

Third Edition
15 March 2024

ED WATCHDOG



*Keeping an eye on the
Educational horizon.*





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Made it!

This issue almost didn't make it out in time, and I came close to throwing in the towel, admitting defeat, and doing a brief apology letter with a promise of having an edition only next week. From computer glitches to a cat throwing up and various other lemons thrown my way, it has been rather a rough week to try and get this edition put together. It is done. It is here. And I must say I am over the moon, in owe, and very intimidated with the amazing writing skills of this week's contributors.

In this edition Gael Reagon gives us a glimpse into her experience at the march that happened on the 1st of March. Ursula Langenberg, the mom with the two-month-old baby mentioned in last week's edition, gives her take on what happened that day. Rian Geldenhuys tells about the idea for Community Schools. And of course, two articles from yours truly. There is a little something of everything in this edition from technical articles to wonderful accounts, personal experiences, and interesting ideas.

For an edition that had the possibility of never happening to this gem. Proof that pushing through is worth it!

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WHAT IS MEANT BY "BEST INTERESTS"?

ED WATCHDOG 

In the BELA Bill it mentions "best interests" nine times, as compared to only six times being mentioned in the South African School's Act 84 of 1996, but what is meant by "best interests"? Looking at peer review papers, explanations by lawyers, and court cases it becomes clear that "best interests of the child" is subjective. It depends on the case, child, and possible parameters set by legislation. "Best interests of the child" can be interpreted according to Section 28 of the Constitution where it outlines the rights of children. It can be interpreted according to the factors of "best interest" according to Section 7 of the Children's Act 38 of 2005. Or parts of both. In a recent custody battle the verdict was delivered January of this year where a judge mentioned "best interests" (G.D v M.M Case no: 4809/2022). For the court to have determined the child's best interests it took a wholistic approach. The investigation was done by a Forensic assessor and a Family advocate. They considered the child's emotional, educational, and physical needs and placed it above those of the parents. A wholistic investigation was done but would this be the case in terms of the BELA Bill?

In South Africa there are four practical implementation areas in regard to the "best interests of the child": Child Protection Policies, Child Justice Act, Sexual Offences Act, and the School Act. The constitution and Children's Act plays a very important role when implementing those four. Section 28 of the Constitution (available at the end of this article) outlines the rights of children and Section 7 of the Children's Act (available at the end of this article) outlines the factors. When determining the best interests of the child one or more subsections of each can be used depending on the situation. Within law, however, there can be a parameter set that falls outside of the usual sections.



Four out of the nine mentions of "best interest" in the BELA Bill is one line that is repeated namely "the best interests of the child, with emphasis on equality as provided for in section 9 of the Constitution, and equity;". This line can be found in Clause 4(d)(5)(c)(i) on Admission Policies, Clause 5(c)(7)(a) and Clause 5(f)(14)(a) on Language Policies, and again in Clause 25(33)(b)(8)(b)(i) on the closure of small schools.

WHAT IS MEANT BY "BEST INTERESTS"?

ED WATCHDOG 

Section 9 of the constitution prohibits from discriminating based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. It maintains that everyone is equal under the law. This places certain parameters on what the best interests would be in that specific situation. The best interests of the child/learner would be the right to not be discriminated against. Interestingly this section of the Constitution has also been used to justify affirmative action (Specifically Section 9(2) and Section 9(5) of the Constitution).

Section 9 of the Constitution

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.**
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.**
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.**
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.**
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.**



"Best interests" is mentioned three times in Clause 35. The first mention sets the parameters for the second mention. In Clause 35(51)(2)(a)(i) it states the following: "education at home, as provided for in this Act, is in the best interests of the learner;". The words "as provided for in this Act" sets the parameters for what will be regarded as "best interests". Clause 35(51)(2), that will be part of the Act should the BELA Bill become law, sets the parameters where the parent undertakes the responsibilities of home education, what the type of programme must be, make suitable resources available, monitor, and arrange assessment of the learner. All according to their age (in terms of the compulsory attendance age as is determined in "this Act"), grade level, and ability. The "best interests", in this case, has specific parameters whereby the Department of Basic Education will determine if home education is in the best interests of the child. In Clause 35(51)(4) it refers back to Clause 35(51)(2) which again encompasses the parameters set for determining the "best interests".

WHAT IS MEANT BY "BEST INTERESTS"?

ED WATCHDOG 

The last mention of "best interests" regarding Home Education is in Clause 35(51)(12) where the Head of Department must cancel a learner's registration for Home Education if, after investigation, it is no longer in the learner's best interests. No where is a parameter set as has been in Clause 35(51)(2)(a)(i) and in the other above-mentioned clauses that set Section 9 of the Constitution as the deciding parameter. There is mention of an investigation and one can assume that it will take a wholistic approach factoring in emotional, physical, and mental needs of the child. It may, however, fall into the parameters of the mandate of the Department of Education which is to monitor the standards of education, promote access to quality education, governance in the schooling system, state funding (which includes maintenance of facilities, building of new schools, and so on) and regulate professional, moral, and ethical responsibilities of educators. Of these the standard of education and ethical responsibilities of the parent may become a factor in the determination of the best interests of the learner in this instance.

The best interests of a child or learner is very subjective. It depends on the situation and any specific parameters set. Children's court as well as Constitutional court may decide to take the matter beyond the parameters and consider the wholistic assessment and the welfare of the child, or courts may decide on parameters set within the law as is the possibilities mentioned above. At this point, unfortunately, it is all speculation and won't be fully known until it has been tested in court.

Section 28 of the Constitution

1. Every child has the right

- a. to a name and a nationality from birth;
- b. to family care or parental care, or to appropriate alternative care when removed from the family environment;
- c. to basic nutrition, shelter, basic health care services and social services;
- d. to be protected from maltreatment, neglect, abuse or degradation;
- e. to be protected from exploitative labour practices;
- f. not to be required or permitted to perform work or provide services that
 - i. are inappropriate for a person of that child's age; or
 - ii. place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
- g. not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be
 - i. kept separately from detained persons over the age of 18 years; and
 - ii. treated in a manner, and kept in conditions, that take account of the child's age;
- h. to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
 - i. not to be used directly in armed conflict, and to be protected in times of armed conflict.

2. A child's best interests are of paramount importance in every matter concerning the child.

3. In this section "child" means a person under the age of 18 years.

WHAT IS MEANT BY "BEST INTERESTS"?

