



# Understanding the Law and Homeschooling

With Educ8 SA

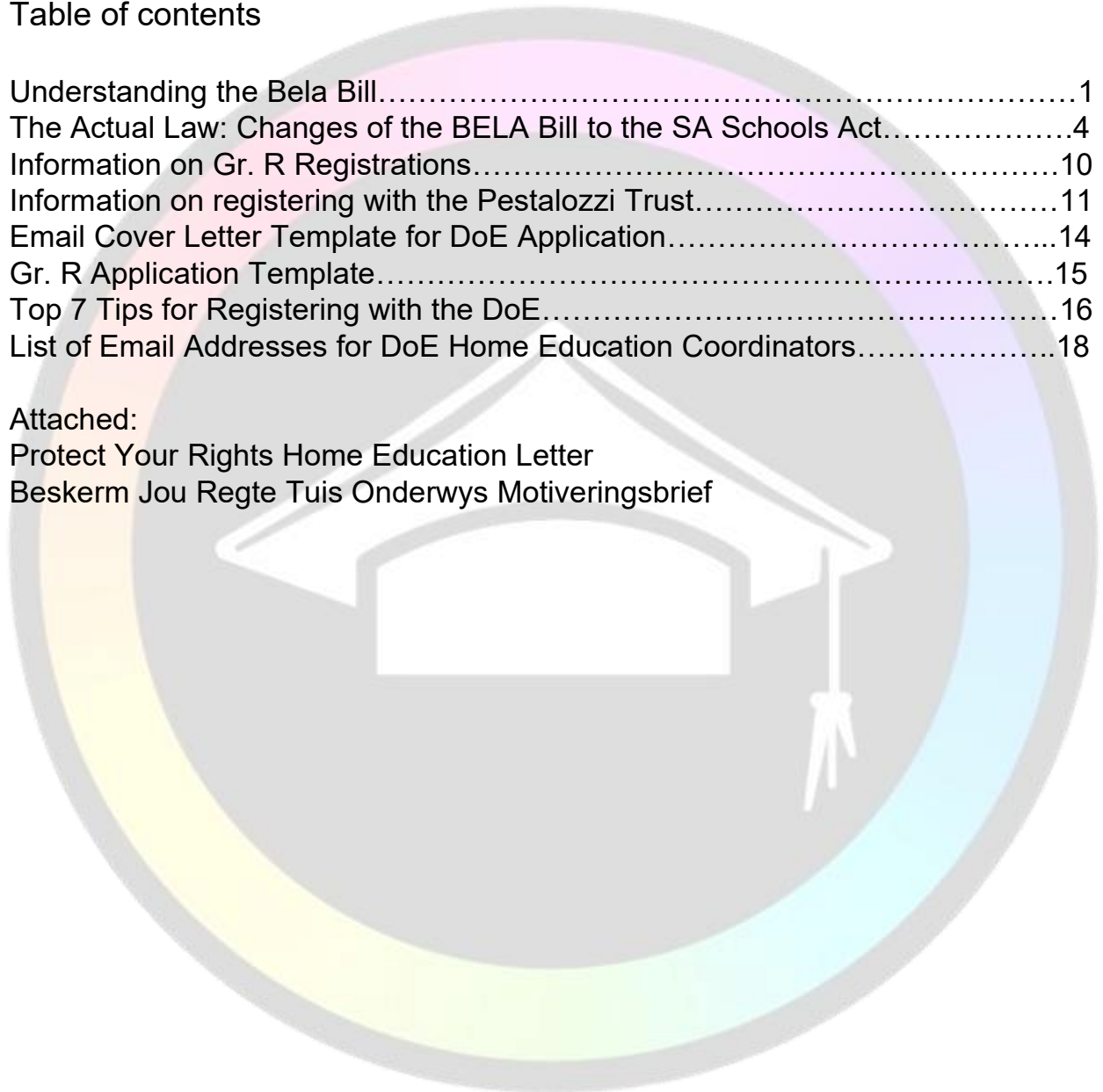
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### Attached:

Protect Your Rights Home Education Letter

Beskerm Jou Regte Tuis Onderwys Motiveringsbrief



## Understanding the Bela Bill

In this memo, we will share some of the pertinent facts you need to know with regard to the implementation of the BELA Bill.

### **What is the BELA BILL?**

The Basic Education Laws Amendment (BELA) Bill is legislation in South Africa that aims to update and amend existing laws governing basic education, primarily the South African Schools Act of 1996 and the Employment of Educators Act of 1998.

