

## Introduction

ActionSA is a political party that emphasizes the utmost importance of a highly functional education system. We understand that without a basic education system that empowers young people to pursue their life goals, we cannot hope to address the triple threat of unemployment, inequality, and poverty. South Africa's basic education system is failing to empower our young people, and urgent action is needed.

The changes to the system, as proposed by the Basic Education Laws Amendment Bill ("BELA"), however, are not what is required to improve the performance of our education system. Rather than deal with the root causes of the poor performance of our education system, the Bill recommends a range of interventions that will actively cause damage to the functioning of our education system.

While we acknowledge the need to do a broad-scale review of the regulatory framework regulating South Africa's education system, the BELA Bill is merely the continuation of the ruling party's ill-informed attempts to address systemic and operational issues with legislation. It is unfortunate that the Department of Basic Education ("DBE") uses its scarce resources on superficial changes that will, at best, address a few symptoms of the broader failures of the education system.

While South Africa has made great strides in improving access to education, we are still failing to provide access to *quality* education. It is imperative to South Africa's future that all members of South African society rally together on a common cause of rapidly improving the performance of South Africa's education system, so that we create a South Africa where each generation experiences a better life than those that came before them.

ActionSA's submission to the BELA Bill adds our voice to the widespread objection to the Bill offered by civil society and education experts. Besides objecting to the flaws of the Bill, we will provide tangible recommendations to the Department of Basic Education that will contribute to improving access to quality education.

## What ActionSA believes

The education system in South Africa is failing our children. Weak institutions, too much influence from unions, teachers with limited knowledge and skills, and wasted learning time have resulted in poor educational outcomes. A recent study found that 8 out of 10 children in public schools cannot read for meaning by age 10. The curriculum does not focus on skills development and fails to equip young South Africans with the knowledge and skills required to participate in the economy.

These problems are worse in historically disadvantaged areas and rural areas, leaving millions of young South Africans excluded from the economy and trapped in a cycle of poverty and unemployment

**We believe that:**

- **Education is the key to a better future.** We see the transformation of our education system as our key priority – only when all South Africans are empowered through quality education can we hope to achieve shared prosperity and economic growth.
- **Education creates upward social mobility.** Access to education is not enough – we must ensure that everyone has access to quality education that empowers them with the skills to be successful and develop as individuals.
- **Quality education involves the whole community.** This means that we need to make sure that every South African child has access to a lifelong educational journey that empowers them to develop their skills and pursue their dreams. We believe that it takes a village to raise a child, and that must be reflected in our education system: everyone needs to get involved to build a brighter future for our young people.
- **Good education starts with quality early childhood development (ECD).** Universal access to quality ECD ensures that children establish the strong foundation required for a productive educational journey from a young age. This includes ensuring access to nutrition and fostering a safe and healthy learning environment.
- **Politics and unions get in the way of quality education.** Labour unions wield excessive influence over the education system, leading to significant inefficiencies in schools and the unproductive allocation of financial resources.
- **Financial exclusion should not prevent anyone from getting a good education.** No one should be denied access to education due to financial constraints. However, we need to redesign the current funding model (including fixing NSFAS) to make it more sustainable and accessible.

### Concerns about bureaucratic over-reach

ActionSA's major objections to the Bill relate to the inappropriate power and authority this Bill would give to the Department of Education and the Minister of Education. South Africa's education system has in the past been used by the Apartheid government as a tool to oppress millions of South Africans. It is currently being used by the ruling party as a political tool to win the favour of trade unions and ensure that young people remain reliant on the state for assistance.

Within the context of the abuse of the education system for political purposes, we believe that the state's role should be curtailed, not expanded. The state's role should be focused on the provision of infrastructure, ensuring compliance with minimum standards, training, and empowering educators, and providing resources to public schools.

The state, and especially not the Minister of Education, should not have the authority to interfere in the day-to-day management of schools. Competent and resourced school inspectors should provide oversight over schools to ensure that they fulfil their duties and are appropriately managed. Rather than impose more mechanisms for political interference, we should eliminate the broad range of mechanisms the government and politicians currently have for interfering with the education system.

We are opposed to the determinations of the Bill that give the Minister the authority to interfere with the appointment of school governing bodies, to make determinations impacting school districts without proper policy guidance, and to appoint persons/organisations to advise the Minister on matters of the curriculum without transparent and clear procedures for doing so.

