October 2017, the DBE invited public comment on the draft Basic Education Laws Amendment Bill (BELA Bill). Homeschool organisations did not receive any prior warning of the publication of the Bill, and the public was given less than a month to submit comments. Given the nature of the homeschooling movement, public participation allowed for BELA Bill cannot be viewed as sufficient and the comments that were provided cannot be viewed as comprehensive or complete.

Since almost no independent research was done on home education in South Africa, the section on home education in BELA Bill cannot be viewed as research based.

Due to the fact that the homeschool related changes of BELA Bill were not based on research or inputs from the affected parties, and despite the unreasonable short time given for submitting comment, more than 1000 letters with comments were submitted. DBE Director General Mathanzima Mwelil during a parliamentary briefing session described the reaction of parents to the BELA Bill as something that *'the word avalanche would not describe'* and something *'that he had never seen in his career in public service'*.

7. Home Education Policy drafted without meaningful consultation or research

The DBE started working on a new policy in 2012. Initially the process did not include representatives from the home education movement. After lobbying the DBE through various means the DBE began a process of consultation with the home education movement in 2014.

In 2014 and 2015 the DBE invited representatives of the homeschooling movement to attend meetings on a new home education policy. Representatives experienced the meetings as positive due to recommendations which the DBE made in its 2nd Draft Discussion Document in 2015. This document proposed a way forward through using a consultative relationship based on mutual trust and independent research and was positively received by the home education movement.

In the workgroup meetings following this it soon became evident that the DBE was not going to implement any of the key suggestions and was in fact going to ignore their own draft document. Home education representatives began to conclude that the DBE had a pre-determined outcome in mind and that the second draft discussion document was merely window dressing. Rather than being co-opted in this sham process the home education representatives withdrew. Making it clear that they would act as consultants to the DBE but would not allow their presence to be used as a means of legitimising an illegitimate process.

Despite the flawed consultation process, on 17 November 2017 the DBE released a Draft Policy on Home Education and called for comments within 21 days. Despite the short period, a total of about 750 letters were sent to the Department of Basic Education by 8 December.

A policy is supposed to provide guidance to government officials on how to implement a law. The draft home education policy referred to the BELA Bill that has not even been submitted to parliament yet. Therefore, this policy provides guidance on how to implement a law that does not exist yet. This is a recipe for chaos.

The policy which pre-empts a law that was not even submitted to parliament, is not backed by independent research and has followed a seriously flawed consultation process was approved by the Council for Education Ministers on 19 July 2018. To date however, this policy was not published yet.

8. DBE Booklet on home education destroys the nature of home education

In certain provinces home educators who were renewing or applying for registration were being given a booklet and told that “*a new policy applies*”. As of the date of writing no new policy has been promulgated and gazetted.

This appears yet again to be an example of officials imposing procedures on home educators that have no basis in law or policy. However, the premature release of this booklet and attempts to enforce it on home educators gives a possible insight into the manner in which the new Policy on Home Education and the BELA Bill will be implemented.

It seems that the goal of BELA Bill and the new policy is to transform home education into Public-School-at-Home. Government has come to realize that home education is here to stay. Therefore they do not try to stop home education and get home educators to take their children to overcrowded schools. However, they want parents to provide public-school-at-home and act as unpaid teachers working for the DBE. They see the home as a mere satellite campus of the public school. It is an attempt to transform home education from a diverse and distributed form of education into a uniform and centrally controlled form of state education at home.

9. What the home education movement wants

The home education movement wants to be treated fairly, just like others in society.

This means:

- No legislation or policy is drafted without the availability of independent research.
- No legislation or policy is drafted without extensive public participation. Due to the diverse and distributed nature of home education, the traditional publication in the gazette and allowing 21 or 30 days for comments is insufficient.
- The drafting of legislation is done in the correct sequence. First national legislation, then policy and then booklets explaining the policy.