The BELA Bill seeks to introduce various changes to improve and regulate the country's education system, with specific implications for areas such as homeschooling in South Africa, compulsory schooling, language policies, and school governance.

### **Key aspects of the BELA Bill in South Africa**

#### **Homeschooling Regulations**

Homeschooling is legal in South Africa, and as a parent, whether a South African national or visiting expatriate, you can choose a curriculum that suits your child's educational needs, provided it meets the minimum requirements outlined in the SA Curriculum and Assessment Policy Statement (CAPS).

The Bill maintains the legality of homeschooling in South Africa, which has existed since 1996. However, it introduces tighter regulations, such as mandatory registration with the Department of Education.

Parents must apply for homeschooling within 30 days of the Bill's publication in the Government Gazette. The application is considered successful if no response is received within 60 days.

#### **Compulsory Schooling**

One significant change introduced by the BELA Bill is the inclusion of Grade R (reception year) in compulsory schooling. This extends the mandatory schooling period, which has been part of South African law since 1910. This means that children will now be required to attend school from an earlier age.

Educ8 SA offers an accredited international online school, a complete homeschooling curriculum solution, and support service. We offer Grade R - 12, as part of our extensive curriculum. This curriculum is aimed at children between the ages of 5 and older. Adults may also enroll. *The BELA bill is only applicable for ages 7 - 15 years.*

### **Language Policies in Schools**

The BELA Bill shifts more control of school language policies from school governing bodies to provincial education departments, intending to promote multilingualism and inclusivity. This could affect schools' decisions about the language of instruction, *and is NOT applicable to homeschoolers*

### **Admission Policies**

Similar to language policies, the Bill also gives provincial education departments more oversight in setting school admission policies, potentially limiting the autonomy of school governing bodies. *This is not applicable to homeschoolers.*

### **Assessments and Qualifications**

The Bill emphasizes that qualified assessors must assess learners at the end of each educational phase (Grades 3, 6, and 9), aligning with existing national curriculum requirements. School Governing Bodies

The BELA Bill seeks to limit the power of school governing bodies, particularly regarding critical decisions such as teacher appointments and the governance of public schools. This is seen as a move to centralize education governance under the Department of Education.

### **Home Visits and Pre-Registration Meetings**

While earlier drafts included provisions for home visits to monitor homeschooling, *the final version removed this requirement.* However, the Head of Department (HOD) may request a pre-registration meeting with homeschooling parents, which can take place in a public setting.

The BELA Bill has sparked significant public debate, especially around parental rights in education, homeschooling regulations, and the role of school governing bodies. It aims to modernize education law but also raises concerns about potential over regulation and the centralization of educational authority.

## **Ensuring Accreditation**

Educ8 SA offers an accredited international online school, a complete homeschooling curriculum solution, and support services that provides a flexible learning environment, supporting students throughout their homeschooling journey.

Graduating students are accepted by South African universities and universities worldwide.\*

\*University acceptance is subject to available space, the applicant's marks, and the university's accepted NQF 4 (grade 12) equivalent curriculums (for example: not all universities accept the GED, which is a recognized NQF 4 equivalent). It is the responsibility of each parent to ensure that they inform themselves of their university of choice's requirements before choosing an NQF 4 equivalent highschool curriculum.

## **Why Choose Educ8 SA?**

**Comprehensive Curriculum:** Our curriculum covers all subjects required by the National Curriculum, ensuring your child receives a well-rounded education.

**Flexibility:** Educ8 SA's online platform allows you to learn at your own pace and schedule, providing a personalized learning experience.

**Support Services:** We offer various support services, including assessments, career counseling, administrative assistance, and homeschooling advice.

By choosing Educ8 SA, you can be confident that your child is receiving a quality education that meets the highest standards while enjoying the flexibility and benefits of homeschooling.

We give parents instant access to detailed reports and the current status of their student's work and progress.

Our system automates much of the busy-work associated with grading and keeping records so that parents can focus on what matters most – helping their child succeed.

## The Actual Law: Changes of the BELA Bill to the SA Schools Act

The **highlighted** sections are BELA Bill changes and additions; the white sections are parts of the *present SA Schools Act which remain unchanged*. This is quoted directly from the SA Schools Act and BELA Bill to give you an overview of what the law says.