Section 7 of the Children's Act

(1) Whenever a provision of this Act requires the best interests of the child standard to be applied, the following factors must be taken into consideration where relevant, namely-

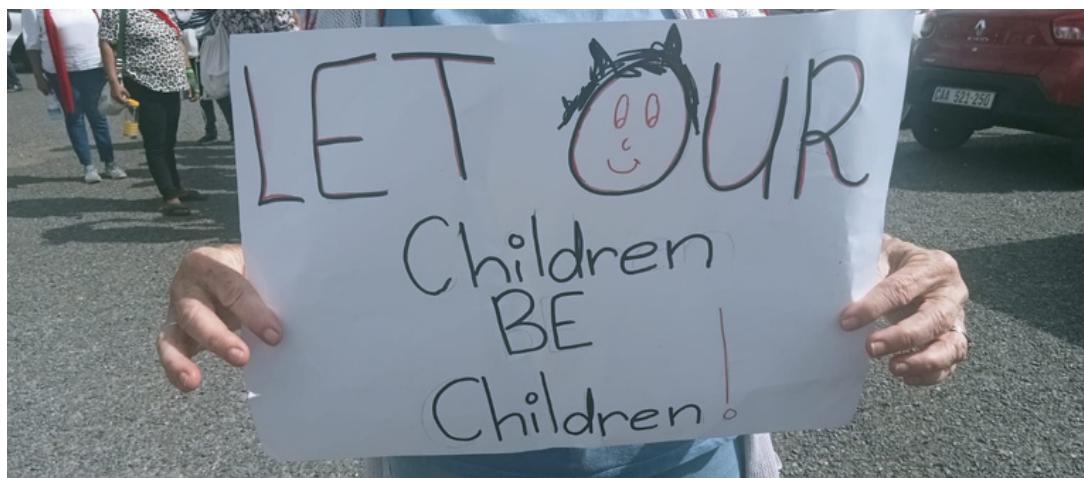
- (a) the nature of the personal relationship between-
 - (i) the child and the parents, or any specific parent; and
 - (ii) the child and any other care-giver or person relevant in those circumstances;
- (b) the attitude of the parents, or any specific parent, towards-
 - (i) the child; and
 - (ii) the exercise of parental responsibilities and rights in respect of the child;
- (c) the capacity of the parents, or any specific parent, or of any other care-giver or person, to provide for the needs of the child, including emotional and intellectual needs;
- (d) the likely effect on the child of any change in the child's circumstances, including the likely effect on the child of any separation from-
 - (i) both or either of the parents; or
 - (ii) any brother or sister or other child, or any other care-giver or person, with whom the child has been living;
- (e) the practical difficulty and expense of a child having contact with the parents, or any specific parent, and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with the parents, or any specific parent, on a regular basis;
- (f) the need for the child-
 - (i) to remain in the care of his or her parent, family and extended family; and
 - (ii) to maintain a connection with his or her family, extended family, culture or tradition;
- (g) the child's-
 - (i) age, maturity and stage of development;
 - (ii) gender;
 - (iii) background; and
 - (iv) any other relevant characteristics of the child;
- (h) the child's physical and emotional security and his or her intellectual, emotional, social and cultural development;
 - (i) any disability that a child may have;
 - (j) any chronic illness from which a child may suffer;
- (k) the need for a child to be brought up within a stable family environment and, where this is not possible, in an environment resembling as closely as possible a caring family environment;
- (l) the need to protect the child from any physical or psychological harm that may be caused by-
 - (i) subjecting the child to maltreatment, abuse, neglect, exploitation or degradation or exposing the child to violence or exploitation or other harmful behaviour; or
 - (ii) exposing the child to maltreatment, abuse, degradation, ill-treatment, violence or harmful behaviour towards another person;
- (m) any family violence involving the child or a family member of the child; and
- (n) which action or decision would avoid or minimise further legal or administrative proceedings in relation to the child.

(2) In this section 'parent' includes any person who has parental responsibilities and rights in respect of a child.

MOTHER CITY UNITY FOR HUMANITY

Article By Gael Reagon, Truthwalker Journalist

The taxi dropped me at the Good Hope Centre and I walked to the parking lot of the old D6 Café that used to double-up, in those lightheaded days tripping into a new something called democracy, as a cutting edge place to jol under the mountain and as the late pianist Dollar Brand's M7 Academy for Musicians. Now the innercity ruin serves as a sheltering wall for a trashcamp of the dislocated - D6 is still the ultimate figure of forced removal in our beloved country since the conquering ships landed.



On this first day of March 2024 I traversed from the congestion of the council-house&backyard-dwellers township Mitchells Plain, sprawled in the dunes and swamp foundations of a False Bay coastline, to join the first 21st century march of resistance to state capture of our children. We were gathering, mothers of the Mother City and all others to fire our first arrow into the black heart of the BELA Bill, a perverse piece of legalese aimed at the further satanic distortion of the education system conditioning our offspring.

We were gathering all of us, to put on Notice the legislators of Luciferian lawlessness, here and the world over, to state clearly that we are creations of the Most High God and custodians of the fullness of the earth and the children we have been bestowed. We would signal to them that the sleeping giant is awakening here in Tsui !Goab and that the smallness of our number is a Gideon's Army of divine strategy and strength.

MOTHER CITY UNITY FOR HUMANITY

Article By Gael Reagon, Truthwalker Journalist

And what a gathering! Upon arrival the first protectors were already positioned. The police (courteous and friendly) parked in voetstoets vans on one side, the elders and youth and children of the Rastafarian community a colourful column holding a reasoning session at the foot of Hoerikwaggo aka Table Mountain.



What a heavenly convergence! They were gathered in celebration of the 1896 Battle of Adwa, when a massive and disciplined Ethiopian army defeated and stopped an invading Italian force from colonising the Horn of Africa. And here we were, an endtimes army of the Most High's heart instigating a peaceful demolition of human deformation.

