

**DRAFT REPORT**

**ON**

**BASIC EDUCATION AMENDMENT BILL**

**BELA BILL**

**[B2 - 2022]**

**PUBLIC WRITTEN SUBMISSIONS**

**PORTFOLIO COMMITTEE ON BASIC EDUCATION**

**2023**

**Version 3**

1. **February 2023**



**DRAFT REPORT On THE WRITTEN submissIONs of the BELA bill for portfolio committee on basic Education**

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**EXECUTIVE SUMMARY**

The Basic Education Amendment Bill (BELA) Bill [B2-2022] was introduced in Parliament on 15 December 2021, and subsequently referred to the Portfolio Committee on Basic Education (‘the Committee”) for consideration.

To give effect to Parliament’s constitutional mandate of facilitating public involvement, the Committee commenced with an advert that was published in the national and regional newspapers, calling for written public submissions on the BELA Bill from 1 May to June 15 2022.

To give the public more opportunity to participate, the written submissions deadline date was extended to 15 August 2022. In line with inclusive education approach, the advert was also made accessible and published in Braille format. Due to budget costs limitations, the braille print was distributed nationally to 45 organisations across the 9 provinces. This included provincial libraries, specials schools, legislatures and parliamentary democracy offices. The remainder of the Braille (10) copies is reserved as resource to be utilized during the Provincial Public Hearings for stakeholders presenting visual impairments.

The call for public submissions attracted approximately 18000 *electronic written submissions* from members of the public. Further, 11 752 hard copy submissions were received in the form of hand written post cards, flyers and typed submission forms. These originated from stakeholders who did not have access to electronic technology in Limpopo, Free State, Gauteng and Western Cape. In overall, the call for public submissions attracted *29 754 written submissions*.

The previous report titled the public submissions thematic report provides a summary of key public views and their recommendations. The latter report provides information on clause comments and buffers as an extension of the previous report tabled on 1 November 2022.

**1.BACKGROUND AND CONTEXT**

The Constitutional mandate of RSA, Section 59 (1) (a) obligates the National Assembly to facilitate public involvement in legislative and other processes of the Assembly and its Committees, as well as to conduct its business and meetings in public. In line with this mandate, the committee has to decide how it will deliberate its activities to fulfil the constitutional mandate. The Portfolio Committee has held two (2) meetings on the BELA Bill in so far as getting a briefing by the Department of Basic Education on the BELA Bill. On 8 February 2022; and Feb. 15 In-house engagements on processing the BELA Bill took place.

The BELA Bill proposes to amend the South African Schools Act, 1996 (Act No. 84 of 1996), the Employment of Educators Act, 1998 (Act No. 76 of 1898) (the SASA and the EEA, so as to align them with developments in the education landscape and to ensure that systems of learning are put in place in a manner which gives effect to the right to basic education as enshrined in section 29(1) of the Constitution of the Republic of South Africa, 1996.

**1.1 KEY ASPECTS OF THE BILL**

The Bill also seeks to amend amongst others:

* certain definitions; to provide that attendance of Grade R is compulsory,
* provide for system improvements in terms of admission of learners to public schools
* provide for financial & public accountability frameworks for governing bodies and provincial departments.
* Bill further provides for additional Regulatory powers of the Minister, and enhancing decision making and oversight powers of Heads of Departments and Members of the Executive Councils. The Bill also proposes technical and substantive adjustments, clarify certain existing provisions, insert provisions which are not provided for in existing legislation and strengthen enforcement mechanisms for offences and penalties.
* *NB: specific clauses of the bill and sections of the SASA, and EEA Act, Clauses (1 to 56) are listed at the back as appendix.*

**1.2. PURPOSE OF THE REPORT**

The 3 main aims of this report is to provides an *updated brief report on*  key issues raised in the written submissions made by the public on the Basic Education Laws Amendment Bill [B2 – 2022]. It seeks to provide information to the Portfolio Committee regarding *progress on processing of the BELA Bill*. The draft report seeks to analyse issues and concerns on the BELA Bill, so as to provide Members with a summary of key issues raised, clause by clause analysis and recommendations.

The recommendations provide impact statements of how best the Committee introspect into the amendments of the bill in order to chart a way forward of passing or rejecting the BELA Bill. The analysis also highlights the areas where Parliament can play its oversight role to enhance public involvement so as to impact positively to the mandate of participatory democracy.

The range of stakeholders that addressed the written submissions is recorded by the secretariat, and details are captured in excel spreadsheet. These include amongst others, Parent associations, SGBs, Educator Trade unions, Home Education Sector, Learners Organisations, Principal Associations, Legal firms, Civil society, Community Based structures, NGOs. It must be recognised that the bill generated interest in the education sector, the public submitted written submissions to add value to this piece of legislation. BELA bill impacts on the future of education sector, the submissions and recommendations remain pivotal towards the drafting of this analysis.

 **2. METHODOLOGY**

Methodology in this context refers to procedures that were applied to process the written submissions. The methodology applied is both qualitative and quantitative. Implicit with qualitative method, discourse analysis was also applied to examine texts or written submission statements in relation to themes that emerged. Written submissions were captured, processed and analysed in line with the categories of themes cited in 4.1 below. The submissions were allocated in batches of 100- 500 per staff member.

The submissions were categorized into lengthy submissions and short email submissions. Submissions were processed as per categorization of themes and sections in the excel spreadsheet. When the submissions were categorised, 8 themes emerged i.e.

(1) Access to Basic Education,

(2) Compulsory Learner Attendance,

(3) Language,

(4) Governance and Professional Management of   Public Schools,

(5) Budget and Finances of Public Schools,

(6) Home Education,

(7) Independent Schools,

(8) Educators.

**Figure 1: Emerging themes categories**

The emerging analytical themes were transposed on the excel spreadsheet whereby few columns were created to gather data for Specific Comments, Questions of Clarity on any Clauses /Sections of Bill as well as Recommendations

The section below outlines the Public Participation process, procedures followed to process the public submissions and preparation for Provincial Public Hearings.

 **2.1 SUMMARY OF WRITTEN SUBMISSION PER THEME:**

The section below provides summary of comments made by the public:

**Access to Basic Education**

Many concerns were raised regarding the extended powers of the HoD as a source of discontent. The concern raised by public on clause 2, section 3 states that the HOD, after consultation with the governing body, has the “final authority” to admit a learner to a public school, is viewed as an idea that seeks to centralize the HOD powers. Submitters purport that this goes against the aim of SASA and is against the principle of democratic governance. The view of those against this proposal is that it reduces the role and function of the SGB. The submitters argued that to admit learners to public school, rest with SGB as parents that are best placed to make that decision. HoD involvement should be minimal as they are already overburdened.

**Compulsory Learner Attendance**

The constitution section 29, grants all children of school going age a right to education. The BELA bill gives light to this right, yet the concern is it might undermine this very same right. For example, Clause 2, section 3 propose for criminalizing of parents who keep their children out of school, with increased jail penalty of 6- 12 months. Whilst certain aspects of amendments are welcomed, the public is not happy about the extension of the penalty from 6- months to 12 months. On the issue of parents not having document or documents being falsified, the clause proposes that those providing false or misleading information, should be jailed. The submitters concern on this clause is that parents might not have legal documentation, for a number of valid reasons, therefore if parents are jailed, more learners will be on the streets and families would be subject to poverty.

**Language Policy issues**

There are concerns of social cohesion on the language policy issue.Some school governing bodies responses is that the power to determine a school's language policy rests with the SGB in terms of section 6(2) of the Schools Act. Clause 5(c). The bill proposes to amend section 6 of the Schools Act by adding subsections (5) to (20), which seeks to limit the governing body’s power to determine the school’s

language policy. The requirement that the SGB submit the admission policy, to the HOD for “approval” is regarded as undermining the powers of the SGB. Those in

support of the clause submitted that SGBs under SASA Act were provided with an opportunity to promote multilingualism, however some used the language policy to discriminate against other language groups w.r.t school admission criteria.

