



## **BELA IS GOOD BUT NOT THE FINAL VICTORY**

Last week some parties on the right of the political spectrum, including the Democratic Alliance, the Freedom Front and the African Christian Democratic Party, staged a protest outside parliament against the Basic Education Laws Amendment (BELA) Bill.



The bill passed by the National Assembly last week has been 20 years in the making. It makes far reaching proposals regarding education in the country.

But perhaps before commenting on the bill, it would be prudent to outline what the bill seeks to achieve.

According to records of Parliament, the South African Schools Act, 1996, was amended for the following reasons:

- To insert and amend certain definitions; to provide that attendance of grade R is compulsory;
- To amend the penalty provision in the case where the parent of a learner, or any other person, without just cause, prevents a learner who is subject to compulsory attendance from attending school, and to create an offence in respect of the interruption, disruption or hindrance of school activities;
- To enhance the authority of the Head of Department in relation to the admission of a learner to a public school, after consultation with the governing body of the school;
- To provide that the governing body of a public school must submit the admission and language policies of the public school to the Head of Department for approval;
- To provide that the South African Sign Language has the status of an official language for purposes of learning at a public school, and that the Head of Department may direct a public school to adopt more than one language of instruction, where it is practicable to do so, and that, if the Head of Department issues such a directive, he or she must take all

necessary steps to ensure that the public school receives the necessary resources to enable it to provide adequate tuition in the additional language of instruction;

- To provide the Minister with the authority to appoint a person, an organisation or a group of persons to advise on curriculum and assessment-related matters;
- To provide that the code of conduct of a public school must take into account the diverse cultural beliefs, religious observances and medical circumstances of learners at the school and to provide for the inclusion of an exemption clause in the code of conduct and for disciplinary proceedings to be dealt with in an age-appropriate manner and in the best interests of the learner;
- To refine the provisions relating to the possession of drugs on school premises or during school activities and to provide for conditions under which liquor may be possessed, sold or consumed on school premises or during school activities;
- To refine the provisions relating to suspension and expulsion from public school by inserting a definition of serious misconduct;
- To provide for the prohibition of corporal punishment at school activities and at hostels accommodating learners of a school;
- To prohibit initiation practices during school activities;
- To provide for the designation of a public school as a public school with a specialised focus on talent;
- To further regulate the merger of public schools;
- To provide for the reasonable use of the facilities of a school for education-related activities without the charging of a fee or tariff;

- To provide for centralised procurement of identified learning and teaching support material for public schools;
- To further regulate the withdrawal of the functions of governing bodies;
- To provide that it is the Minister, and not the Member of the Executive Council, who must make certain determinations in regard to the composition, needs;
- To provide for the membership of a governing body of a public school that provides education with a specialised focus on talent, sports and performing or creative arts;
- To provide that the Head of Department may, on reasonable grounds, dissolve a governing body that has ceased to perform its functions;
- To provide that a member of a governing body must declare a direct or indirect personal interest that he or she or his or her family member may have in the recruitment or employment of staff at a public school, or in the procurement of goods and services for a public school, and that the member of the governing body must recuse himself or herself from a meeting of the governing body under such circumstances;
- To provide further clarity regarding the prohibition of the remuneration of members of governing bodies;
- To provide that it is the Minister, and not the Member of the Executive Council, who must make certain determinations in regard to the election of members of governing bodies of public schools;
- To provide that, where reasonably practicable, only a parent member of a governing body who is not employed by the public school may serve as chairperson of the finance committee;
- To make a technical amendment in regard to the status of learners serving on governing bodies of public schools;