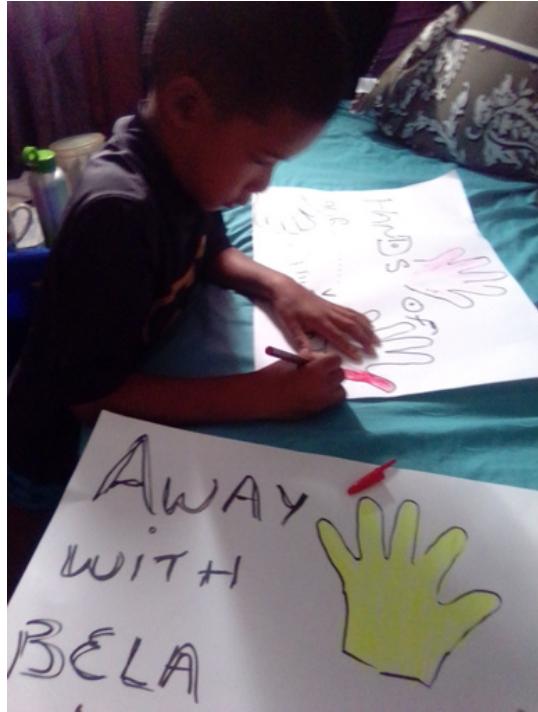
What a liberation timeline in one D6 parking lot! Imprinting the truth proclaimed in the ancestral native tongue of this land: ATOA TAMA !KHAMS GE THE STRUGGLE CONTINUES

Ja we were small. We were diverse. We were in one accord to protect our humanity and our parental authority and our generation. Yes the Mothers Of The Mother City March Against the BELA Bill was conceived by women as it should be - we are the bearers of life - but the support was and is overwhelming.



MOTHER CITY UNITY FOR HUMANITY

Article By Gael Reagon, Truthwalker Journalist



From Hanover Street to Wale Street to the masonic parliament we marched: mammies, pappies, kinnes; clothed in white, in Hijabs, shorts and jeans and sunhats and an array of hairstyles and headgear; apostles and politicians, pre-school & foundation phase teachers and Islamic children's rights activists, CBD fashion agency employee and CPUT lecturer; Cape Flats community activists & carers and old school anti-apartheid militants from the other side of the track; middle class and working class and jobless; bearing (fittingly) all the skin tones and the cross, banners and placards of Abrahamic faith, of peace, of human rights. We marched, fiery Noerieya and the child Gabriel leading us naturally, to do what we had to do: hand over to the dark regime a CEASE AND DESIST Notice instructing them to delete their BELA Bill. It is done.



MOTHER CITY UNITY FOR HUMANITY

01 March 2024

ABBAS RESTORATION HOUSE



"RESTORING HIS KINGDOM
IN PREPARATION OF HIS COMING"

War Crime Against Children and Lack of Informed Parental Consent

TO: President Cyril Matamela Ramaphosa – South Africa
TO: Premier Alan Winde – Western Cape

Under the banner of Abbas Restoration House, we the Women's Voice Revival Movement of Cape Flats women and mothers, instruct you to CEASE AND DESIST from implementing the Basic Education Law Amendment 'BELA' Bill which seeks to eliminate parental authority and guidance over our growing children's minds, bodies and souls.

As Mothers of this Mother City we reject the BELA Bill in its entirety because it is built on the bedrock of unbelief. It does not believe in the miracle of breath nor the divine source of all life. It does not believe in the divine creation of men and women with their designated purposes and roles in procreation, nor that the family is the basic building block for a functioning and thriving humanity. More so, it does not believe that children are gifts from the Most High God and that we as mothers and fathers are but their earthly custodians, just as we all are custodians of this earth and all that live in it.

We order you to scrap the BELA Bill and halt your manufacturing and manipulation of consent so we the people can restore order in our beloved land. We mothers will not give up to the government the parental nurturance over the precious children we birthed. Fathers will reclaim their manhood and protect their offspring from being reared by a satanic regime which has proved before, during and after apartheid that it will not uphold our rights, our liberties, our dignity, our livelihoods; nor invest in our growth and expansion as humans.

We are all sovereign living free women and men with inalienable God-given rights that no other human or man-made institution or ideology or psychological operation should violate without our free, prior and informed consent. We have neither been fully informed nor adequately consulted about the impetus and substance of these drastic amendments to the Basic Education Law. **WE DO NOT CONSENT.**

Let Our Children Be Children *Los Af Osse Kinnes*

MOTHER CITY UNITY FOR HUMANITY

MOTHER CITY UNITY FOR HUMANITY

CALLING ON
ALL OUR
PEOPLE OF THE
MOTHER CITY

**FAST, PRAY & PROTEST
AGAINST THE BELA BILL**

WHERE YOU ARE, IN YOUR COMMUNITY
FRIDAY 15, 22 & 29 MARCH

LOS AF ÔSSE KINNES
LET OUR CHILDREN BE CHILDREN



MOTHER CITY UNITY FOR HUMANITY

CALING ON ALL TO JOIN
THE
MOTHERS
OF THE MOTHER CITY
**DAY OF PRAYER
AGAINST
THE BELA BILL**
THURSDAY 21 MARCH

LOS AF ÔSSE KINNES
LET OUR CHILDREN BE CHILDREN



THE CLAUSE THAT COULD COVER MORE CLAUSE 4(A)



Clause 4(a) of the BELA Bill

(1) A public school must admit, and provide education to, learners and must serve their educational requirements for the duration of their school attendance without unfairly discriminating in any way.



Clause 4(a) seeks to amend Section 5(1) of SASA on admissions to public schools. It is a powerful clause and, should the BELA Bill become law, it will pave the way forward whereby no learner may be unfairly discriminated against in any way when being admitted to a public school. Unfair discrimination is covered in the Constitution in Section 9 which prohibits discrimination based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

If this Clause covers all that in a few simple words, then why is it repeated in various other ways in the BELA Bill?

In Clause 4(d)(5)(c)(i), Clause 5(c)(7)(a), and Clause 5(f)(14)(a) the line “the best interests of the child, with emphasis on equality as provided for in section 9 of the Constitution, and equity;” appears. If Clause 4(a) embodies this already then, a simple reference to Clause 4(a) (or Section 5(1) if the BELA becomes law) in this subsection would suffice. It states that no discrimination is allowed in regard to admission and includes not unfairly discriminating in regard to language.

Why then the need to repeat Clause 4(a) in a different way? This might be due to what is said before these clauses whereby the Head of Department (HoD) will be given the right to approve or reject these policies. In the DBE's own Clause-by-Clause analysis in summary of Clause 4(d) they state the following:

“2.4.3 The clause proposes the amendment of subsection (5) which provides that the Head of Department (“HoD”), after consultation with the SGB, has the final authority to admit a learner to a public school. It provides that the SGB of a public school must submit the admission policy of the school, and any amendment thereof, to the HoD for approval. The HoD must take into account certain prescribed factors when considering the admission policy or any amendment thereof. Furthermore, the SGB must review the admission policy at certain intervals or under certain conditions.”