“CLAUSE 1

### Definitions

**‘basic education’** includes grade R to grade 12, as evidenced in the National Curriculum Statement;

**‘competent assessor’** means an educator registered with the South African Council for Educators as defined in the South African Council for Educators Act, 2000 (Act No. 31 of 2000), a recognised professional body in the field of education, or a person or body registered with the South African Qualifications Authority as defined in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);”;

**‘home education’** means a purposeful programme of education for a learner, alternative to school attendance, which—

- A. is provided under the direction of the learner’s parent, primarily in the environment of the
- B. learner’s home;
- C. may include tutorial or other educational support, if necessary, secured by the parent on specific areas of the curriculum followed by the learner; and
- D. meets the requirements for home education contemplated in section 51 of this Act;”;

**‘learner’** means any person receiving education or obliged to receive education in terms of this Act;

**‘parent’** means—

- A. the biological or adoptive parent or legal guardian of a learner;
- B. the person legally entitled to custody of a learner; or
- C. the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner’s education;

**'special education needs'** means education designed to facilitate the learning of individuals who, for a wide variety of reasons, require additional support and adaptive pedagogical methods in order to participate and meet learning objectives in an educational programme;

## CLAUSE 2

**Section 3** of the South African Schools Act, 1996, is hereby amended—

- (1) Subject to *this Act* and any applicable provincial law, every *parent* must cause every *learner* for whom he or she is responsible to attend *school*, starting from *grade R* on the first *school* day of the year in which such *learner* reaches the age of six years and not leaving *school* until the last *school* day of the year in which such *learner* reaches the age of 15 years or will complete grade nine, whichever occurs first”;
- (2) The *Minister* must, by notice in the Government Gazette, determine the ages of compulsory attendance at school for learners with special education needs.
- (3) Every *Member of the Executive Council* must ensure that there are enough *school* places so that every child who lives in his or her *province* can attend *school* as required by *subsections (1) and (2)*.
- (4) If a *Member of the Executive Council* cannot comply with subsection (3) because of a lack of capacity existing at the date of commencement of this Act, he or she must take steps to remedy any such lack of capacity as soon as possible and must make an annual report to the *Minister* on the progress achieved in doing so.
- (5) If a *learner* who is subject to compulsory attendance in terms of subsection (1) is not enrolled at or fails to attend a *school*, the *Head of Department* may—
  - (a) investigate the circumstances of the *learner's* absence from *school*;
  - (b) take appropriate measures to remedy the situation; and
  - (c) failing such a remedy, issue a written notice to the *parent* of the *learner* requiring compliance with subsection (1).

- (6) Subject to *this Act* and any other applicable law—
- (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 liable, on conviction, to a fine or to imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment; or
  - (b) any other person who, without just cause, prevents a *learner* who is subject to compulsory attendance from attending *school* is guilty of an offence and liable, on conviction, to a fine or to imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment.”; and

(7) Any person who, unlawfully and intentionally interrupts, disturbs or hinders any official educational activity of a school, or hinders or obstructs any *school* in the performance of the *school’s* official educational activities, is guilty of an offence and liable, on conviction, to a fine or to imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment.”

#### CLAUSE 35

The following section is hereby substituted for **Section 51** of the South African Schools Act, 1996: ‘**Home education**’

#### **51.**

(1) If the parent of a learner who is subject to compulsory attendance as contemplated in section 3 (1) chooses to educate the learner at home, such parent must apply to the Head of Department for the registration of the learner to receive home education.

(2) The Head of Department must approve the application and register the learner as contemplated in subsection (1)—

- (a) if he or she is satisfied that—
  - (i) education at home, as provided for in this Act, is in the best interests of the learner;
  - (ii) the parent understands what home education entails and accepts full responsibility for the implementation of home education for the learner; and

(iii) the proposed home education programme is suitable for the learner's age, grade level and ability and predominantly covers the acquisition of content and skills at least comparable to the relevant national curriculum determined by the Minister; and

(b) if the parent undertakes to—

(i) make suitable educational resources available to support the learner's learning;

(ii) monitor the learner's academic progress;

(iii) arrange for the learner's educational attainment to be assessed by a competent assessor—

(aa) at the end of each phase, up to the end of the year in which the learner reaches the age of 15 years or completes grade 9, whichever occurs first; and

(bb) against a standard that is not inferior to the standard determined in the National Curriculum Statement; and

(iv) submit to the Head of Department, at the end of each phase and as evidence of the learner's educational attainment, the learner's assessment report, signed by the competent assessor.

(3) In considering the application, the Head of Department may, on just cause shown and after notification to the parent, require a delegated official to conduct a pre-registration consultation with the parents and learner to verify the information supplied in the application documentation and to provide support, where necessary, with the application process.

