



MEDIA RELEASE – SIGNING OF THE BELA ACT

13 September 2024

THE BASIC EDUCATION LAWS AMENDMENTS HAVE FINALLY BEEN SIGNED INTO LAW BY THE PRESIDENT.

The BELA Bill which has passed through many draft stages with improvements and additional amendments made along the way was signed today with a last-minute surprise announcement. The implementation of amendments 4 and 5, those that deal with sections 5 and 6 of the South African Schools Act, would be deferred to allow three months for solution-seeking relating to these matters. If no solution is found, these amendments will also be implemented. If a solution requires changes to these amendments, these amendments will have to follow the normal legislative process. This announcement has brought new BELA challenges.

Although it is not a perfect piece of legislation, and the devil will lie in the detail when the changes must be implemented, the Act signed today by the President is sufficiently acceptable.

The Governing Body Foundation (GBF) believes that the passing of the Bill in the National Assembly was conducted in a hasty manner at the close of the 6th government administration while some amendments still needed further consideration. This is regrettable and such conduct should not be condoned. It is the right of all parties in Parliament to engage with legislation in a procedurally correct manner. The three-month period for further solution-seeking appears to be a partial acknowledgement of this.

However, delaying the signing by the President's returning it to the National Assembly to consider amendments deemed in conflict with the Constitution would prevent the implementation of good amendments, for example, those that tighten governance requirements, promote greater transparency of school financial management, ensure learners access to education, prevent improper disciplinary practices, and make disruption of schooling a criminal offence.

The GBF believes that the amendments that give final authority to the heads of provincial education departments (HODs) regarding admissions and the school language policy contain sufficient administrative control measures to protect schools, **provided that education departments act in good faith**. Unfortunately, experience has shown that some do not always follow the correct procedure. The GBF therefore welcomes the opportunity for solution-seeking although this move creates further legal hurdles. In the meantime, the current SASA provisions apply. The GBF has instructed the SGBs of its member schools not to tolerate attempts by officials to bully them into admitting learners beyond the reasonable capacity of the school to

provide quality education, or directing a change in language policy that is, for example, not practicable or in keeping with the circumstances and needs of the school.

The GBF has not commented on the amendments to the home-schooling regime as its membership comprises public schools. It does, however, believe that regulation of home-schooling is necessary to protect the interests of learners. In its submission to the Education Portfolio Committee in November 2022, the GBF raised the issue that online schooling was not regulated, and this was a gap that needed to be addressed. This is still a problem. Umalusi, the accreditation body which monitors and sets the standards for basic and further education and certifies qualifications, has recently warned the public that it has not accredited online schooling.

The GBF supports the inclusion of compulsory Grade R in the definition of “basic education”. This extra year of schooling will be of enormous advantage to learners. Four years of foundation phase learning is essential for establishing a solid learning basis. However, the GBF recognises the enormous hurdles to be overcome before this can be a reality and therefore this amendment cannot be implemented in 2025. Grade R will need to be prioritised: sufficient qualified teachers, learning resources and infrastructure are needed to make Grade R workable across the country. There is much more to be done, not least finding the necessary funding for this extra year of formal schooling.

There are other amendments which trouble some people but the alarming rumours that were circulating about certain matters are not true. Schools will have to change some of their codes, policies and procedures. More will be required of SGBs, and parents will be expected to attend more meetings, especially relating to school financial management.

The GBF will assist its member schools to implement the amendments and make changes, where necessary. Signing the BELA Bill into law is not a calamity. The amendments were made to make the education system function better in the best interests of all learners.

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Notes to Editor:

The Governing Body Foundation (GBF) is an organization 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.