**Governance and Management of Public Schools:**

The excessive powers conferred on the Minister, MEC and HOD by the Bela bill is amongst the major issues of concern. The public expressed discontent on the matter of centralization of power. Part of the concerns is that the department has additional responsibility of schools. Further the concerns allude to powers of the Ministers overriding the SGB e.g. clause on “withdrawal of “one or more functions” of an SGB by HoD. The granting of “exclusive” decision making powers to the HoD and Minister, undermines the powers of the SGB who demonstrate accountability mechanisms in governing their schools. On the clause that deals with HoD’s powers to dissolve the SGB, Section 25 - the main concern about the proposed amendment is the power granted for temporary or interim SGB in section 25(4). Submitters argue it is difficult to take decisive making when SGBs are temporary.

**Budget and Finance**:

A critical concern that needs to change with matters of Budget and Finance in running of public schools is issue of funding model. Submitters allude that the funding model for schools needs to be reviewed, the quantile system, the fee exemption tables, as well as its current staffing model.

The current models assumed that all schools are single-medium, institutions. The concern is that the department must take into account the additional costs, resources and staffing required to offer more than one medium of instruction and staffing model for multi-language schools. On the proposal for Disclosure of financial interest by members of a governing body, Clause 14 proposes the insertion of section 18A(4A) which will compel all members of a governing body to disclose on an annual basis, all his or her financial interests and the financial interests of his or her spouse, partner, and immediate family. Issue of concern is that the proposed disclosure would constitute an unreasonable invasion of the privacy of both the governing body member and one’s family, ultimately parents would deter from being selected as SGB members.

**Home Education**

Home education elaborate submissions point to the concern that there was minimal consultation and no research was conducted whose findings ascertain the inclusion of home education in the process of drafting the bill. Parents of home educated children object to regulation of Home Education under the South African Schools Act, they recommend that rather HE should be regulated under the

Children’s Act. In their view, it does not make sense for home education to be under the Schools Act because the difference between a school and a family are so huge. Some suggest for research before developing the policies to help guide the home education. Others cited constitutional rights, for home schooling, as they preferred access online lessons, because the school curriculum does not offer flexibility.

 **Independent schools**

Submissions from organizations representing the independent schools allude that their academic year runs for 3 terms per annum, therefore the clause which require them to submit 4 quarterly financial reports like public schools would be unrealistic and put them at a disadvantage. Provision for a public school to become an independent school. The proposed amendments do not create an opportunity for a Public School to become an Independent School, in the same way, SASA section 49 allows for an Independent School to become a Public School. It should be made possible for an SGB to apply for the conversion to an Independent School.

**Educators**

Even though educator’s issues are regulated by the EEA, and dealt with by ELRC some submitters welcomed the proposal that deals with clause 49. This clause prohibits educators from conducting business with the State, so as to avoid financial conflict of interest. The submitters concern also points to Clause 45, in relation to promotion posts where the influence of SGB in recruitment, oftentimes excludes appointment of educators on criteria which is not based on equity

**2.1 Public Participation Process**

In line with Section 59 (1) (a) of the Constitution of RSA, which requires the National Assembly to facilitate public involvement in the legislative and other processes of Parliament, the Committee had engagements to consider written submissions on the BELA Bill. To give the citizens an opportunity to raise issues and make their voices heard as part of Public Participation, the Committee invited the public to make written comments on the Bill. The adverts about the BELA Bill ensured that the Public was informed in most national newspapers.

The figure beneath, outlines Public Participation Model of Parliament, with crucial phases such as inform, Consult, Involve, Feedback.



Figure 2: Public Participation Model (PPM, 2019).

**2.1.2 PUBLIC PARTICIPATION AND SOCIAL MEDIA IMPACT**

As reflected in figure above, Public Participation is a crucial opportunity to ***inform, consult, involve, and provide feedback*** to the people when a committee processes legislation. The use of technology and social media was explored as a strategic measure by the Portfolio Committee on Basic Education and had taken into consideration the use of social media as an effective way by which the public could be informed to participate in raising their concerns about the BELA Bill. By facilitating access to information on the Parliamentary website about the BELA Bill, this attracted public interest to make their voices heard through written submissions via Emails, WhatsApp, Google forms and Video recorded inputs.

Parliament Website [www.parliament](http://www.parliament) .gov.za published the advertisement of the BELA Bill for access to information which called for public comments. Other social media platforms such as You Tube, Broadcast the Committee meetings when Bill was tabled.

The secretariat coordinated information sessions to unpack the BELA Bill. The purpose was to enable colleagues in Public Education and Parliamentary Democracy Offices to prepare for Public Participation in advance prior the Public Hearings in the identified provinces. The pre – prep meeting included discussion on:

* Mobilization of the Public about the BELA Bill Limpopo, Free State and
* Information and Education to make the stakeholders aware through production of Publications simple fact sheet that highlight clauses and sections of the Bill
* Venue Confirmations, Security, Translation
* Communication and Liaison with stakeholders, Legislatures etc.

To effectively implement the model on public participation, the 4th term planning program of the Portfolio Committee focussed on a series of oral public hearings during the November 2022. Stakeholders who expressed interest to represent their views /concerns on the bill, were given the opportunity to come to Parliament and present their Submissions at the Oral Public earni H Hearings. 32 Organisations attended the hearings.

**2.2 Public Written Submissions Received Portfolio Committee**

The approximate number of written submissions received by the Committee has been broken down as follows:

\*Email Submissions 17 452,

\*Google form submissions 549,

\* Video Submission 1

\* Hard Copies: flyers, submission forms 11 522

\* Post Cards 230

The approximate total number of written submissions received improved once hand delivered written submissions were processed. The number of received submissions to date came to (29 754).

**Figure: 3:** According to information above, 29 754 submissions were received with electronic emails being the largest numbers.

**2.2.1 Format of Submissions**

Some of the written submissions received via email were accompanied by pdf attachments. The statistical information is represented in graphical format with numerical data for analytical synthesis

* To take accountability for allocated and processed batches, the secretariat developed another spreadsheet to determine exactly the figures/numbers of completed submissions.
* Once written submissions were processed, they were emailed back to the admin person
* Submissions that are written in language other English were referred to Language Services for Translation
* Staff members deployed to assist, were taken through orientation via MS Teams,
* The orientation focused on data handling, data capturing and alignment of public response with the clause by clause summary guide of the BELA Bill.
* Electronic folders were created to store the processed submissions
* Lengthy substantive submissions, were accompanied by attachments and appendixes, these were summarized in an MS Word format.

**2.2.3 Written Submissions and Request Oral Submissions**

The Portfolio Committee received *electronic written* public submissions, and  *hand delivered /couriered submissions*. Some submissions were received via a dedicated email address, online google forms from various stakeholders who have vested interest in the education sector. stakeholders who submitted requests for oral Submissions. Written submissions at approximate total of 29 ,754 are currently being processed, categorised and analysed in accordance with the themes that emerged cited in 4.1 above. To date, *20 929* written public responses were captured into metadata, categorised and analysed.

**2.2.3 Data Management**

The written submissions were formatted in MS Word and then later transferred into Excel Spreadsheet, in order to summarize public responses and draft the narrative report. The submission responses on excel template were also categorized to affirm Support of Bill (Yes), not support (No) and Partial (P) support. The excel spreadsheet columns were designed with columns from (A to T) which enabled the data capture to record the name, email address, province, clause specific comment, themes related to the clauses and other question one would have. This included space for recommendations.

