

# What the BELA Bill means for homeschoolers



By [Louise Schoonwinkel](#)

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The Basic Education Laws Amendment (BELA) Bill has been a controversial topic for some time, and now that public consultations have concluded, many parents still have concerns about the new legislation. What does the BELA Bill mean for parents who opt for homeschooling or distance education?



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## Your right to homeschool

Home education was legalised in South Africa under the South African Schools Act (SASA) in 1996. It's important to note that the BELA Bill does not aim to change this legislation. The purpose of the Bill is to guarantee that every child receives an education that is at least on par with what they would have received in a public school. Moreover, most of the provisions related to homeschooling are already incorporated in both the South African Schools Act of 1996 and the Home Education Policy of 2018.

The BELA Bill is not the end of the road for homeschooling in South Africa. In fact, more guidance has been added to the Bill, strengthening the perception of homeschooling in the rest of the education sector.

That being said, there are a few provisions of the Act that parents need to be aware of.

## Compulsory school attendance

In South Africa, all Grade 1 to 9 learners (or children who are 7 to 15 years of age) are considered of compulsory school-going age. The BELA Bill now proposes making Grade R the new compulsory school starting age instead of Grade 1. While it remains to be seen how public schools will handle the new legislation when it comes to funding, admin and capacity, homeschoolers can easily start teaching their children from Grade R. Many reputable curriculum providers already offer a unique Grade R learning programme.

Another amendment to current legislation is that Section 2 of the BELA Bill seeks to amend Section 3(6) of the South African Schools Act (SASA) to increase the penalty provision from not exceeding six months to not exceeding 12 months in the case where the parent of a learner, or any other person, prevents a learner who is subject to compulsory school attendance from attending school.



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This penalty seems severe; however, the intention is to ensure that all learners receive a fair and equal right to education. The state has a constitutional responsibility to protect the rights of the child, and these penalties are put in place to ensure that all South African children have a right to receive education aligned to their age, grade, level, and ability. The increased penalties do not seem to be about curbing home education but rather about protecting the rights of learners.

The BELA Bill (same as SASA) considers homeschooling as a legal alternative to attending a public or private school in South Africa. Homeschooling parents will thus not need to worry about the possibility of imprisonment as long as they comply with the provisions set out by the Bill.

## Registering with the PED

The BELA Bill and the current Act (SASA) require that parents register their children for home education with the Head of the Provincial Education Department (PED). FET learners (ie. learners in Grades 10–12) are not of compulsory school-going age any longer and, therefore, do not need to be registered with the PED.

However, if these learners wish to obtain the National Senior Certificate (better known as matric or the NSC), they must complete their school year through a public or independent school or an education provider that is registered with the assessment body responsible for the conduct of the final NSC examination.



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## The National Curriculum and mandatory assessments

There has been a lot of debate about the curriculum requirements included in the BELA Bill. The current Act (SASA) makes the same provisions, stating that the curriculum that is followed must at least be equal in standard to the National Curriculum followed in public schools in South Africa.

In most instances, homeschool learners are often exposed to more than the National Curriculum due to their parents' interest and involvement. Parents can continue to put together their own learning plans (if they wish) as

long as the lesson plans meet the minimum criteria.

Parents have also raised the alarm about the requirement to annually submit assessment results to the PED and the end-of-phase assessments that need to be assessed by a competent assessor. This is not a new provision, as it is already included in the Policy on Home Education of 2018.

Reputable and longstanding homeschooling providers already make it easy for parents to meet these requirements as they provide lesson material in English and Afrikaans, in line with the National Curriculum.

## **Establishing home education as a credible alternative**

Ultimately, the BELA Bill seeks to regulate home education in a way that demands adherence to specific standards to ensure that learners have access to quality education. This form of regulation brings credibility to homeschooling as an alternative form of education and could help resolve many of the challenges faced by the sector, such as overcrowding in schools, crumbling infrastructure, and the unavailability of qualified teachers.

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