- To extend and refine the provisions relating to the closure of a public school;
- To provide that lease agreements relating to a school's immovable property must be submitted to the Member of the Executive Council for approval and that, in the case of a lease for a period not exceeding 12 months, the approval of the Member of the Executive Council is not required;
- To further regulate and refine matters relating to the budget of a public school;
- To further regulate the circumstances under which a governing body may pay additional remuneration, or give any other financial benefit or benefit in kind, to a state employee;
- To provide that, where the parent of a learner applies for exemption from the payment of school fees and information cannot be obtained from the other parent of the learner, the parent may submit documentary evidence in the form of an affidavit or court order in relation to the other parent;
- To provide for financial record-keeping by the governing body of a public school, for the drawing up of financial statements, and for the presentation of these to a general meeting of parents;
- To extend the powers of the Head of Department to conduct an investigation into the financial affairs of a public school and to provide that the governing body of a public school must submit quarterly reports on all income and expenditure to the Head of Department;
- To increase the penalty provision in the case where a person establishes or maintains an independent school and fails to register it;
- To empower the Member of the Executive Council to determine conditions when granting a subsidy to an independent school and to provide for financial reporting, by such subsidised independent schools;
- To further regulate home education; to create an offence where a parent supplies a public school with false or misleading information or forged documents when applying for the admission of a learner or for exemption from the payment of school fees;
- To provide for a dispute resolution mechanism in the event of a dispute between the Head of Department or the Member of the Executive Council and a governing body;
- To extend the power of the Minister to make regulations and to provide for offences to be created in regulations made by the Minister;
- To amend the Preamble; and to provide for matters incidental thereto; and the Employment of Educators Act, 1998, so as to amend certain definitions;
- To exclude further education and training centres, adult basic education centres and institutions, from the ambit of the Act;
- To prohibit an educator from conducting business with the State and to create an offence in relation thereto;
- To extend the powers of the Minister to make regulations; and to provide for matters incidental thereto.

It is not surprising that it would be right-wing parties that would lead the charge against BELA. The Education Act that gave rise to the Model C schools had been carefully crafted to give powers of running schools to the School Governing Bodies (SGBs). Given the legacy of apartheid, this meant that schools in predominantly white areas would be run by white communities. These communities would decide on language policies and admission policies. To a large extent, these schools would draft policies that would discriminate against Black children and they would do these within the law.

Sections of the white community have been using the law to continue with the practice of racial segregation. BELA is progressive in that it wants to

give more powers to the Minister of Education with regard to the running of education in the country. This is good. As the country tries to rid itself of the legacy of settler-colonialism, South African children should be able to access education in any school regardless of race. BELA will go a long way to clip the wings of closet racists who want to limit admission of Black learners on creative excuses such as language policy and high fees.



Yes, BELA is good news but that is not the ultimate victory. The real victory for a democratic government, led by Black people, should be to radically improve the quality of education in Black communities so that there is no need for Black parents to smuggle their children into white schools.

Yes, the collective taxes of the country cannot just be used to fund quality education for whites and a minority of middle-class Black learners who are able to access the good schools in the white communities. Of course, the doors of these schools ought to be opened to all. But the real challenge should be to make the quality of education in Diepdale Secondary School in Diepkloof, Soweto, to be the same as the quality of education in Green-side High School, north of Johannesburg. Once issues of quality of teaching and learning have been addressed and there is no longer a difference in quality of education being offered in Black schools and in the predominantly white schools,

learners will no longer have to wake up at 4am, risking accidents as they are carried like sardines in utility vans and minibuses to former whites-only suburbs in the different cities and towns. Learners will walk to schools in their neighbourhoods. Those in lower grades, would have an opportunity to be taught in their mother tongue for their first few years of learning. It has been proven that children who are taught in their mother tongue in the foundation stages are better positioned to learn better than those taught in a second language.

At the beginning of every year there is a big fight for space in schools, especially in Gauteng. The fight is really about getting admission in the Model C schools while schools in the townships are being closed because of low enrolment. This is where the government should put its undivided attention. What are the factors that make Black parents spend money they do not have to send their children in far-away schools to be taught by white teachers while shunning schools in their neighbourhoods?

As those in authority ponder the question posed above, AZAPO Voice asserts that the absence of Black Consciousness both in government and in the Black communities is primary reason for this appalling state of affairs where some amongst us are too happy to surrender the education of our children to other races who despise Black people. Should we be surprised that there is growing self-hate of Black people, as displayed by Black people wearing white hair, when we have surrendered the tools of indoctrination and orientation to white people? Should we be surprised that increasingly, some Black people associate excellence with whites and poor performance with Blacks?

As Black people, we have the numbers and the power to change our lives for the better. We just have to embrace BC and shed off our victimhood mentality.