**2.2.4 Processed Submissions**

The submissions processing entailed data capturing from electronic emails which are accessible in the belabill02 inbox, and online platform such as google forms. MS Word template and Excel spreadsheets were utilized to enter information, and then categorize the information. Once batches were completed they were stored in electronic files. Collaboration, and project team meetings resulted in compilation of approximately 20,929 submissions processed. The processing team was made up of staff recruited from Committees Section and other units in Parliament to ensure that the submissions received priority. The team was comprised of researchers, content advisors, library staff, public education, and executive admin.

Figure:4: Percentages of processed submissions

**Figure :4 Provides the number of submissions that have been processed**

* Number of Email Submissions processed on MS Word: (1734)
* Number of Email Submissions processed on Excel, approximately 6894
* Number of google forms processed 549
* Number of hand written submissions processed 11 522
* Number of Posters processed 230
* Approximate total number of processed written submissions 20 929

Figure 5

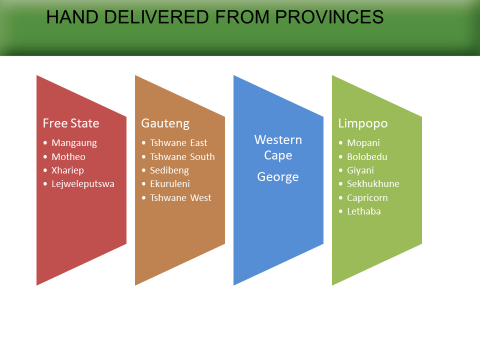
* Fig 

Figure 6.

Four Provinces submitted hand delivered written submissions i.e. FS, LP, GT, WC

**3. Perspectives of Bill Support, No Support or Partial Support**

On the excel spreadsheet alone, disproportionate comparison emerge which give insight into how the public responded to whether they support the bill. The graph below, depicts submitters that support the bill with (Yes), those that do not support the bill with (No) and (Partially support). Those who did not indicate either of the 3 choices were categorised as unspecified.

Figure 7:

The number of stakeholders supporting the BELA supports increased due to the hand delivered/couriered submissions. This seems to be close margin between Public Views expressing (No and Yes), whilst partial and unspecified remain at lower than 1000 mark. Two groups namely Pestalozzi and Dear South Africa submitted large bulk of emails with similar views that they reject the bill in its entirety. The numbers may change as submissions are being finalized. In the process, the secretariat dealt with duplicate email submissions from the BELA bill 02 inbox.

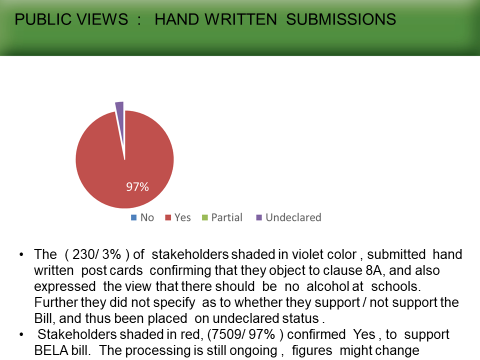


Figure 8: Public Views on Hand written submissions

* Stakeholders that submitted post cards represented as 2% (230) in the graph raised 1 issue that they object to clause 8A. They emphasized the view that there should be no alcohol at schools. However, they did not specify as to whether they support / not support the Bill.
* Stakeholders that submitted flyers and hand delivered submission forms represented at 98% in graph above, (11522) confirmed Yes, to support BELA bill.
* The concerns they raised and clauses supported includes:

Clause 2 - school attendance

Clause 3 - Monitoring of school attendance

Clause 5 - SGB powers to submit the language policy

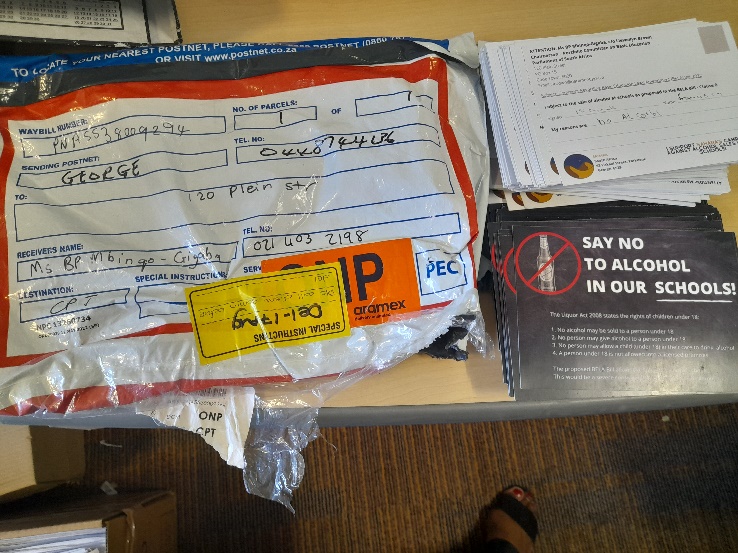
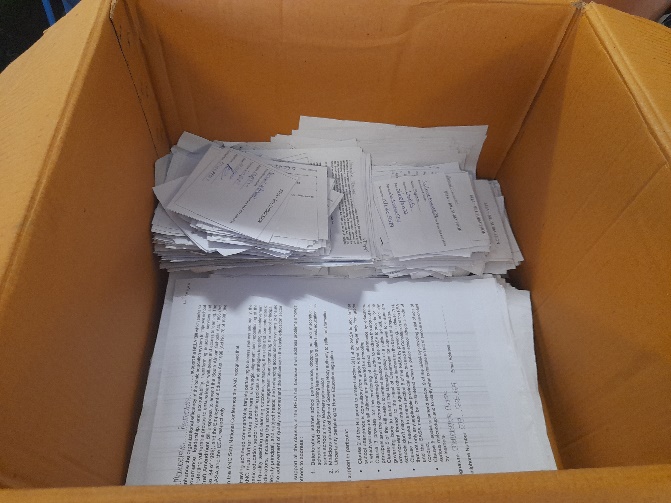
Clause 7 - Code of Conduct to include Constitution as well as Provincial Law