THE CLAUSE THAT COULD COVER MORE CLAUSE 4(A)

ED WATCHDOG



For the Clause-by-Clause analysis for Clause 5 it also states the following:

“2.5.1 This clause seeks to amend section 6 of the SASA to provide that South African Sign Language has the status of an official language for purposes of learning at a public school. The clause also provides that the SGB must submit the language policy of a public school, and any amendment thereof, to the HoD for approval. The language policy of a public school may not list, as one of the languages of learning and teaching of the public school, a language other than one of the official languages provided for in section 6(1) of the Constitution. The language policy of the school must take into account the provision of sections 6(2) and 29(2) of the Constitution. The process that an HoD must follow in this regard, and factors that he or she must take into account when considering a language policy, or an amendment thereto, are also provided. As is the case with the admission policy, the SGB must review the language policy at certain intervals, or under certain conditions. The clause provides the time period for the submission of language policies to the HoD for approval, as well as the time period within which the HoD must respond to the SGB.”

“2.5.2 The clause seeks to empower the HoD to direct a public school to adopt more than one language of instruction, after taking certain prescribed factors into account, and after the prescribed procedures have been followed. The factors to be taken into account, and the manner in which the HoD must act before he or she directs a public school to adopt more than one language of instruction, are set out in the clause. Where a school has been so directed, the HoD must, before his or her directive is implemented, take all the necessary steps to ensure that the public school receives the necessary resources to enable that public school to provide adequate tuition in the additional language of instruction.”



In both of these it is clear that the Clauses mentioning the best interests of the child in accordance with Section 9 of the Constitution are not necessary. If it were necessary, then the Clause-by-Clause analysis by the Department of Education would explain why. A simple reference to Clause 4(a) (Section 5(1) of SASA) would be enough if it was actually about the discrimination of the learner and not about the Head of Department approving the admission and language policies. My particular concern being Section 9(5) of the Constitution.

Section 9(5) of the Constitution states that discrimination on one or more grounds (based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth) is unfair unless it is established that the discrimination is fair. If that is the case, then – despite Clause 4(a) being perfect in order to establish that a learner may not be unfairly discriminated against and if the Head of Department must approve the policy with the authority to decide that discrimination against a certain group is fair – it makes sense not to refer to Clause 4(a).

THE CLAUSE THAT COULD COVER MORE CLAUSE 4(A)

ED WATCHDOG



Clause 39(a) that adds the right for the Minister to make regulations on the management of learner pregnancy is another such clause that is, in part, a possible repeat of Clause 4(a). During the PCBE Public Hearing phase and, more recently, at the Provincial Public Hearing phase DBE officials in their presentations have claimed that the reason for Clause 39(a) is to ensure that pregnant learners are given the right to attend school – in essence that they will not be discriminated against due to their pregnancy. Clause 4(a) specifically states that no learner may be discriminated against. Furthermore, specific reference in Clause 4(d)(5)(c)(i) on admissions policies makes reference to Section 9 of the Constitution which includes the word "pregnancy" in Section 9(3).



In Clause 4(a) the following words have been inserted: "... must serve their educational requirements for the duration of their school attendance without unfairly discriminating in any way." This means that not only must a school admit a pregnant learner, but they must serve their educational requirements for the duration of their school attendance. This will also include any learner who falls pregnant at any point during their school attendance as a public school may not unfairly discriminate in any way according to Clause 4(a).

A lot of thought and specific wording has gone into Clause 4(a) making it one of the most powerful clauses in the BELA Bill. It does, however, beg the question as to why it is not referenced and utilised where other possible discriminations are perceived, or the need is felt to regulate more intensely.



TEMBISA TESTIMONY

Article By Ursula Langenberg

I am Ursula Langenberg. I attended the Thembisa hearing on 28 February 2024 at Sam Hlalele Hall, and was present when Mrs. Singh was heckled and bullied. I witnessed the infringement of her daughter's constitutional right to be involved in judicial matters that affect her by Hon. Tshilidzi Munyai, Chair of the Gauteng Portfolio Committee on Education. I am the mother who, with my two-month old baby, stood up and walked to the front of the hall, stopped at the first row of the chairs and addressed the committee on the infringement of the child's right to be heard. I also categorically stated that she must be given the opportunity to speak. Herewith is my account of what transpired during my time there.



We arrived at about 10H45 as the original location pin drop was incorrect and it had taken us to another location about 10min drive away from correct hall. To our advantage, for once, the meeting had started late. This has been the trend for the majority of the NCOP meetings. As we entered the hall a member of the public was complaining about the time the meeting had started and reminded the committee that the starting times must be respected by the committee as members of the public had made the effort to be on time. The Chair, Hon. Tshilidzi Munyai, proceeded to declare the meeting open and commenced with his welcoming, opening and declaration that **Sam Hlalele Hall and its surrounding area is now the precinct of parliament**.

The Chair did his introductory speech and explanations and translators were introduced. Members on the panel were also introduced. After the DBE presenter introduced himself, he alerted the Chair that there are members of the DBE present amongst the audience. The chair asked these people to stand up so that the public can see them. He also asked members of the Gauteng PED to show themselves. He specifically recognized the legal representative from the Gauteng PED publically. Apologies for absenteeism were acknowledged and adopted. The agenda was introduced. The Chair acknowledged that democratic processes would be observed through the democratic opportunity to speak. The agenda was adopted. **The chair proceeded to warn members of the public to not disrupt other speakers by making noise or heckling the speaker, as that would be seen denying these citizens their democratic right to participation and any such person will be duly removed from the meeting.** The chair declared that any public member who wants to speak must raise their hands and will be afforded 3 minutes' opportunity to deliver their speech. The DBE started its presentation about 30 minutes into the meeting.

TEMBISA TESTIMONY

Article By Ursula Langenberg

The DBE representative, Mr. Thabang Hlakula, commenced. He made a special highlight that aspects that are not contained in the Bill will not be responded to. **He warned the parents and colleagues to only talk about what is in the BELA Bill and to not bring anything that ties to the Bill, but which is not contained in the BELA Bill, as discussion points from members of the public. He made special mention that abortion, masturbation, and sex are not contained in the BELA Bill, and that members of the public must not raise those issues. Furthermore, he stated that the BELA Bill does not include issues of curriculum, human resources, infrastructure and the appointment of teachers.** Mr. Hlakula stated that it is not a wholesale Bill, and that it covers certain administrative aspects of the department and schools, that the Minister wanted to focus on. This can be verified on the video at 25:37.