Decisions about our schooling system should no longer be made in secret where powerful interest groups can manipulate decisions in their favour.

Rather, we should allow appropriately trained and skilled educational experts to guide South Africa’s educational policy development and make informed recommendations on the curriculum. Entirely non-partisan technocrats should regulate and govern the education system. Labour unions should no longer be able to protect teachers against accountability.

## Areas of objection

<b>Socio-economic impact assessment</b>	<ul style="list-style-type: none"> <li>• The Socio-Economic Impact Assessment (“SEIA”) accompanying the Bill is deeply flawed and was conducted before the COVID-19 pandemic. The pandemic had a fundamental impact on our schooling system, and circumstances have changed so much that the SEIA is now outdated.</li> <li>• The SEIA’s root cause analysis of the socio-economic problems the Bill seeks to address does not adequately capture the DBE’s performance and systemic challenges that impact the problems. Without a realistic analysis that includes appropriate self-criticism, the Bill’s recommendations are based on flawed reasoning.</li> <li>• The SEIA also does not adequately estimate the fiscal and economic impact of implementing the Bill.</li> </ul>
<b>Definition of basic education</b>	<ul style="list-style-type: none"> <li>• The Bill does not sufficiently address the definition of the right to basic education. The definition should be expanded to include reference to auxiliary factors that impact access to education, including transport, infrastructure, and qualified and adequately resourced teachers and educators.</li> </ul>
<b>Compulsory Grade R</b>	<ul style="list-style-type: none"> <li>• We welcome the introduction of Grade R as part of basic education. It is critical that children attend school as soon as possible. Incorporating Grade R as part of basic education, if done correctly, will ensure better alignment across the child’s learning journey.</li> <li>• However, making Grade R attendance should be accompanied by interventions that expand true access to education.</li> <li>• The Bill is also not clear on the alignment of the Grade R curriculum with the rest of the basic education curriculum.</li> <li>• The Bill is currently also unclear about the age of entering Grade R and this must be clarified before adoption.</li> <li>• The true financial cost and fiscal trade-offs of incorporating Grade R into basic education must be established before the adoption of the Bill.</li> </ul>
<b>Criminal sanctions</b>	<ul style="list-style-type: none"> <li>• Introducing further criminal sanctions will likely disproportionately affect poor families facing socio-economic barriers to ensuring school attendance.</li> <li>• Rather than increase criminal sanctions, we must improve the enforcement of existing sanctions against parents that malignantly prevent their children from attending school.</li> </ul>
<b>Language policy</b>	<ul style="list-style-type: none"> <li>• We oppose the transfer of authority to set a school’s language policy to the DBE.</li> <li>• We acknowledge that school governing bodies may use language policy to exclude learners of specific language groups. However, the current suggestion that the DBE must have full</li> </ul>

	<p>control over language policy is political overreach and might have adverse impacts on schools catering to specific communities.</p> <ul style="list-style-type: none"> <li>• Rather, there should be appropriate oversight mechanisms that ensure school governing bodies adhere to minimum standards.</li> </ul>
<b>Learning disruptions</b>	<ul style="list-style-type: none"> <li>• We welcome the expansion of penalties imposed on those who maliciously disrupt schooling.</li> <li>• We will support any expansion of criminal sanctions against those that maliciously cause harm to school infrastructure.</li> <li>• However, the current wording of the Bill does not sufficiently protect the right to peaceful and legal protest.</li> <li>• The right to association and peaceful protest is a fundamental aspect of South African democracy, and we cannot allow the broad definition contained in the Bill to curtail that right.</li> </ul>
<b>Sale of alcohol</b>	<ul style="list-style-type: none"> <li>• We do not support the selling of alcohol at schools in the absence of very clear, strict, and detailed conditions applicable to exemptions of the ban.</li> <li>• No alcohol should ever be sold on school premises when children under 18 are present or may reasonably be expected to be present.</li> </ul>
<b>Home-schooling</b>	<ul style="list-style-type: none"> <li>• We oppose the limitations imposed by this Bill on parents' ability to decide whether to home-school their children.</li> <li>• Home-schooling remains the best option for many children for many reasons, and we must trust that parents know what is best for their children.</li> <li>• We do not oppose the requirement that home-schooled children should be registered with the DBE. Where children are home-schooled, appropriate but non-intrusive oversight mechanisms should be in place.</li> <li>• However, we are opposed to giving the Minister of Education broad powers to determine regulations about the administration of home-schooling, as this will amount to political overreach.</li> </ul>