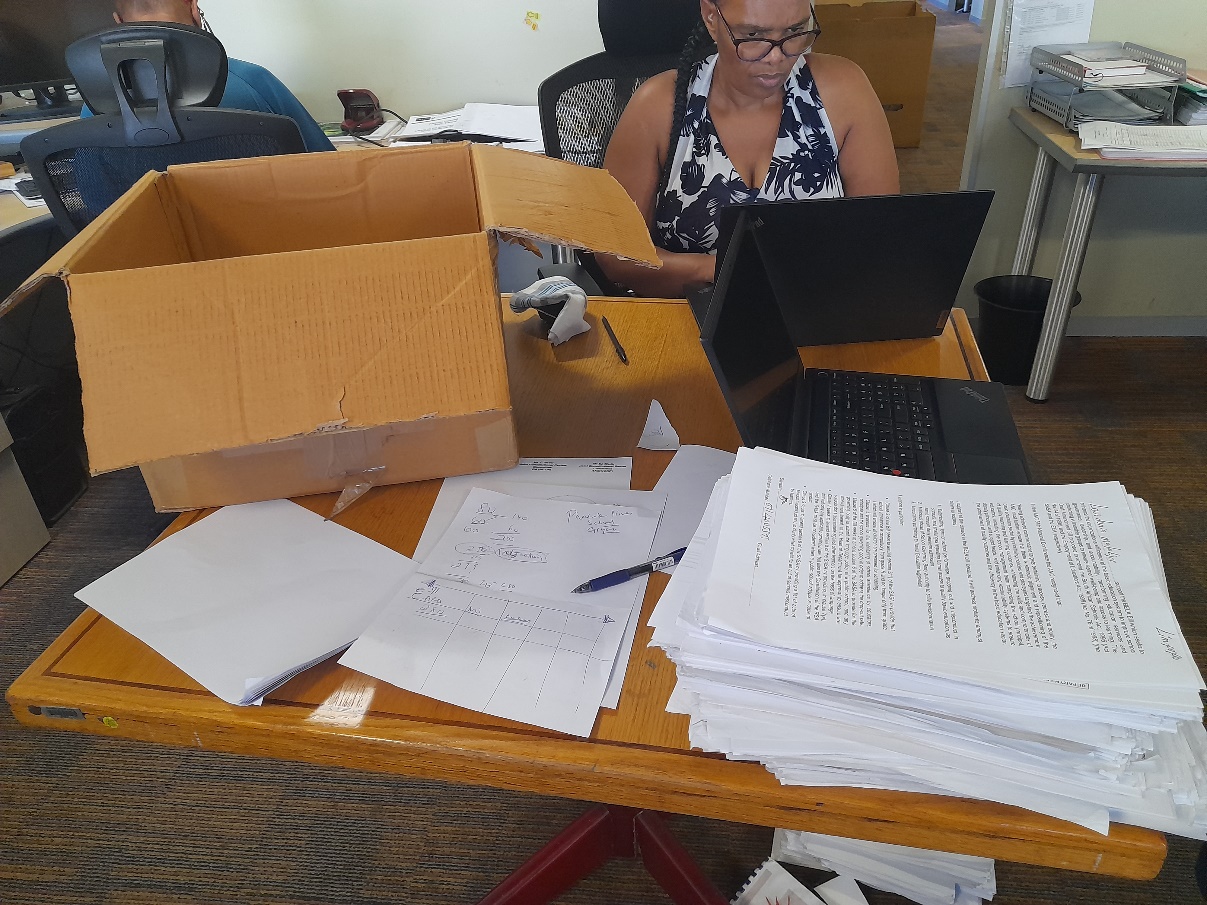
Clause 9 - Need clear definition of what constitutes acts of misconduct

* There were no partial views declared on hand delivered submissions.

**3.1 Hard Copies / Hand Delivered Written Submissions.**

The hard copies were hand delivered in courier envelope and 2 boxes at the Committees Section. As the submissions process is ongoing the latter were processed during recess period.



Source: Hand delivered Written submissions

**3.2 Presentation of Google submissions processed**

Figure 9: 549 received: Yes 100, (18,3%), No – 415 (75,6%), Partial 34 (6,04%)

On google forms submissions, the Public response was largely No at 75,6%, Yes and 18,3% and Partial at 6,04%. Views objecting to the bill were more pronounced on this digital media platform.

**PUBLIC ORAL SUBMISSIONS IN PARLIAMENT**

Submissions are the presentation of views or opinions on a matter or piece of legislation under consideration by a committee of Parliament. The BELA Bill Public hearings were conducted at Parliament with various stakeholders from across the 9 provinces being allowed to present in any of the South African official languages. Oral submissions were extended to the public that had expressed an interest to attend Oral Public Hearings held by Committee. The Committee looked at the views /opinions shared as discussed by 30 stakeholders. The Committee noted views of the public and some views have been included into the work of processing of the BELA Bill. The list of organisations that attended the Oral hearings are listed at the back of the report.

**3.4 Summary of Submissions Observations**

Based on the observation of the written submissions, the analysis notes the following:

* The issue of undocumented learners, remained one the issues arising out of the written submissions.
* The concern from submitters is that the list of documents required prevent children from accessing basic education
* Most people responded as one group like dear Bela bill group, some political parties, civil society organizations and NGO. Their mobilization brought a bulk number of registered emails.
* Most emails have the same wording which gives a notion that the same group of people advocate for similar issues for example the emails referring to SBG powers, language policy and unregulated home education.
* As per statistics collated, a majority of submission are not supporting the bill, however Parliament has representatives of the people, they are the ones who can determine the outcome of the BELA bill.
* From an analytical lens, in some instances the concerns projected a negative view critiquing the present government without substantiating the facts. In particular, some of the critique voices do not appreciate improvements made in the Quintile 1-3 public schools.
* Some of the submissions from lobby groups hinge on admission clause 4, section 5. they put forward that the clause is not feasible in poorly resourced schools such as Quantile 1-3 considering the issue of capacity, issue of undocumented learners and other reasons why parents keep learners at home.
* Concerns were raised regarding the powers of SGB, the majority are of the view that SGBs are best placed to determine language policy, admission policy in the best interest of the community,
* Centralized procurement clause should be withdrawn as SGBs have capacity and are accountable

**4. CLAUSE SPECIFIC ISSUES**

**Clause 1 – Definition**

This clause provides for the amendment to the definition section. Legal firms such as Legal Resource Centre represented, Weber Attorneys etc. raised concerns that the amendment to definitions in Clause 1 section 1 is narrow. They allude that some words might need to be changed as they cause the syntax to loose meaning.

The definition requiring attention are:

-The required documents, needs unpacking as the -the list of documents

creates barrier to access education.

- The list of document makes no reference to other education laws, or regulations

- Define the word “educator “as it stands its too narrow

Definition and prohibition of Corporal Punishment to include all learners

**Recommendations**

It is recommended that the employment of Educators Act, should apply to all who are employed at school. Considering sexual misconduct cases, the officials in the education sector should all be managed under the Educators Act.

**Clause 2, Section 3: Compulsory attendance**

A variety of comments received seem to welcome the proposed insertion of clause 2 in section 3 which deals with compulsory attendance at age 6 for Grade R.

Proponents submit that Grade R **must** be of quality and age appropriate.

Some parents are concerned about insertion of Clause 2, section 3 in particular the extension of the penalty to 12 months Concerns were raised pertaining to the capacity of schools to admit learners in terms of infrastructure and provision of educator personnel. Many cite the issue of infrastructure backlogs as an impediment to this clause.

**Recommendations**

* Incorporate the ECD sections of the Second Children’s Amendment Bill
* DBE should create an enabling environment dedicated to learners with disabilities and special needs
* Criminalizing parents, guardians and caregivers for failing to co-operate with the provision in Section 3(6)(a) is misplaced.
* Clause 2 Section 3 (6)(a) the period should not exceed 6 months as it is currently in SASA.
* The Unions SADTU, and Cosatu as labor federations recommend that Section 3(7) be removed entirely for the right to protest cannot be criminalized

**Clause 3, Section 4 A: Monitoring Learner attendance**

Teacher unions Sadhu welcomes this amendment, by commenting that it is about time that schools needed to be held accountable because many issues related with learners drop out are challenging.

**Recommendations**

* Extend the required number of school years from Grade 9- 12, as large number of learners drop out with no career prospects
* Parliament should amend the provision of allowing children to leave school at 15 years

**Clause 4, Section 5: Admission to public schools**

This clause seeks to Amend section 5 of Act 84 of 1996. One of the main issues is a concern of obtaining documentation for undocumented learners. Some submitters put forward that it may carry a financial cost /burden on the parents. Some allude to the rights to of every learner to access to basic education. Main issue is that some learners were not able to register for a myriad of reasons. In addition, there are refugee children, asylum seekers and illegal immigrants whose children have no birth certificates.

*Some organisations that are concerned about documentation, is opposed to the required list of documents for the undocumented learners. The organisations argues that the list creates a barrier to accessing education*

Equal Law and Equal Education Law Centre, jointly support the Legal Resource Centre on the issue of undocumented learners and inclusion of the provision requiring SGBs to be consulted, and that SGBs may appeal the decision.