(4) If the Head of Department is satisfied that the parent does not meet the requirements set out in subsection (2), or if the outcome of the process set out in subsection (3) fails to satisfy the Head of Department that home education is in the best interests of the learner, the Head of Department must decline to register a learner to receive home education.

(5) If a parent educates a learner at home, and that learner has, at the time of the commencement of this section, not been registered as contemplated in this section, the parent must, within 30 days after the commencement of this section, apply to the Head of Department for the registration of the learner to



receive home education.

(6) If the Head of Department does not respond within 60 days of receipt of an application for home education as contemplated in subsections (1) and (5), the application shall be deemed to have been approved, on condition that the applicant must be able, on request, to produce proof that an application for registration to receive home education was submitted.

(7) A learner who is registered to receive home education is exempted from school attendance as contemplated in section 3.

(8) The parent of a learner who has been registered as contemplated in subsection (1) or (5) must notify the Head of Department at the end of the—

- (a) Foundation Phase (grades R to 3);
- (b) Intermediate Phase (grades 4 to 6); and
- (c) Senior Phase (grades 7 to 9),

of his or her intention to continue educating the learner at home.

(9) A parent who wishes to continue educating a learner at home after the learner has reached the age of 15 years or has completed grade 9, whichever occurs first, or who wishes to start educating such learner at home at such time, is not required to apply for registration, as contemplated in subsections (1) and (5), or to notify the Head of Department, as contemplated in subsection (8).

(10) After a home-educated learner has completed grade 9 or has reached the age of 15 years, whichever occurs first, the parent may enrol the learner at a public school or an independent school for the completion of grades 10 to 12.

(11) If the parent of a learner contemplated in subsection (9) desires the learner to eventually write the National Senior Certificate examination, such parent must, before the learner embarks on any studies following grade 9, ensure that the learner complies with the requirements stipulated in regulation 7(4A) of the Regulations Pertaining to the Conduct, Administration and Management of the National Senior Certificate Examination (published under R872 in Gazette No. 31337 of 29 August 2008), for a learner receiving home education.

(12) The Head of Department must cancel a learner's registration to receive home education if, after investigation, the Head of Department is satisfied that home education is no longer in the best interests of the learner.

(13) The Head of Department may not decline to register a learner, as contemplated in subsection (4), or cancel the registration of a learner, as contemplated in subsection (12), before—

- (a) informing the parent, in writing, of his or her intention so to act and the reasons therefore;
- (b) granting the parent a reasonable opportunity to make representations to him or her, which opportunity must include discussions relating to such intention;
- (c) giving due consideration to any such representations received; and
- (d) providing the parent with written reasons for his or her decision.

(14)

(a) The parent of a learner may appeal to the Member of the Executive Council, within 30 days of receiving notice—

(i) that the Head of Department has declined the application to register the learner to receive home education; or

(ii) that the Head of Department has cancelled the learner's registration to receive home education.

(15) If the parent of a learner is of the opinion that any decision of the Head of Department in relation to the home education of the learner in question is unreasonable, such parent may appeal to the Member of the Executive Council within 30 days of receiving notice of such decision.

(16) If an appeal contemplated in subsection (14) is received, the Member of the Executive Council must, within 30 days of receiving such appeal, consider and decide on the matter and, in writing, inform the parent of the outcome of the appeal.

(17) The Minister may make regulations relating to registration for, and the administration of, home education.”

**In summary**, the BELA Bill brings some changes to the homeschooling landscape, but it does not change the fundamental right to educate children at home or through alternative methods. For parents and learners choosing online schooling, this remains an excellent option. The upcoming framework for online schools will likely offer even more clarity and support, ensuring that students continue to receive a high-quality education tailored to their needs.

**The commencement proclamation of the BELA Act was Gazetted on 24 December 2024. Homeschoolers have 30 Calendar days from this date to register in terms of Section 51(5) of the Act. The application form is available on your Provincial Department of Education's website.**



## Information on Gr. R Registrations

Starting 2025, all children turning 6 this year must attend Grade R or be homeschooled under the BELA Act.

### Key issues:

- Many parents are unaware of this due to poor communication from education departments.
- 260,000+ additional Grade R spots are needed, but the government lacks the funding.
- No directives, forms or guidelines have been provided to allow homeschoolers to register.

### Deadline:

Try register for Grade R homeschooling by **23 January 2025**. But you can delay for a reasonable time if you need to.

Take one (*and only one*) of these steps:

1. Write to your provincial education department asking for clarity.
2. Submit a letter of registration with your details, accepting responsibility for your child's education.
3. Complete the registration form on the Department of Basic Education website (manually adjust it for Grade R if necessary).
4. Stand your ground: You can't be penalized if the system fails to provide clear instructions.