Mr. Hlakula starts with Clause 2, ignoring Clause 1, the definition section of the BELA Bill. He infers that the monitoring findings from the PERLS study indicates that Gr. 4's can not write and read with understanding, and that the inclusion of Gr. R into the system, will overcome this. He proceeded to state that the Minister notes that many who enter from Gr. R to Gr. 1 can not cope and can not speak the language of instruction well, thus it must be included in the system, because these Gr. R learners will have access to **free LTSM and SNMP resources**, and **Gr. R teachers who are qualified can be paid accordingly** compared to teachers' salaries who are in the public school system. He furthermore states that the **Bill expects learners from age 7 to be included from Gr. R, but the Bill will also allow learners younger than that to join Gr. R on condition that the SGB of the school has been involved in this decision making.** He discussed the increased punitive measures (from 6 months to 12 months) imposed in the Bill, but stated that the department will not move quickly to impose such a measure and will seek other measures to encourage parents to take their children to Gr. R. **He reiterated and stressed that the DBE's intention is not to prosecute, but that the intention is to encourage parents.** This is infuriating because a punitive measure that uses jail time as ENCOURAGEMENT, is not encouragement at all. It is coercion. The DBE presenter is telling a blatant lie even in what he infers the DBE means to say and do in comparison to what the BELA Bill clearly states. Mr. Hlakula lies when he says the BELA Bill includes Gr.R from age 7, when indeed the Bill states that learners who turn 6 years of age must be enrolled for Gr.R. in the year that the child turns six. The Bill also makes provision for children who are 4 years old, turning 5 by June of that year to be enrolled for Gr.R. What Mr. Hlakula also FAILED to mention under clause 2, was the insertion of a new sub-section [Clause 2 (c)] in the SASA (it will become Section 3.7), wherein this clause disenfranchises us from our constitutional right to protest or refuse to participate in specific school activities with which we are not in agreement with. That clause also includes a punitive measure of 12-month jail time, a fine or both, if found guilty.



TEMBISA TESTIMONY

Article By Ursula Langenberg

After the translations for Clause 2, Hon. Dos Santos called for a point of order putting forward a proposal that in an effort to save time, there may not be a need for translations in all the languages. The Chair asked the public for their input on this proposal. A man rose to speak and concurred that translations in all the languages would take up a lot of time. The chair noted a couple more people to speak on this matter, one of them was Mrs. Singh. **When it was her time to speak on translation languages, see the video at 42:13 for confirmation, she stated that there is a need for English and proceeded to raise her concern that the need to finish on the committee's given timeframe, might cause a squashing of important information to be delivered and hopes that such a situation can be avoided. It is this mother who was hackled and goaded by the chair later on for insisting that her daughter be given an opportunity to speak, based on raising her hand and subsequently chosen to speak.** Another speaker rose and requested isiZulu and Sepedi, and stated there is no need for Afrikaans. Many members of the public in the hall mockingly concurred that Afrikaans translation should not be given. In the end agreement was reached that the translation languages would be grouped under their linking linguistic natures for the African languages, and then English translation. Afrikaans would be given as whisper translation for those who needed it at the back of the hall.

Once the translation language issues were overcome, Mr. Hlakula carried on with the Bill presentation, following the same manner of miscued half-truth presentation as for Clause 2, sugarcoating what the DBE's intent is compared to what is clearly written in the BELA Bill.

Special mention on **Clause 6 needs to be made here. Clause 6 in the BELA BILL (B2B-2022) seeks to give the minister power to appoint a person or organization or a group of person to advise the Minister to determine a national curriculum statement indicating minimum outcomes and a national process and procedures for assessment of learner achievement.** Here Mr. Hlakula stated that he Minister needs this power to be able to approach specialized groups for specialized education and in having this power could even engage the homeschooling community to advise on specialized skills. Now if that were true would the Minister not have engaged with the Homeschooling sector regarding our educational methodologies and philosophies to overcome the prescription to 50% compliance of the NCS outcomes and assessment by SACE and SAQA accredited teachers as prescribed in the definitions section of competent assessor, and dictated by Clause 35?

Mr. Hlakula then proceeded to specifically state that he wishes to include the DBE overview of clause 35 at this juncture of the presentation as the DBE believes it ties in with clause 6.



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Mr. Hlakula proceeded to state that the Minister concurs that the Constitution makes provision for homeschooling, and that she recognizes 2 parallel forms of education that can be implemented in the country; independent schooling, under which homeschooling falls (as per the Ministers sentiment, and debatable at this stage), and that it can co-exist with the public schooling system. The DBE inferred that it needs to regulate homeschooling in an effort to try to understand the delivery of the curriculum we offer our children. Mr. Hlakula stated that the DBE are not forcing the CAPS curriculum, but that they are just stating that whatever curriculum we use must not be inferior to the public school curriculum. The Minister expects the curriculum to not be inferior to public school curriculum because, according to them, not all homeschoolers are able to see their children's educational journeys through from beginning to end and thus need to enroll their children into public schools at some stage, and it was noticed that if the curriculum used was inferior, these children struggled in the system. The DBE are also inferred that many use foreign languages curricula. Therefor the DBE expects that these curricula be assessed by an assessor of the parents' choice, who would be able to determine the suitability of the curriculum and deliver a report in an understandable manner to the DBE. Mr. Hlakula reiterated that the Minister is not dictating who must assess the child. YET, if one looks under Clause 1 (a) of the BELA Bill, a new subsection is inserted in the form of a new definition to competent assessor under Chapter 1 of the SASA. It reads as follow: **"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 recognized 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).** According to this definition we are indeed being dictated to as to who is recognized as a competent assessor. Parents' competencies to assess their own children in a fair and honest manner is disregarded (many homeschool curricula have built in mechanisms to support parents in this regard). This is especially relevant for the first 3 phases of education as these phases are not seen as qualifying phases with which to enter into tertiary education systems.

Mr. Hlakula very cleverly and sneakily pulled clause 6 in here whilst discussing the homeschooling clause by dallying with the notion that clause 6, alongside clause 35, (which carries stringent registration, curriculum and assessment requirements) affords the Minister the power she needs be able to engage with members of the homeschooling sector. Clause 6 and 35 together affords the Minister the power she needs to engage member of the homeschooling sector who may possess expertise or specialised skills in certain areas. These preferred members of society can then be approached (?) to assist in the development of curriculum and policies for the specialized skills development curricula they seek to introduce in the mainstream schooling system. It is for these reasons that the Minister wants homeschooling to co-exist with public schooling in South Africa. Mr. Hlakula ended off his clause 35 presentation stating that the Minister does not want to take control of homeschooling, and does not want to take the full responsibility of homeschooling, but wants to strengthen the delivery of homeschooling by the addition of clause 35. I can not see how a specific clause all of a sudden allows the Minister to engage with members of the public to assist with the development of curricula if we are a free market country and she is by and large free to engage any citizen in the Republic of South Africa to do business with, sans being family members and carrying a conflict of interest. Since clause 35 is a copy and paste of the Policy on Home Education 2018, what has stopped the minister in the previous 6 years from enlisting the help of members of the homeschooling sector. This is what we have been asking and saying all this time. TALK TO US! LET US SPEAK!