South African Human Rights Commission, submission expressed concern on learners without documentation

* **Recommendations**

On the issue of undocumented learners, the insertion of subsections (1A) to (1G) provides for the establishment of the

- National Intergovernmental Committee and the

- Provincial Intergovernmental Committee, to provide assistance to schools in obtaining the required documentation for learners that are admitted without documentation.

\* SGBs should be consulted before learner admissions / placement.

**Clause 5, Section 6 - The language policy of a public school**

A high number of written submissions were in relation to Clause 5, Section 6 whereby Clause 5(c) of the Bill proposes amending section 6 of the SASA by adding subsections (5) to (20), which seek to limit the SGB’s power to determine the school’s language policy. The first substantive change introduced (section 6(5), is the requirement that the SGB submit the admission policy, and any amendments thereto, to the HOD for “approval”. The requirement of the HOD’s “approval” of a school’s policy is viewed contrary to tenets of the SASA and the spirit of the Constitution which envisages a cooperative partnership between the SGB, the HOD and the Minister of Education.

The main concern was the following

The requirement of the HOD’s “approval” of the language policy creates the same difficulties as the proposed change to section 5(5) requiring the HOD’s “approval” of the admission policy. In both instances, the delicate balance of power giving effect to sound cooperative governance is disturbed in favour of granting power to the HOD. However, most of the email submissions made were of the view that government wants to remove Afrikaans as a medium of instruction within schools and therefore reject the proposals based of that assumption.

**Recommendations**

* Overwhelming majority of the raised views is that clause 5, section 6 on the language policy should remain strictly with the SGB and should never be allowed to be prescribed by the HOD.
* Some submitters call for withdrawal of the BELA Bill and allow SGBs to determine school policies and make decisions which are in best interest of learners
* The principle of non-discrimination, protection and support is to be given to all language and cultural communities
* *National Association for School Governing Body (NASGB recommends the notion that schools must consider the learner’s population and home language needs when deciding on LOLT.*

**Clause 7, Section 8 - Code of Conduct to include Constitution as well as Provincial Law**

The committee received large number of hand written submission forms from Limpopo Province, that support this clause. Some comments allude, that it is the principal’s responsibility to exempt learners who don’t comply with code of conduct, others expressed that it is the governing body.

**Recommendations**

* The code of conduct referred to in subsection (1) must be aimed at establishing a purposeful school environment,
* Legislatures should use the opportunity to place an obligation on SGBS to take into account diversity when considering drafting of code of conduct in particular gender identities.
* Learners voices should be heard and they must be protected when SGBs consider the code of conduct

**Clause 8, Section 8A - Conditions under which liquor may be possessed, consumed or sold on school premises**

The written submissions received were a bit of contrasting views on this Clause. While others support clause 8, for the purpose of fundraising, the segment of parents, teachers in Limpopo and Gauteng as well as faith based organizations raised objections on the insertion of this clause. The concern is that South Africa is battling with drugs and substance abuse at alarming proportions.

*National Association for School Governing Body (NASGB) NASG, Learners Command and the COSATU opposes the Clause 8A on the use of alcohol on school premises for fundraising, as alcohol had devastating effects on the poorer communities***.**

**Recommendations**

* Removal of this clause from the Bill, is recommended as there is no guarantee that alcohol at schools will be properly monitored
* South Africa is battling with alcohol abuse, challenges of alcohol in the country are
* Schools are meant to be kept safe, drug free, substance like are a no
* The proposed amendment is contradictory to National Safety Policies/Regulations

**Clause 9, amending Section 9: Misconduct by Learners**

The clause seeks to amend section 9 of the SASA by providing a series of acts of serious misconduct. It also seeks to clarify what constitutes an act of serious misconduct by learners.

**Recommendations**

* Support is essential to guide learner’s behavior
* Restorative justice, is recommended for dealing with misconduct

**Clause 10 Abolishment of Corporal Punishment**

Most Comments welcome the abolishment of corporal punishment, citing that corporal punishment is going against the values of South Africa’s Constitution.

**Recommendations**

* The definition of Corporal Punishment to include that it is protecting ALL learners, not only children given that some children age of maturity is reached while still at school, so the clause should not exclude them.
* Practices of degrading treatment must be abolished
* Definition also to consider unpacking of degrading treatment

**Clause 12, Amends Section 12: SGB making application to the MEC for designation of public school as Specialized focus on talent;**

HOD – Making Recommendations to MEC for designation of such a school

* Notwithstanding the support to the proposed amendment, the submitters ppropose an insertion to Section 12 compelling the MEC to provide sufficient schools, educators and non-educators for public schools and funds and other resources sufficient for the provision of an education of progressively high quality for all learners.

**Clause 13, Amends Section 12A: Merger of two or more Schools**

* This amendment is about merger of two or more schools
* The submitters are of the view that the proposed amendment is not explicit in stating which schools can be selected to merge and they feel that only schools that show close geographic proximity can be selected for a merger

**Clause 14, Section 18A - SGB disclosure of financial interests**

A substantial amount of written submissions also focused on Clause 14, Section 18A of which Clause 14 proposes the insertion of section 18A(4A) which will compel all members of a school governing body (SGB) to disclose, on an annual basis, all them

financial interests and the financial interests of their spouses, partners, and immediate family members. They indicated the following:

* Not only is the purpose or rationale behind the proposed amendment unclear, but they are also of the opinion that this proposed disclosure would constitute an unreasonable invasion of the privacy of both the governing body member and his/her family.
* Pertaining to what needs to be disclosed – neither the Companies Act nor the Public Financial Management Act require such an extreme and detailed disclosure of interests by a member of an accounting authority.
* A member of an accounting authority is only required to disclose to the accounting authority a personal financial interest in respect of a matter to be considered at a meeting of the accounting authority / board, which is already dealt with by a declaration of interest by members of the SGB before all and any meetings.

**Recommendations**

* Introduction of the new section 26 which extensively addresses the issue of declaration and management of interests of SGB members which is fully aligned with generally accepted good governance practices.
* The SGB should appoint a person registered as an accountant /auditor in terms of the Public Accounts and Auditors Act, 1991

**Clause 16, Section 21 – HOD powers to centrally procure LTSM**

The clause deals with HoD powers to centrally procure identified learning and teaching support material for public schools, in consultation with the SGB. Most of the submitters raised serious concerns pertaining to this proposed amendment as follows:

* This proposed amendment is problematic, firstly, because it appears to provide a means to summarily circumvent the allocation of functions between the SGB’s and HODs for the purpose of procurement.
* This amendment also seeks to enable the HOD to arbitrarily withdraw this function from the SGB without any due process or a clear indication as to what would establish sufficient grounds/when will it be more efficient and effective for the HOD to be entitled to intervene as envisaged by this amendment. The implications of this amendment will be that the Department will centrally procure LTSM for schools.
* Section 21 already provides for an application process through which SGBs must apply to the HOD to be allocated the above functions. In terms of Section 21(2), if the SGB does not have the capacity to perform these function effectively, the HOD is empowered to refuse the application and require that the relevant SGB participate in the procurement function retained by the Department.

**Recommendations**

* To delete the clause, for its amendment can hinder SGBs who are functioning effectively and transparently to deliver high quality education to the learners in its schools.
* This should be SGB, given certain provincial departments’ record of incapability to deliver books to schools, there is a real concern that the provincial departments will not have the capacity to deliver quality material on time.

**Clause 17, Section 22: Withdrawal of one or more functions of an SGB**

The clause seeks to amends section 22 of the SASA to empower the HoD to withdraw on reasonable grounds and after complying with prescribed requirements “one or more functions” of an SGB. Written submissions received point to reservation with this clause, that HOD prescribes processes to withdraw function of SGB. Some reject the fact that SGB will merely perform an operational function.