## Information on Registering with the Pestalozzi Trust

For the proper completion of the application form, we highly recommend that you work through The Pestalozzi Trust.

The Pestalozzi Trust is an organization that advocates for homeschoolers and has been involved in the protection of homeschoolers' rights for decades.

Once you've become a member of the Pestalozzi Trust, they will assist you with the application form and process.

!!! Keep a close eye on their website and social media platforms for updates.

**Below are their contact details:**

**Website:** [www.pestalozzi.org](http://www.pestalozzi.org)

**Contact Us:** [defensor@pestalozzi.org](mailto:defensor@pestalozzi.org)

**Call us from 09h00 – 12h00:**

071 192 6070

012 330 1337

**Important Notice from the Pestalozzi Trust:**

“Trust Members can resume sending their home schooling registration forms.

The Pestalozzi Trust emails and drive sizes have been increased and we can resume receiving member's home schooling registration forms.

Unfortunately, **ONLY UP TILL 14 JANUARY** at midnight.

We are working on alternative solutions to ensure members are protected both from prosecution and ensuring they protect their rights when registering.

Since September 2024 we have been offering our members the service of checking their registration forms before they submit them to the provincial education departments.

The Trust has written to the Minister explaining that given the BELA Act came into force on Christmas Eve while many were away, requiring registration on or by the 23rd of January is unreasonable. We have also asked for an undertaking

not to prosecute homeschoolers who are unregistered.

Members are reminded about tonight's (13 January) info session on "Deemed registration, Acceptance, Rejection and Appeals". The final info session is next week Monday 20."

### **What can parents of learners still do?**

Parents may still send in their Application Forms to the DoE, using Pestalozzi's guidelines. Which is available to all members. The deadline for applications is currently 23rd of Jan, however it is going to court to have it postponed.

From the Pestalozzi Trust:

"You Can't Prosecute Homeschoolers

The Pestalozzi Trust wrote to the Minister yesterday to ask the Minister to not prosecute unregistered homeschoolers after 23 January.

This argument was based on the following:

1. The Minister has promised to develop guidelines for the implementation of BELA Act by the end of January.
2. Homeschoolers have to register on or before 23 January.
3. Provinces (like KZN) are implementing new criteria that are not in the Act and there are many aspects of the Act that require clarification.

We argued that "In light of the above, we respectfully submit that, especially in light of the limited time available, it is practically impossible and entirely unfair and unreasonable to expect that all homeschoolers register within the 30 days provided for in Section 51(5). Some are finalising their registration applications and will be able to comply with the registration requirement but many are not."

We therefore request an undertaking that unregistered home educators will not be prosecuted once the 30 days provided for in Section 51(5) lapse.

We proposed just under twenty guidelines including the following:

1. Making clear that a response under Section 51(6) of the Act is either a notice in writing that informs the parent of the HOD's intention to decline to register the learner or a request for essential information missing from an application form.

2. Parents not required to have tertiary qualifications to homeschool.
3. Freedom of curriculum choice without mandatory pre-approved curricula.
4. Home visits remain voluntary and require parental consent.
5. Registration for special needs learners without the immediate need for formal diagnosis due to current logistical challenges.

Please note many of these like 'no home visits' are in the Act. We want to make sure all officials are aware of that to head off conflicts.

We told the Minister we would be polling our members and getting their suggestions.

If you are not a member and would like to contribute to that effort join the Trust and then join our Member's Fight For Our Freedoms Group.

In this group, with over 650 of our members and GROWING, we discuss, plan, and agree on the next steps in our fight for homeschool freedom.

Join the Trust here:

**<https://pestalozzi.org/en/join/>**

We also shared with the Minister that over 6500 Pestalozzi members and non-members had supported the Memorandum we handed over to the President. You can still sign here. <https://chng.it/MRdF9HWkYL>"