And so it went for the following clauses: Skimmed over in content depth, miss-presented, sugarcoated, tempered, white-washed and minimized all in the name of justification. The DBE presenter finished his presentation with clause 40, stating that he will not be presenting from clause 41 and onwards as these are purely technical (meaning linguistic) changes. Should there be questions arising for those clauses, he will answer accordingly.

TEMBISA TESTIMONY

Article By Ursula Langenberg

The NCOP Committee welcoming and opening speech, the DBE Presentation including translation time, and the choosing of public speakers took 2:28:15. The DBE presentation starts from 24:08 – 2:18:13. This is more than 2 hours of time allocated for this meeting. The video can be viewed on the following url: <https://www.youtube.com/watch?v=f3mOxcU9xCk>. Arm yourselves with a good cuppa coffee or tea, or even a glass of vino.... you may reach for 2, as you will need it in order to rather giggle and gag at the DBE's presentation of the BELA Bill. It is frustrating, infuriating and at times leaves you gob smacked at **what they mean to say compared to what it does say in the BELA BILL!?!?**

Once the DBE presentation was completed, the Chair proceeded to choose members of the public for their oral inputs. Here the Chair specifically, and misguidedly, warned members of the public that he will stop them during their oral submissions if he believes that the speaker is not speaking specifically to the Bill. He clearly stated that should members of the public bring context to the Bill, but this context is not written in the BELA Bill, we would be wasting our time. That is a blatant disregard of what we know in terms of how policies and regulations give effect to Acts. Context is key to unlock a majority of the clauses proposed in the BELA BILL. Does this then not also indicate how misunderstood and misguided the members of parliament's perceptions are on democratic engagement? The Chair started choosing speakers to his right side of the hall, and chose 20 people. He then proceeded to choose speakers to his left side of the hall, and chose 30 people. It was during this show of hands that the Chair entered into a verbal altercation with Mrs. Singh because she had apparently raised her hand again. She is apparently noticed raising her hand again as the speaker was allocating No.29 on his left side of the hall. Right here is where the confusion about Mrs. Singh and her daughter's oral opportunities began. The speaker inferred that Mrs. Singh had raised her hand twice and proceeded to publically reprimand her, without offering her an opportunity to respond in her defense. Here I thought Sam Hlalele Hall was the precinct of parliament and that a certain level of decorum and respect would be afforded to citizens who have taken the time and made the effort to engage with members of parliament. This can be viewed on the YouTube video of the Public Hearing starting at 2:27:25.



The majority of the public chosen from both sides of the hall were unionist, political representatives and people who hold an official capacity within education. One homeschooling parent was chosen from the right side of the hall, and 6 were chosen from the left side of the hall. So the initial submissions were stacked with [people of official capacity, when indeed we should be hearing from the ordinary man, woman and child of South Africa.

At 2:36:52, after a member of the public finished their oral submission, the Chair addresses the hall stating that he was advised to not disrupt speakers to "advise" them if they were not speaking to the content of the Bill. BUT, this did not deter the Chair from commenting after certain members of the public's oral submissions. Deliberately, after a homeschooling Mother spoke on pedagogies, methodologies and philosophies that comprise homeschooling, the Chair switched on his microphone to state "I'll still repeat, it's good that I was advised not to comment on the speakers because there's no philosophy in the section of the Bill". This can be viewed at 3:36:14 to verify it happening. This is purposefully facetious and arrogant, as many "spoke" non- Bill specific, yet elicited no comment from the Chair. The arrogance through his actions at times during the Guateng Legislature's NCOP drive on the BELA Bill raises the question of his suitability in his emotional and professional capacity to hold his position and chair these meetings.

TEMBISA TESTIMONY

Article By Ursula Langenberg

When it was time for Mrs. Singh's daughter to submit her oral submission on the BELA Bill, the Chair immediately stopped her stating that he recognised the mother, not the child. The audience disagreed with him. As Mrs. Singh was trying to explain what exactly happened during the time that the Chair chose speakers, he interrupted her, denying that he recognised her. The people behind her immediately stood up to what the Chair was saying and responded with "She did!" collectively. Meaning, that he is incorrect in his assessment. The chair then spins the scenario by saying she did raise her hand after, to which the audience responded "No!". The Chair then challenges the audience



by stating "You want to help me to chair the meeting?" But remember, when the Chair was choosing speakers, the Chair reprimanded Mrs. Singh for raising her hand twice. During this altercation it is clearly revealed that the Chair had during the choosing of speakers erred in his assessment of the situation then, and also would not allow Mrs. Singh to correct him at that stage. When she tried to explain, on record, for a second time that her daughter had raised her hand, the Chair interrupted Mrs. Singh again, demanding a contribution from her, and stating that she is not here to represent her daughter. This was very annoying and disheartening to hear coming from the