Recommendation

Monitoring of Learners, is a management function that can be dealt with by school management

**Recommendations**

* Withdrawing of SGB functions must be the last resort once there is evidence that all internal intervention/ remedial steps have been taken to provide support the SGB committee to overcome whatever is being characterized as shortcomings
* In strengthening the SGB to execute its fiduciary duties, it is proposed that in the school posts establishment Department must explore a scenario of the current or future permanent staff member in the administration to fully work with SGB- committee for development and building of solid administrative support and capacity.
* Theresponsibility for such department official(s) is to serve as SGB administrator whose key daily work is to provide support to the SGB

**Clause 21, Section 25: HoD powers to dissolve an SGB that has ceased to perform functions, MEC appeal authority for dissolution of SGB**

* The concern is that the proposed amendment is, as in the commentary to the Clause 17 intended amendments, the power granted to the temporary or interim SGB in section 25(4).
* This is problematic for the reasons articulated in relation to **clause 17** proposing amendments to section 22(8).

**Recommendations**

* It is proposed that it be amended to make provision for functional and well-functioning SGBs to apply for further functions and more autonomy.

**Clause 23, Section 27: Non remuneration of SGB for the performance of duties**

It is submitted that members of the governing body should be reimbursed for reasonable expenses incurred for the attendance of meetings and school activities.

**Recommendation**

It is recommended that as per the current amendment, that there may be noremuneration, nevertheless reference must be made to the reimbursement of expenses incurred by members, in the fulfilment of their duties.

**Clause 25, Section 29: Parent as Chairperson of the finance committee of public school.**

* Submitters proposes that it should, not only be when reasonably practical, but **always** be a parent member, as the decisions made by the chairperson of a finance committee have a huge financial impact on the school and should not be left in the hands of an educator.

**Clause 28, Section 36Approval by MEC for SGB entering into lease agreements, loans, overdrafts**

Some submitters object to the proposed amendment on the basis that:

The SGB, as a legal entity should be able to participate in the business of keeping a school viable in the interest of the community it serves, free and unfettered as enshrined in the Constitution.

* The proposed amendments also fail to specify how long the MEC, whose office is already inundated with normal day to day enquiries, will take to provide the approval.

**Recommendation**

* In light of various other legislation regulating this aspect of contracting, the term lease agreements be left in the discretion of schools unless compelling reasons arise to limit this discretion.
* The reference to “lease” and the related provisions in the proposed sections 36(2) and 36(4)(a)(I) be removed.

**Clause 29, Section 37Infuse technical amendment to section 37 of the SASA**

* It is proposed that section 37(1) be amended to allow the Minister, and not the HOD, to determine the directions under which an SGB must establish and administer its school funds in accordance with the SASA.

**Clause 30, Section 38 Budget made available to parents, before presented general meeting**

* The submitters note that the proposed amendment shall have a hindering effect on the proper and effective management of the school and curtail the school’s mandate in terms of Section 36(1) of the SASA as alluded to earlier herein.
* The criteria in terms of the SASA is already clear in this regard, which is that funds should be applied to improve the quality of education for all learners and the SGB is already obliged to report to parents on expenditure and income during the AGM

**Recommendations**

* The submitterspropose that these intended amendments be done away with and that the Department work to improve financial governance and administration by publishing guidelines dealing with deviations and reallocation of funds which SGBs could use as reference when preparing their financial policies and procedures.
* They also propose that the provisions can’t also include a mechanism for parents to object to certain deviations/reallocations to the Department who can then investigate and impose restrictions as envisaged by Clause 30.

**Clause 31, Section 38A State Employee paid additional remuneration or receiving other financial benefit**

The clause is an insertion to section 38A of the SASA to extend application for a state employee who is paid any additional remuneration. Some comments welcome the insertion whilst others propose that the amended be reviewed considering the practical application of the provisions as amended curbing the role and powers of SGB

**Clause 34, Section 43 – HOD powers to investigate financial records of the school**

The clause empowers the HoD, to authorize an investigation into the financial affairs of a public school; to request the Auditor-General to undertake an audit of the records and financial statements of a public school; or appoint forensic auditors or forensic investigators.

The main concern raised by submitters is that some independent schools are concerned about submission of quarterly reports. They allude that with respect to submission of quarterly report, independent schools are disadvantaged in that they operate on three-terms for their academic year, therefore it’s not possible for them to submit 4 quarterly report like counterpart public schools.

**Recommendations**

* Transpose Section 43 (2) and 43(1) such that SGBs have a primary responsibility to appoint as per Section 43(2)
* Develop a system to exempt some schools from audit all, i.e. schools receiving less than R100 000
* Develop guidelines to stimulate the audit reviews e.g. Asset Value to be controlled by schools.

**Clause 37, Section 51 – Homen Education:**

The Home educator sector is not happy with this clause. They expressed fear that they are being targeted.  *Homeschooling, sector is objecting to Registration, Home visits, and CAPs curriculum monitoring. They submitted that registration should be changed to “notification. Also alluded that Clause 71, section 51(c) is an invasion to privacy.*

National Association for School Governing Body (NASGB) does not support Home schooling and alluded that only in exceptional circumstances should learners be home schooled

All the necessary principles, guidance, procedures and structures to regulate parental care (including education) are also provided in the Act. No additional regulation is therefore needed.

Most of the written submission cited that they would not like their children to follow CAPS or to be assessed against CAPS as they are not convinced CAPS deliver the required requirements their children need when they are finished with their education.

**Recommendations**

* Most of the submissions alluded that the rights of parents to determine where and how they should educate their children is to recognized.
* The Second Amended Children’s Act sufficiently regulates home education and no additional regulation is needed in the SASA or elsewhere. \* Section 18(2)(a) of the Children's Act, read with the definition of "care" in the same Act, gives all children the right to have their education "guided, directed and secured" by their family or parents.
* Online and Blended Learning to be regulated, Alternate cottage schools also to be regulated

**Clause 49, Section 17 of the Employment of Educators Act (EEA),**

The clause amends section 17 of the EEA by inserting a phrase that expands the list of acts of serious misconduct. It is proposing that Section 17 (1) (c) be amended to read as “[a]” educator must be dismissed if he or she is found guilty of the sexual harassment, sexual assault, rape, statutory rape of a learner “

**General Recommendations**

* Section 51(c) to be removed / replaced
* Monitoring of CAPs curriculum to be on contingency basis
* Most of the written submissions recommended that the current section 51 in the SASA be replaced with a section which includes the following:
* A simple notification process which allows the HOD to keep track of children who are receiving education elsewhere than in school, without providing regulating powers to the HOD
* An exemption clause from compulsory school attendance for children whose parents have notified the HOD of their intention to home educate.
* Discontinuation of exemption from compulsory school attendance only when the child returns to school, or when the Children’s Court orders the HOD to discontinue such exemption.
* Matters arising from home education shall be dealt with in terms of the Children’s Act, 38 of 2005
* Clause 14, Section 18A(4A) be removed as it introduces excessive requirements without there being a compelling rationale that justifies the onerous obligation being imposed.
* The Covid pandemic led to the creation of other means of teaching and learning, e.g. virtual classrooms. The recommendation is that online schools should be regulated to ensure that learners are not disadvantaged
* More inclusive approach, when language policies are adopted,
* There is call for No criminalization of parents, the dept. must explore use of Truancy officers