## Email Cover Letter Template for DoE Application

“To whom it may concern,

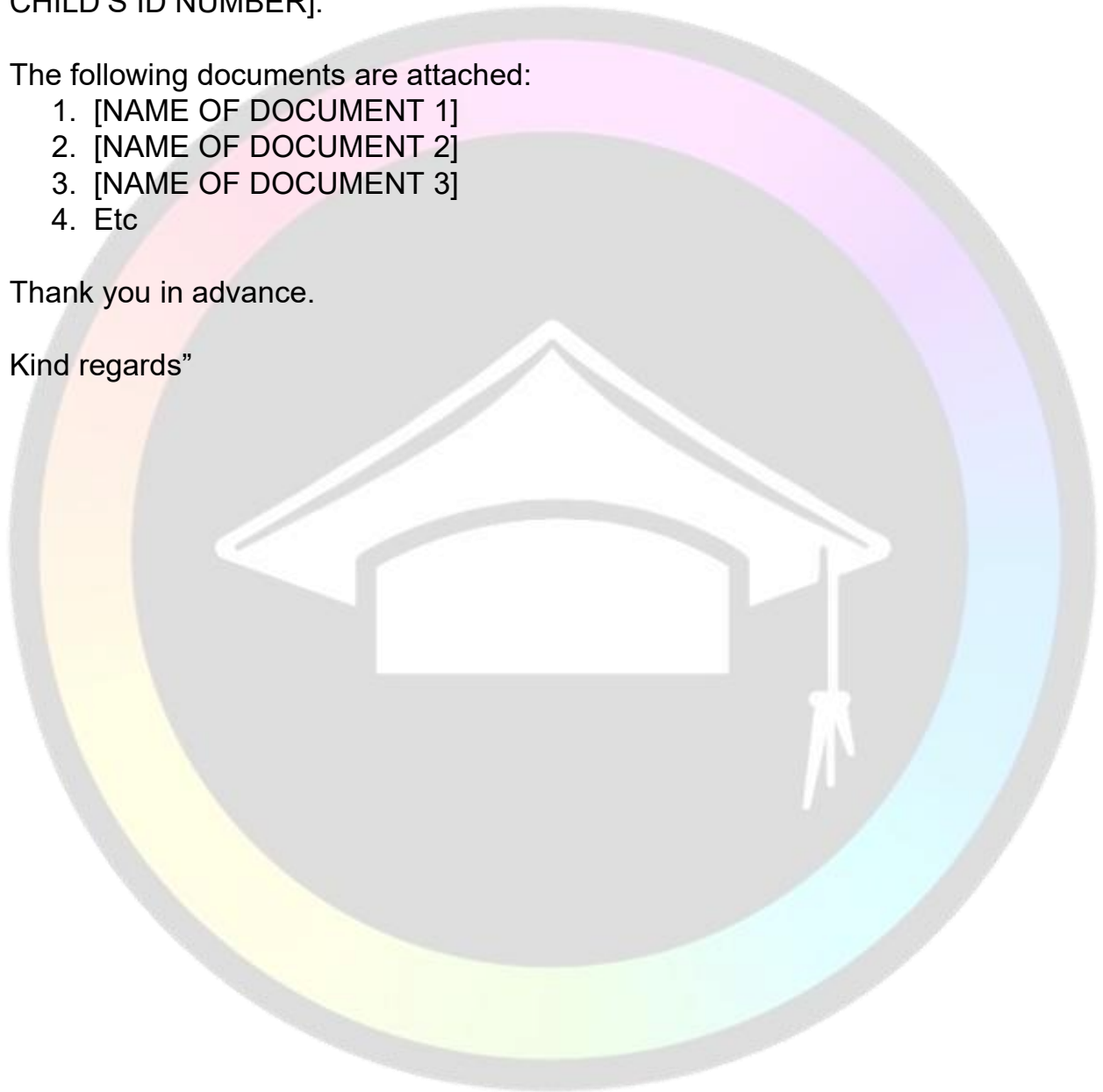
Please find attached my registration for home education for [CHILD’S NAME, CHILD’S ID NUMBER].

The following documents are attached:

1. [NAME OF DOCUMENT 1]
2. [NAME OF DOCUMENT 2]
3. [NAME OF DOCUMENT 3]
4. Etc

Thank you in advance.

Kind regards”





## Gr. R Application Template for DoE Application

[Provincial Education Department Name]  
[use e-mail]

Dear Sir/Madam,

I am writing to formally request the registration of my child, [Child's Full Name], with ID number [ID Number], for homeschooling for Grade R in terms of the South African Schools Act, 1996, as amended by the Basic Education Laws Amendment Act (Act 32 of 2024).

I confirm that I am currently homeschooling [Child's First Name] and hereby seek to register them in accordance with Section 3 of the BELA Act, which states:

"Every parent must cause every learner for whom he or she is responsible to attend school, starting from Grade R on the first school day of the year in which such learner reaches the age of six years... "

I request registration for home education as provided for in Section 51 of the BELA Act, in terms of the following provisions:

Section 51(5): "If a parent educates a learner at home, and that learner has, at the time of the commencement of this section, not been registered as contemplated in this section, the parent must, within 30 days after the commencement of this section, apply to the Head of Department for the registration of the learner to receive home education."