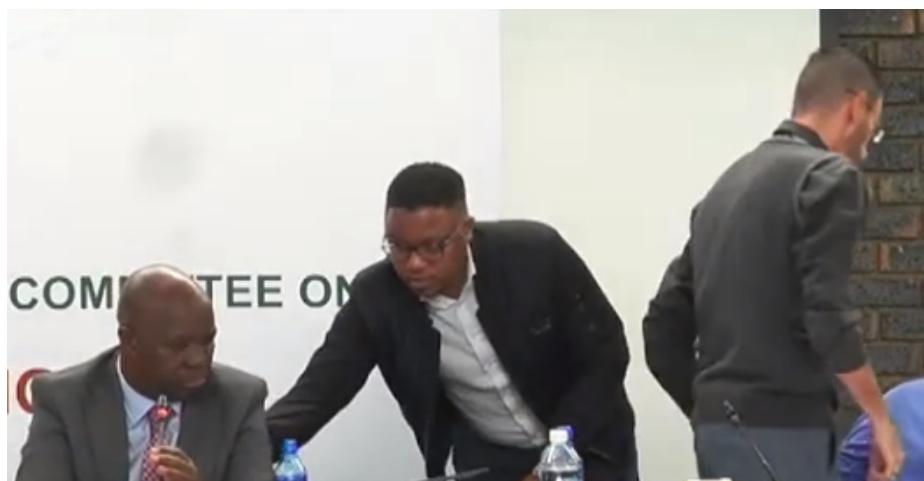
Chair, as parents are the legal guardians of their children and therefor REPRESENT THEIR CHILDREN. The audience in the hall erupted at that stage with a cacophony of voices vetoing the Chair. It is at this stage that Hon. dos Santos started to raise a point of order. He is refused multiple times by the Chair, and subsequently ignored. This proves personal bias in the situation from the Chair. At 3:42:40 there is a break in the video's footage and sound. That was the moment I had walked passed, behind Mrs. Singh, about 3 rows back. It was at this point that I had enough of the manipulation of this meeting. As I stated in the beginning, I walked to the isle and up to the front of the hall, stopping at the first row of chairs and made my statement to the Committee; "Education affects the children, you must let the child speak". I turned around to walk back, but then turned back to face the Committee again and reiterated my statement. Upon turning back, the second time, the police officers were there. I posed no threat to anyone, especially whilst carrying my baby in a sling wrap. Upon walking back to my seat one man in particular shouted a derogative Nguni term at me. I stopped by him and told him that I will not accept his slander, and that it is disgusting for him to call people by such derogative names. I for one am sick and tired of being at the mercy of governmental departments and their processes they say they run democratically, yet we are bullied and denied to speak to what matters to us because they want us to converse with them in legal jargon on aspects that affect us and our children and the future generations in negative ways. Yet heed not what we say to them. That is why I stood up and went to address the committee. We have a constitution that currently looks good on paper, but it seems it only matters when the government reaches for it in its own defence. After gathering my belongings, I left the building. Outside at my vehicle I saw that Hon. dos Santos had also left the building to compose himself after fighting with the Chair to recognise the point of order called, and to recognise that he had erred. Whilst he was there I went over, declared my name and laid a formal verbal complaint against the chair, witnessed by a member of staff for the Committee. I stated that the DBE presenter was misrepresenting the BELA Bill clauses and their impact, thus lying to the public. I stated that the Chair was unfit to hold his position as Chair of the Committee because he is biased, flippant, facetious, arrogant and emotionally immature to deal with the public on these important matters. Hon. dos Santos agreed to accept my complaint. He then went back into the hall.

TEMBISA TESTIMONY

Article By Ursula Langenberg

Many would think to themselves questioning my decision as to why I did what I did, especially because I had my little baby with me. But it is precisely because of this little baby, the thought of how to mitigate the BELA Bill's impact on the SASA in the future, and the utter bullying that many of the woman, the Mothers of this country, had to endure during the NCOP public participation phase at the hands of government officials, the people who are supposed to serve the nation, that prompted me to move in to action. Soon we will have to face off against this weaponized legislation. We will need to be strong and fearless. We will need to stand together supporting each other when we are scrutinized, mocked, ridiculed and persecuted. We need to fight this spiritually and be willing to show ourselves to those who wish to impose on us, because we need to show the governors of this country, regardless of the political party who are the ruling hand, that we mean business when it comes to the raising of our children, the forming of their characters and the education of their minds. Not long after this the young child who we all stood up for to speak had come outside to look for me to say thank you. I am thankful for beautiful strong children like her. Our country will do great in the future, not because of our government or any political party ruling well, honest and true, but because of the grit and perseverance that lies within the next generations.

The Eastern Cape NCOP hearings from these previous weeks are point in proof as to what the citizens are saying. They are not interested in hearing what the DBE have to say because they have obviously read the Bela Bill and realise very well that the DBE statements from above do not ring true, nor do these statements do what they are trying to promote because of the real life issues that these parents and children are experiencing within their community schools. They realise that the Bela Bill is geared to only close the gap by centralizing decision making power for the DBE by affording the Minister and the top department officials autonomous far reaching powers. To boot, this centralization of power affords the officials the allowance to employ and enlist outside agencies (World or Universal Organisation) to dictate to the South African parent and child as to what the parameters of education are. The Universal perspective on education is not Afro-centric, for e.g. CSE and the ideologies taught through it, is not afro-centric and does not promote traditional and vibrant African beliefs.



The citizens of South Africa are not in favour of the BELA Bill because it does not "close the gap in laws, or redress injustices of the past, or enhance the educational sector" as what the DBE likes to say. Its sole aim is to provide the Ministry of Education over-reaching powers to push down that which they have been unable to do for years because of Constitutional laws blocking their endeavours.

PARENT-RUN COMMUNITY SCHOOLS

A PROJECT 4 SELF RELIANCE



Article By Rian Geldenhuys

Imagine this: your 15-year-old flatly refuses school, insisting the "boring teachers" aren't stimulating their curious mind. Sound familiar? This was my reality in 1999.

My Son and I:

As an engineer and trainer at SABC, I believed the problem lay solely with my son. However, a wise mentor at work introduced the concept of learning styles. A simple assessment revealed my son thrived in a **hands-on (kinesthetic)** environment, unlike the traditional **visual** and **auditory** focus of most schools.



Our Solution and its Benefits :

This revelation led me to explore **home education**. It wasn't just about academics; we delved into **carpentry, art, film-making**, and even engaged in **philosophical discussions**. Imagine the freedom to tailor learning to individual needs – a stark contrast to the limitations of large classrooms.

Very recently I conducted a poll on a WhatsApp group and was delighted to find that a great many parents know that parent-led education is – to say the least – **VERY GOOD**.

Enter Community Schools:

While home education isn't feasible for everyone, **community schools** offer a compelling alternative.

A New Concept in Lifelong Learning:

Picture this: a school with **smaller class sizes (around 20)**. Parents become **learning facilitators**, sharing their expertise and fostering **one-on-one** attention.