**PREPARATION FOR PROVINCIAL PUBLIC HEARINGS**

The Portfolio Committee on Basic Education envisaged to have Public Participation Hearings on the Bill in all 9 Provinces to seek oral submissions/comments from the general public on aspects of the Bill they agree/disagree on in an open forum. The draft planning schedule for the Limpopo Province Public Participation Hearings are summarized as follows:

|  |  |  |
| --- | --- | --- |
| **Date** | **Travel Logistics / Activities** | **Venue** |
|  |  |  |
| Thursday, 23 February 2023 | * Delegation Flights to Polokwane * Drive to Vhembe District (Thohoyandou) * Accommodation in Thohoyandou or Surrounds |  |
|  | **Vhembe District (Thohoyandou)** |  |
| Friday, 24 February 2023 | 13:00 – 14:00 Delegation shuttle from Hotel to Hearings Venue  14:30 – 18:30 Public Participation Hearing on BELA Bill  18:30 – 19:00 Closing Remarks + Adjournment  19:00 Delegation return to Hotel (Thohoyandou or surrounds) | Thulamela Local Municipality: Mikaela Community Hall |
|  | **Mopani District (Giyani/Tzaneen)** |  |
| Saturday, 25 February 2023 | 08:30 – 11:30 Delegation travel to Mopani District (Greater Tzaneen)  11:30 – 12:30 Delegation check in Hotel, Giyani/Tzaneen or surrounds  13:00 – 14:00 Delegation shuttle from Hotel to Hearings Venue  14:30 – 18:30 Public Participation Hearing on BELA Bill  18:30 – 19:00 Closing Remarks + Adjournment  19:00 Delegation back to Hotel (Giyani/Tzaneen or surrounds) | Greater Tzaneen Local Municipality: Lenyenye Community Hall |
|  |  |  |
|  | **Capricorn District (Polokwane)** |  |
| Sunday, 26 February 2023 | 09:30 – 11:30 Delegation travel to Capricorn District (Polokwane)  12:00 – 16:00 Public Participation Hearing on BELA Bill  16:00 Delegation travel to Polokwane Airport  17:50 Flight to OR Tambo  19:30 Delegation check into Hotel, OR Tambo | Polokwane Local Municipality: Jack Botes Hall |
|  |  |  |
| Monday, 27 February 2023 | 09:00 – 10:00 Delegation shuttle from Hotel, O R Tambo to OR Tambo International - Delegation boards flights to Home Base  **End of Limpopo Itinerary** |  |

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| APPENDIX 1: STAKEHOLDERS EXPRESSING INTEREST FOR ORAL SUBMISSIONS |
|  |
| * Christian View Network |
| * S.A.O.U |
| * SA Human Rights Commission |
| * Western Cape Commission for Children and Child Government Monitors |
| * Equal Education + Equal Education Law Centre (Joint) |
| * Pestalozzi Trust |
| * FEDSAS |
| * Governance Alliance |
| * Section 27 |
| * Afriforum |
| * Governing Body Foundation |
| * SA Learners Command NPC |
| * SA Alcohol Policy Alliance |
| * Learn Free |
| * C.O.S.A.S |
| * Karis Gradual |
| * Cause for Justice |
| * NASGB |
| * Bangle Saundra |
| * Home Education Association |
| * Centre for Child Law |
| * SA Institute for Race Relations |
| * Association of Home Schooling |
| * Wits School of Public Health |
| * UCT Online High School |
| * UCT Children’s Institute |
| * Nicholas Lotz |
| * Kwela Ngwepe |
| * Braam von Benecke |

