



MEDIA RELEASE – THE PASSING OF THE BELA BILL

16 May 2024

EMBARGO: [For immediate release](#)

PASSING OF THE BASIC EDUCATION LAWS AMENDMENT BILL INTO LAW PROTECTS RIGHTS ALREADY AFFORDED IN THE CONSTITUTION AND PROVIDES ADMINISTRATIVE PROCESSES TO UPHOLD THESE

The Governing Body Foundation (GBF) notes the approval of the Basic Education Laws Amendment (BELA) Bill in the National Assembly and that it is awaiting the President's signing it into law. The GBF recognises the concerns that the Department of Basic Education is seeking to correct, while at the same time understanding the reasons for considerable opposition to certain amendments to the South African Schools Act.

Giving the final say on the implementation of the Admission and Language policies of schools to the Provincial Head of Department for Education in the amended statute curtails the powers of school governing bodies. However, school policies have always been required to be developed in line with the Constitution of the country as well as other national and provincial law. *There is effectively nothing new.* Judgments of the Constitutional Court and other courts have repeatedly ruled on these matters.

In the disputed amendments, the BELA Bill not only stipulates that the governing body determines the policies for admission and language, but also now stipulates what schools must consider in their policies and, quite even-handedly, stipulates how the HOD must perform any administrative act related to admission or school language. *The amendments serve as protection for schools from over-zealous education bureaucrats seeking to implement their will unreasonably, unlawfully, and without following due process.*

The CEO of the GBF, Dr Anthea Cereseto, states that her organisation emphasises a “cooperative governance” approach, as articulated in the court judgments. *It will assist its members to work with education officials in a cooperative manner to ensure that any action of the HOD meets the requirements of law.* Schools cannot rationally be forced to admit more learners than the school can reasonably accommodate; nor can schools deny entry to learners if there is room to admit more learners, *and if there is a genuine need to do so.*

Dr Cereseto further stated that there is an urgent need to determine school capacity on a rational basis that will ensure safety, discipline, adequate resources and enable quality education. Infrastructure shortages in certain areas of need and perceived poor-quality education at some schools have resulted in unacceptable pressure being put on “schools of choice” in “high demand areas” to admit more learners. In the process, this compromises the safety of learners, creating discipline problems, and ultimately undermining the opportunity of all learners at the school to obtain quality education.

The GBF recognises that many of the amendments seek to protect rights afforded learners in the Constitution *and supports them*, while having some concern about their implementation, for example, access to education, extended to compulsory Grade R; the extended definition of corporal punishment; exemptions from adherence to the school code of conduct; and further regulating of home-schooling.

Some amendments are welcomed, for example, the legal requirement that school governing body (SGB) members must recuse themselves from any part of an SGB meeting where there is agenda item in which they may have a personal or financial interest and the confirmation that SGB members are prohibited from being remunerated in any way for doing SGB work or attending school activities.

The GBF welcomes the reduction in the need to apply for permission from the MEC for certain types of loans and leases. This easing effectively increases the power of SGBs. While supporting amendments aimed at preventing financial mismanagement and abuse of school funds, some of them are administratively onerous for schools, and may present difficulties in implementation.

The extended period of consultation on the BELA Bill resulting in the removal of amendments which were resoundingly rejected has demonstrated the power of democratic participation in law-making.

The GBF urges all parents in all schools to become fully involved in the affairs of their children's schools. *Parents have the power to make sure their children's schools are places of quality learning*. It is time for parents to demand the necessary resources such as a textbook for each subject for each child, well-prepared teachers at school on time every day, firm but respectful school leadership, and a disciplined and safe environment. At the same time parents must take responsibility for their children's conduct, support their learning, and become involved in school activities.

The BELA Act will not be a perfect law and it will not suit everyone's wishes or even achieve its intentions. However, amongst other matters, it does provide certainty about administrative processes education officials must follow; it provides for protection of rights of learners; and it attempts to prevent abuse of school finances.

The GBF therefore calls on the Department of Basic Education to take the urgent and necessary action to improve the quality education in all schools in all communities, to ensure that all MECs and HODs empowered in these amendments *act in good faith*, and to *protect equally the rights of schools, their SGBs and educators when these are threatened*.

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Notes to Editor:

The Governing Body Foundation (GBF) is an organisation recognised by the Department of Basic Education dedicated to supporting and empowering governing bodies in South African schools. As an influential advocate for effective school governance, the GBF provides guidance, resources, and training to help governing bodies fulfil their responsibilities and enhance educational outcomes. The organization assists in developing policies, codes of conduct, and strategies that promote school safety, inclusive practices, and educational excellence. Through its initiatives, the GBF aims to foster cooperation and collaboration between schools, parents, and education authorities, ensuring a conducive learning environment for all learners. The GBF's work is rooted in the principles of good governance, transparency, and accountability, with a focus on promoting the interests and wellbeing of students, educators, and school communities. To learn more about the Governing Body Foundation and its initiatives, please visit www.gbf.org.za.