### **ActionSA's recommendations for improvement**

<b>Grade R Curriculum</b>	<ul style="list-style-type: none"> <li>• Any changes to the education system should ensure that the Grade R curriculum is age-appropriate and create the foundation for further skills development and educational attainment.</li> </ul>
<b>Definition of corporal punishment</b>	<ul style="list-style-type: none"> <li>• The definition of corporal punishment should be aligned with the definition developed by the UN Committee on the Rights of the Child.</li> <li>• The definition should be expanded to include threats of physical or corporal punishment.</li> <li>• The definition of prohibited punishment should be expanded to include a prohibition on emotional and psychological abuse. This form of abuse should be clearly defined to ensure that educators maintain fair and just mechanisms to discipline students.</li> </ul>
<b>Language policy</b>	<ul style="list-style-type: none"> <li>• The DBE should adopt clear and appropriate mechanisms to determine the fairness of a school's language policy. Language policies should be determined by data, including catchment-area</li> </ul>

	population statistics and the availability of alternative options catering for various languages.
<b>Management of schools</b>	<ul style="list-style-type: none"> <li>• The BELA Bill should ensure that school governing bodies, educators, parents and the school's broader community have a greater ability to contribute to the well-being of schools and learners.</li> <li>• The national DBE or provincial education departments will never have the same level of time and energy to invest in an individual school as the community surrounding the school. We must move away from government control, towards community empowerment.</li> </ul>

## ActionSA's recommendations on how to fix South Africa's education system

To fix the education system, ActionSA recommends that the Department of Basic Education implement the following interventions:

- **Depoliticise the education system:** Remove undue political influence by political groups and unions like SADTU to ensure educational decisions are made by education experts with the best interest of children in mind.
- **Create a single Department of Education:** Merge Departments of Basic and Higher Education and Training to improve the alignment of educational outcomes across the educational lifespan.
- **Improve teacher training and support:** Increase the number of trained teachers by reinstating Teacher Training Colleges. Provide better oversight over training to ensure that teachers meet the standards needed for quality outcomes.
- **Expand support for ECD (Early Childhood Development):** Invest more in early childhood development centres, provide additional training for ECD practitioners, and ensure children have access to food and nutrition while at school.
- **Focus on reading and numeracy:** Make improving reading and basic numeracy top education priorities to ensure a strong start to the educational journey.
- **Ethical and moral education:** Schools must assist in raising patriotic South Africans with a strong ethical and moral code. The curriculum must include civic education, while children should be given the opportunity for morning prayer or spiritual reflection according to their individual beliefs.
- **School performance:** Reintroduce school inspectors to ensure that all schools have quality teaching. Empower principals with more control over teacher performance and hold them accountable for poor performance.
- **Curriculum reform:** Introduce reforms to ensure what young people study gives them the skills to find jobs or study. We cannot only focus on academic knowledge; we must focus on life skills and economic skills. This must improve employability and promote entrepreneurship.
- **Infrastructure priorities:** Expand the budget for water, sanitation, and broadband connectivity (internet). We must provide safe and dignified ablutions (toilets), and broadband internet access for all learners. We must eradicate pit toilets and mud schools.

- **Provide free sanitary products:** Ensure girls do not miss school due to a lack of sanitary products.
- **Allocate more money for educational institutions:** Establish additional universities, technical colleges, and teacher, nursing, agricultural, and policing colleges.

## Conclusion

We welcome the DBE's acknowledgement that South Africa's education system is in disarray. However, the BELA Bill is an ill-fated attempt by the DBE to fix the education system. At its core, the Bill is ignorant of the root causes of the education system's failures, despite the availability of comprehensive research by independent experts outlining the core challenges that need to be addressed.

The only thing the Bill achieves is to allow the DBE to fool themselves into thinking that they are doing something. However, the Bill in its current form will, at best, do nothing to improve the performance of our education system. At worst, it will further harm our education system and drive school performance down to the lowest common denominator.

We invite the DBE to reflect on our submission, and we make ourselves available to the DBE for further engagement. ActionSA is committed to improving South Africa for all who live in it, and we are more than happy to work with the DBE to ensure that we fix our education system together.