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| --- | --- |
| **Clauses and Sections of the Basic Education Amendment Bill [B2-2022]** | |
| Clause 1 **, Amends Section 1 of the South African Schools Act, 1996**, | Amendment to Definition Section |
| Clause 2, Amends **Section 3 of the South African Schools Act, 1996,** | School Attendance Compulsory from grade R Increase of the penalty provision in section 3(6) of the SASA from six months to 12 months |
| Clause 3 , **Inserts section 4A in Act 84 of 1996** | Monitoring Learner Attendance |
| Clause 4 : **Amendment of section 5 of Act 84 of 1996,** | Admission / Enrollment of a child at a school to start Grade R at a younger age |
| Clause 5 : **Amends section 6 of Act 84 of 1996, as amended by section 2 of Act 50 of 2002** | The language policy of a public school, |
| Clause 6: **Amends section 6A of Act 84 of 1996, as inserted by section 3 of Act 50 of 2002** | Appointment of Persons / Agencies to advise the Minister on National Curriculum Statement and Procedures for Learner Assessment |
| Clause 7: **Amends section 8 of Act 84 of 1996, as amended by section 4 of Act 50 of 2002, and section 6 of Act 31 of 2007** | Adoption of School Code of Conduct taking into account the Provincial law, and Constitution of the RSA |
| Clause 8 : **Amends section 8A of Act 84 of 1996, as inserted by section 7 of Act 31 of 2007** | Conditions under which liquor may be possessed, consumed or sold on school premises |
| Clause 9: **Amends section 9 of Act 84 of 1996, as amended by section 7 of Act 48 of 1999, section 2 of Act 24 of 2005 and section 7 of Act 15 of 2011** | Misconduct by learners ( Suspension related issues) |
| Clause 10: **Amends section 10 of Act 84 of 1996** | Abolishment of Corporal punishment |
| Clause 11: **Amends section 10A of Act 84 of 1996, as inserted by section 5 of Act 50 of 2002** | Prohibition of initiation practices in a hostel |
| Clause 12 : **Amends section 12 of Act 84 of 1996, as amended by section 8 of Act 15 of 2011** | SGB: Making application to the MEC for designation of public school as Specialized focus on talent;  HOD – Making Recommendations to MEC for designation of such a school |
| Clause 13 : **Amends of section 12A of Act 84 of 1996, as inserted by section 8 of Act 48 of 1999** | Merger of two or more School |
| Clause 14 : **Amends section 18A of Act 84 of 1996, as inserted by section 6 of Act 50 of 2002** | SGB disclosure of financial interests |
| Clause 15 : **Amends o section 20 of Act 84 of 1996, as amended by section 6 of Act 100 of 1997, section 4 of Act 53 of 2000, section 3 of Act 57 of 2001, and section 9 of Act 31 of 2007** | Use of school for education-related activities, without the charging of a fee or tariff. |
| Clause 16: **Amends of section 21 of Act 84 of 1996, as amended by section 10 of Act 48 of 1999** | HoD powers to centrally procure identified learning and teaching support material for public schools, in consultation with the SGB |
| Clause 17: **Substitutes section 22 of Act 84 of 1996** | Withdrawal of “one or more functions” of an SGB by HoD |
| Clause 18: **Amends section 23 of Act 84 of 1996, as amended by section 11 of Act 48 of 1999** | SGB powers to co-opt persons from outside the community with the relevant expertise |
| Clause 19 : **Amends section 24 of Act 84 of 1996, as amended by section 7 of Act 100 of 1997** | Minister powers to determine SGB members, and manner of SGB elections in public schools for learners with special educational needs. |
| Clause 20: **Insertion of section 24A in Act 84 of 1996** | Regulation of membership of a governing body of a public school with a specialized focus |
| Clause 21 : **Substitutes section 25 of Act 84 of 1996, as amended by section 4 of Act 57 of 2001** | HoD powers to dissolve an SGB that has ceased to perform functions,  MEC appeal authority for dissolution of SGB |
| Clause 22: **Substitutes section 26 of Act 84 of 1996** | Recusal of SGB members in cases of direct / indirect personal interest |
| Clause 23 : **Amends section 27 of Act 84 of 1996** | Non remuneration of SGB for the performance of duties |
| Clause 24 : **Amends section 28 of Act 84 of 1996** | Minister powers to determine the election of members , instead of MEC |
| Clause 25 : **Amends section 29 of Act 84 of 1996, as amended by section 12 of Act 48 of 1999** | Parent as Chairperson of the finance committee of public school. |
| Clause 26 : **Amends section 32 of Act 84 of 1996** | Prohibition of learner’s participation in the processes to employ educators. |
| Clause 27 : **Substitutes section 33 of Act 84 of 1996** | Closure of Public schools: MEC undertaking consultative process before closing a school |
| Clause 28: **Amends section 36 of Act 84 of 1996, as amended by section 5 of Act 57 of 2001 and section 12 of Act 15 of 2011** | Approval by MEC for SGB entering into lease agreements, loans, overdrafts |
| Clause 29: **Amends section 37 of Act 84 of 1996, as amended by section 6 of Act 57 of 2001** | Infuse technical amendment to section 37 of the SASA.  School Funding /Fees |
| Clause 30 : **Amends section 38 of Act 84 of 1996, as amended by section 7 of Act 57 of 2001 and section 7 of Act 50 of 2002** | Budget made available to parents , before presented general meeting |
| Clause 31 : **Amends section 38A of Act 84 of 1996, as inserted by section 2 of Act 1 of 2004** | State employee paid additional remuneration or receiving any other financial benefit |
| Clause 32 : **Amends section 41 of Act 84 of 1996, as amended by section 5 of Act 24 of 2005** | Regulation : exemption from payment of school fees by single parents |
| Clause 33 : **Substitutes section 42 of Act 84 of 1996** | **Financial records and statements of public schools,**  SGB and management of school financial records |
| Clause 34 : **Amendment of section 43 of Act 84 of 1996, as amended by section 10 of Act 31 of 2007** | HOD powers to authorize an investigation into the financial affairs of a school |
| Clause 35 : **Amendment of section 46 of Act 84 of 1996** | Increase of penalty provision for any person who operates an unregistered independent school. |
| Clause 36 : **Amendment of section 48 of Act 84 of 1996** | Subsidy granted to an independent school, subject to conditions determined by the MEC. |
| Clause 37 : **Substitution of section 51 of Act 84 of 1996** | Home education : learners may be educated at home only if they are registered for such education |
| Clause 38 : **Amends section 59 of Act 84 of 1996, as amended by section 10 of Act 100 of 1997** | Penalty for submission of false, misleading or forged documents when making an application for admission or exemption of fees application |
| Clause 39 : **Insertion of section 59A in Act 84 of 1996** | Dispute resolution mechanisms in the event of any dispute between an SGB and the HoD or the MEC. |
| Clause 40 : **Amendment of section 60 of Act 84 of 1996, as amended by section 14 of Act 48 of 1999, section 12 of Act 31 of 2007 and section 14 of Act 15 of 2011** | Liability of the State for any delictual or contractual damages caused as a result of any school activity conducted by a public school for which the public school would have been liable. |
| Clause 41 : **Amendment of section 61 of Act 84 of 1996, as amended by section 5 of Act 53 of 2000 and section 9 of Act 50 of 2002** | Amendment of section 61 of the SASA to empower the Minister to promulgate regulations. |
| Clause 42 : **Amendment of the Preamble of Act 84 of 1996** | Amendment of the Preamble of the SASA. |
| Clause 43: **Amendment of section 1 of Act 76 of 1998, as amended by section 6 of Act 53 of 2000, section 58 of Act 16 of 2006 and section 15 of Act 15 of 2011** | Amendment of section 1 and 5 of the Employment of Educators Act  Cancelation of Provisions and definitions relating to Further Education and Training, as well as Adult Basic Education Centres |
| Clause 44 : **Amendment of section 5 of Act 76 of 1998** |
| Clause 45 : **Amendment of section 7 of Act 76 of 1998** | The clause further provides for the possibility that an appointment to a promotional post can be made on probation |
| Clause 46 : **Amendment of section 8 of Act 76 of 1998, as amended by section 16 of Act 48 of 1999, section 11 of Act 50 of 2002, section 58 of Act 16 of 2006, and section 3 of Act 1 of 2004** | Technical amendments to sections 8, 9 and 11 of the EEA |
| Clause 47 : **Amendment of section 9 of Act 76 of 1998** |
| Clause 48 : **Amendment of section 11 of Act 76 of 1998** |
| Clause 49 : **Amendment of section 17 of Act 76 of 1998, as amended by section 10 of Act 53 of 2000** | Extended List of acts of serious misconduct by Educators |
| Clause 50 : **Amendment of section 18 of Act 76 of 1998, as amended by section 11 of Act 53 of 2000, and section 58 of Act 16 of 2006** | Technical amendments to section 18 of the EEA. |
| Clause 51 : **Insertion of section 19 in Act 76 of 1998** | Contravention / Prohibiting educators from conducting business with the State |
| Clause 52 : **Amendment of section 35 of Act 76 of 1998** | Ministerial powers to promulgate regulations on norms and standards for district staffing |
| Clause 53 : **Repeal of section 38 of Act 76 of 1998** | Repeal section 38 of the EEA. |
| Clause 54 : **Amendment of Schedule 1 to Act 76 of 1998, as inserted by section 15 of Act 53 of 2000, and amended by section 12 of Act 50 of 2002** | Technical amendments to section 18 and schedule 2 of the EEA. |
| Clause 55: **Amendment of Schedule 2 to Act 76 of 1998, as inserted by section 15 of Act 53 of**  **2000 and amended by sections 8 to 11 of Act 57 of 2001, section 13 of Act 50 of 2002 and section 6 of Act 1 of 2004** |
| Clause 56 : **Short title** This Act is called the Basic Education Laws Amendment Act, 2022, | Provides for a short title |

BASIC EDUCATION LAWS AMENDMENT BILL [B 2 – 2022]

PUBLIC HEARINGS - PROPOSED PROGRAMME

FEBRUARY – 04 JUNE 2023

|  |  |  |  |
| --- | --- | --- | --- |
| **1. Province Education District** | | **AREA** | **DATE** |
| Limpopo | Vhembe Education District | Thohoyandou | Friday, 24 February 2023 |
| Limpopo | Mopani Education District | Tzaneen | Saturday, 25 February 2023 |
| Limpopo | Capricorn Education District | Polokwane | Sunday, 26 February 2023 |
|  |  |  |  |
| Free State | Thabo Mofutsanyana Education District | Phuthaditjhaba | Friday, 3 March 2023 |  |
| Free State | Xhariep Education District | Koffiefontein | Saturday, 4 March 2023 |
| Free State | Motheo/Mangaung Education District | Bloemfontein | Sunday, 5 March 2023 |
|  |  |  |  |
| North West | Bojanala Education District | Rustenburg | Friday, 10 March 2023 |
| North West | Ngaka Modiri Molema Education District | Mafikeng | Saturday, 11 March 2023 |
| North West | Dr Ruth Mompati Education District | Vryburg | Sunday, 12 March 2023 |
|  |  |  |  |
| Mpumalanga | Bohlabela Education District | Bushbuckridge | Friday, 17 March 2023 |
| Mpumalanga | Ehlanzeni Education District | Kanyamazane | Saturday, 18 March 2023 |
| Mpumalanga | Gert Sibande Education District | Ermelo | Sunday, 19 March 2023 |
|  |  |  |  |
| KwaZulu-Natal | Umkhanyakude Education District | Jozini | Friday, 24 March 2023 |
| KwaZulu-Natal | Pietermaritzburg Education District | Pietermaritzburg | Saturday, 25 March 2023 |
| KwaZulu-Natal | Durban Central Education District | Durban | Sunday, 26 March 2023 |
|  |  |  |  |
| Gauteng | Tshwane South Education District | Pretoria | Friday, 31 March 2023 |
| Gauteng | Johannesburg Central Education District | JHB Central | Saturday, 1 April 2023 |
| Gauteng | Gauteng East Education District | t.b.c Brakpan/Tsakane | Sunday, 2 April 2023 |
|  | |  |  |