Section 51(7): "A learner who is registered to receive home education is exempted from school attendance as contemplated in Section 3."

I am not aware of any instructions from the Department on how to proceed and I note that the forms available to homeschoolers on the Department of Basic Education website do not provide for Grade R. In light of this kindly accept this as my application to register [Child's First Name] and duly register [him/her].

I declare that I understand and accept the responsibility to provide, monitor and assess the home education of my child.

Please confirm the registration of my child at your earliest convenience.

Thank you for your assistance.

Yours sincerely,  
[Your Full Name]"

## Top 7 Tips for Registering with the DoE

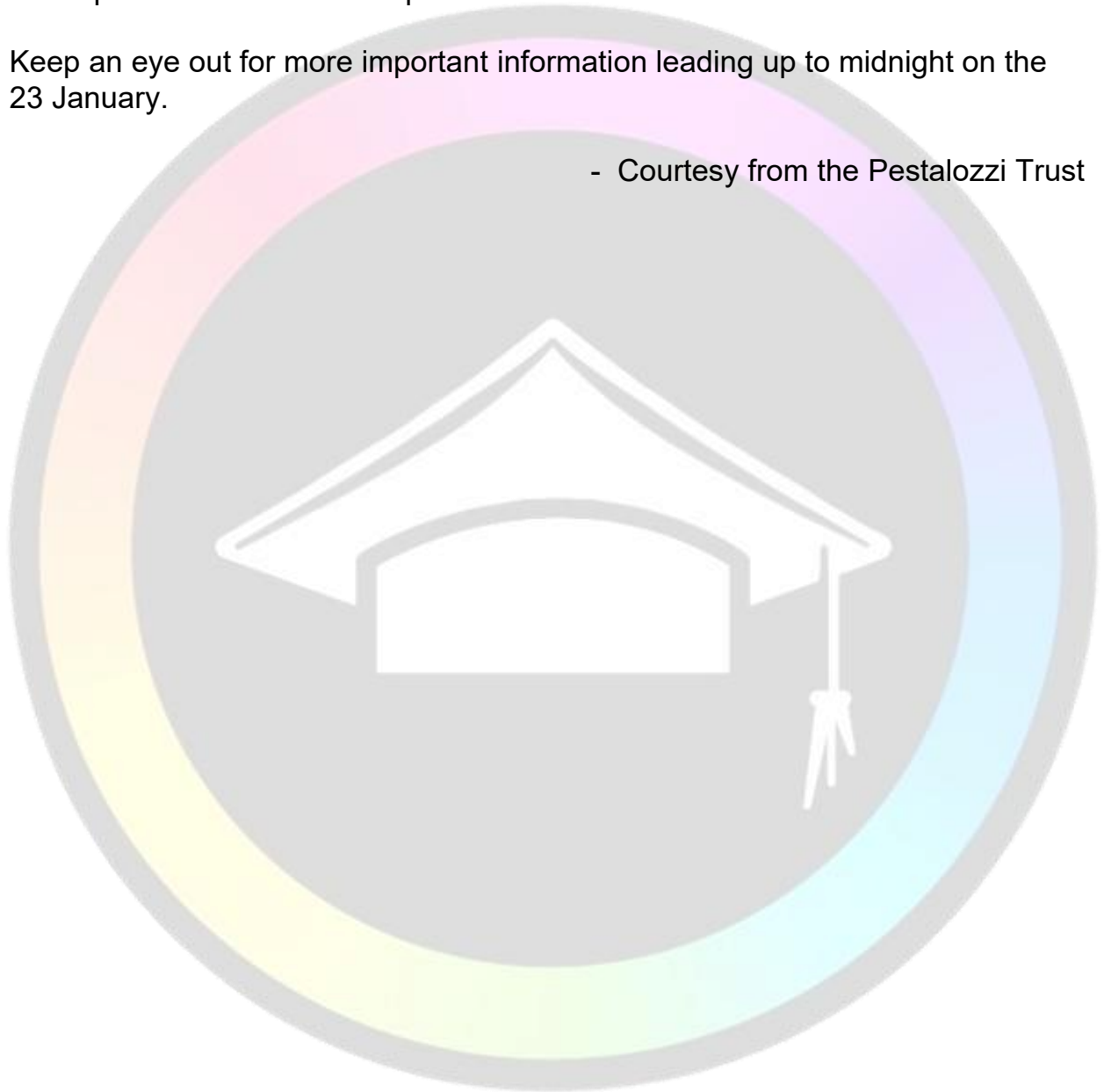
Completing the registration application can be tiresome, but to make it easier, we have Seven Top Tips, in no particular order.