PARENT-RUN COMMUNITY SCHOOLS

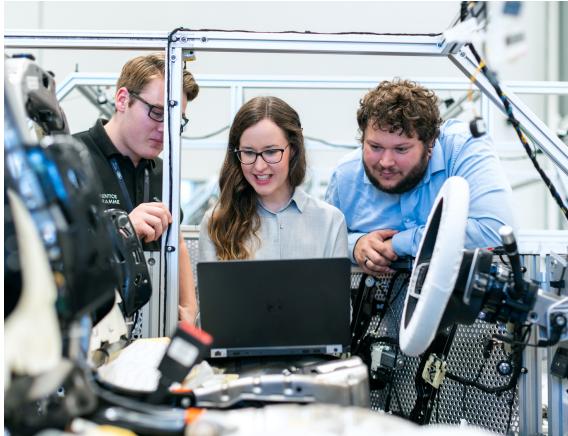
A PROJECT 4 SELF RELIANCE



Article By Rian Geldenhuys

Advantages (Structured):

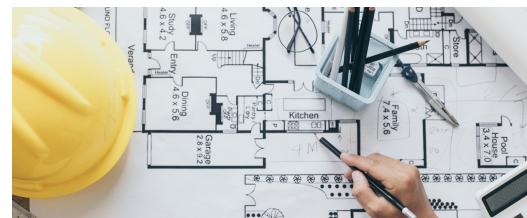
- **Individualized Learning:** Catering to diverse learning styles like the **Singapore Math Method** -and many others - for improved results.
- **Engaging Activities:** Multiplication tables become interactive and fun in small groups.



Community Impact:

Community schools go beyond academics. They:

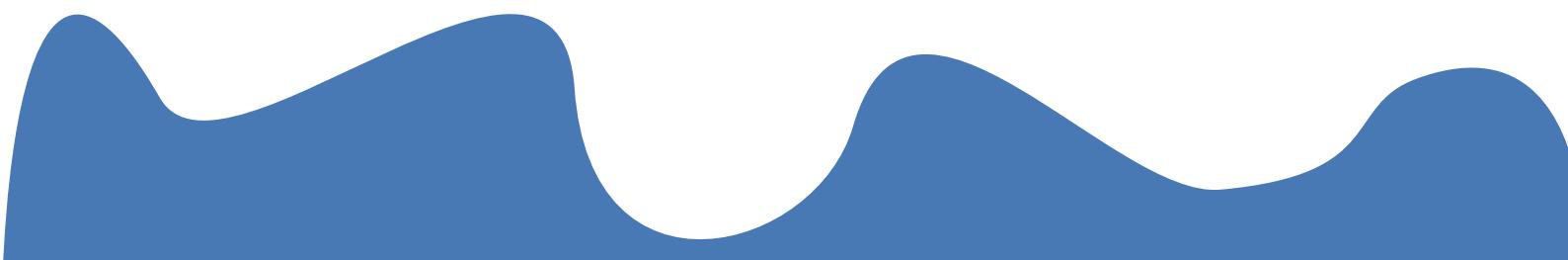
- **Boost property values:** A good school, ideally within **walking distance**, attracts families and strengthens the community.
- **Empower Entrepreneurs:** Creating these schools requires **sound business principles** like market research and financial planning.
- **Maintain Standards:** Schools should follow **approved curriculums** to ensure comparability with national education systems.



Start Working on your Community School Project Now.

Community schools offer a unique opportunity to combine the **personalized approach** of home education with the **structure** of a traditional setting.

Importantly, do **market research** - scour your entire community for parents that would consider such a Community School. Do a 10 year cash flow projection and a viability study. Ask your councillor about suitable venues to build the classroom(s) to specifications that your community will approve of. When conducting the EIA - add in aesthetics questions as well. When you have a **viable** proposal ready for funding, please submit it to Projects 4 Self Reliance info@p4sr.com.



Written Submissions still open at date of publication:

Eastern Cape

Deadline 15 March

mdaniels@ecleg.gov.za

Western Cape

Deadline 4 April

wasiema.hassenmoosa@wcpp.gov.za

Whatsapp voice notes or messages to 060 250 6165

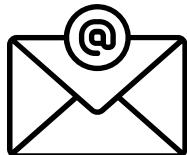
Online form:

<https://forms.office.com/r/hKVpkPGbbY>

OPEN



<https://dearsouthafrica.co.za/bela-bill-ncop/>



For record purposes please BCC

Home Ed: homeschoolfreedom1996@gmail.com

Other: educationfreedomSA@gmail.com

WE'RE CLOSED

Written Submissions that have closed at date of publication:

NCOP – National
Freestate
Gauteng
KZN
Limpopo
Mpumalanga
North West
Northern Cape

Above information may be subject to change.

Public Hearings that have been concluded at date of publication:

Eastern Cape	Limpopo
Freestate	Mpumalanga
Gauteng	North West
KZN	

**WE'RE
CLOSED**

OPEN

Public Hearings still ongoing at date of publication:

Western Cape

- 15 March, 18h00
Paarl, Huguenot Community Hall
- 22 March, 18h00
Saldanha Bay, White City Multi-Purpose Community Centre
- 4 April, 18h00
Cape Town, Chamber (Sixth Floor)
Provincial Legislature Building

Northern Cape

- 23 March, 10h30
Springbok, Bergsig Libra Hall

For those observing Ramadan there will be a special hearing on 4 April from 15h00 in Cape Town, Provincial Legislature Building, 7 Wale Street. This session will also be available virtually through MS Teams.

Above information may be subject to change.



Pestalozzi Trust

www.pestalozzi.org

The BELA Bill Abuse Hotline, operated by the Pestalozzi Trust, is a dedicated line for reporting any issues or irregularities encountered during the Basic Education Laws Amendment (BELA) Bill hearings. This initiative aims to ensure transparency, fairness, and inclusivity in the hearing process by addressing concerns such as inadequate public notification, insufficient educational sessions prior to hearings, limited bill copies or language support, and restrictions on public input. Stakeholders are encouraged to contribute by sending reports, including text, voice notes, or videos, through the dedicated WhatsApp and Telegram lines.

Issues worth reporting include:

- **Notification and Accessibility:** Cases where the public was not adequately notified about hearings, including where the dissemination of the notices was not widespread.
- **Pre-Hearing Preparation:** Instances where no preliminary education sessions were held before public hearings, leaving participants under-informed about the bill's content and implications.
- **Access to Copies of the Bill:** Situations where there were insufficient copies of the bill available at hearings, or where copies were not provided in the languages prevalent in the area, hindering understanding and participation.
- **Time Management and Fairness:** Concerns about briefings, introductions, and explanations consuming excessive amounts of time, thereby limiting the opportunity for public comment. Also, any attempts to dictate what the public could or could not discuss should be noted.
- **Participant Manipulation:** Observations of individuals being bussed in to hearings without any prior knowledge of the bill, potentially skewing the nature of public input.

This effort supports the Trust's wider mission to monitor the hearings effectively and advocate for fair legislative processes.

You can send text, voice notes, or videos to the following contact details:

WhatsApp: 069 407 7938

Telegram: 071 356 1528

Top Tip: Add the number to your contacts before sending text, voice notes, or videos. If you are struggling you may need to add +27 in front of these numbers.