1. Where both parents are employed (even if the one is self-employed) please explain in your motivation letter how you arrange your time to take responsibility for your child(ren)'s home schooling. If you have the tech. Skills to do so, indicate next to 4.10 and 5.10. On the form, the official should say, "Please see motivation." If officials see both parents are employed without explanation, your application will be refused.
2. Don't fill in the name of your supplier at 3.2 'Curriculum to be used' but CAPS, Cambridge, or American Common Core.
3. Only fill in "2. Last School Attended" if your child attended a registered public or independent school in the last term. Unless you wish to return your child to school in the near future, e.g., you are homeschooling while waiting for a place. This will help place your child in a school when they return. Please note that officials may insist that you provide this to allow them to calculate your child's grade. Pestalozzi Trust members will be supported if this is asked, as the school leaving grade may not correspond to the actual grade.
4. Previous reports are not needed. There is no requirement in law to provide those. If your child has recently been in school and you wish them to return to school in the near future, you can supply reports to make it easier to show what grade your child is in and what grade they should be placed in school. Once again, officials may insist on this as in 3 above. Trust members should refer this to the Trust if it happens.
5. Assessments by a competent assessor or any other form of assessment are not required. This is only required in the future when the phase you are registering your child for has been completed.
6. Don't apply if your child is in a homeschool centre, tutor centre or micro-school. If your child is not predominantly at home, you are not homeschooling and will be rejected.
7. Do not register if you are registered - If you are registered for homeschooling, you do not need to register now. You will never need to

register again - No annual or per-phase registration is required. You will need to notify the PED (Provincial Educational Department) at the end of the current phase that you intend to continue homeschooling in the next phase. You are only registered when you have received a registration certificate or other documentation confirming registration from a provincial education department.

Keep an eye out for more important information leading up to midnight on the 23 January.

- Courtesy from the Pestalozzi Trust



## List of Email Addresses for DoE Home Education Coordinators Per Province

### Eastern Cape

[mzwandile.sotyato@ecdoe.gov.za](mailto:mzwandile.sotyato@ecdoe.gov.za)

### Free State

[m.mokone@fseducation.gov.za](mailto:m.mokone@fseducation.gov.za)

[moletaelizabeth057@gmail.com](mailto:moletaelizabeth057@gmail.com)

[motlagomangooo@yahoo.co.za](mailto:motlagomangooo@yahoo.co.za)

[semadbiz998@gmail.com](mailto:semadbiz998@gmail.com)

### Gauteng

[gdehomeeducation@gauteng.gov.za](mailto:gdehomeeducation@gauteng.gov.za)

[sybil.mdunge@gauteng.gov.za](mailto:sybil.mdunge@gauteng.gov.za)

[carol.motshwane@gauteng.gov.za](mailto:carol.motshwane@gauteng.gov.za)

[kegomoditswe.ramadiro@gauteng.gov.za](mailto:kegomoditswe.ramadiro@gauteng.gov.za)

### KwaZulu-Natal

[dineo.motloli@kzndoe.gov.za](mailto:dineo.motloli@kzndoe.gov.za)

[sibusiso.mpethwane@kzndoe.gov.za](mailto:sibusiso.mpethwane@kzndoe.gov.za)

[sandile.mbanjwa@kzndoe.gov.za](mailto:sandile.mbanjwa@kzndoe.gov.za)

[nosabelo.shangase@kzndoe.gov.za](mailto:nosabelo.shangase@kzndoe.gov.za)

### Limpopo

[schoolaffairslimpopo@gmail.com](mailto:schoolaffairslimpopo@gmail.com)

[setlhakomi@edu.limpopo.gov.za](mailto:setlhakomi@edu.limpopo.gov.za)

### Mpumalanga

[m.pieterse@mpuedu.gov.za](mailto:m.pieterse@mpuedu.gov.za)

[drmcpieterse@gmail.com](mailto:drmcpieterse@gmail.com)

### Northern Cape

[manukusegotsane@gmail.com](mailto:manukusegotsane@gmail.com)

### North West

[ppule@nwpg.gov.za](mailto:ppule@nwpg.gov.za)

[mlephogole@nwpg.gov.za](mailto:mlephogole@nwpg.gov.za)

### Western Cape

[deon.louw@westerncape.gov.za](mailto:deon.louw@westerncape.gov.za)