



Memorandum of Demands:

Handed over to Mr Panyaza Lesufi

05 July 2022

Mr Baxolile Nodada, MP
Shadow Minister of Basic Education
Democratic Alliance

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MEMORANDUM OF DEMANDS

05 JULY 2022

FROM:	TO:
Democratic Alliance Official Opposition in Parliament	Mr Panyaza Lesufi MEC for Education in Gauteng

We, the Democratic Alliance, are the Official Opposition in Parliament and demand the following with immediate effect:

- Mr Lesufi must **publicly retract** his support for the BELA Bill
- Mr Lesufi must put **pressure** on the Department of Basic Education, and the Minister of Basic Education to withdraw the Bill from Parliament
- Mr Lesufi must publicly denounce and distances himself from the BELA Bill, in particular **clauses 4 and clause 5** which aims to take power away from parents on language and admission policies
- Mr Lesufi must publicly **retract and apologise** for his attack on single medium- and mother **tongue education**
- Mr Lesufi must publicly retract and apologises for his attack, racialisation, and stigmatisation of especially **Afrikaans** as an indigenous language
- Mr Lesufi must publicly retract his attack on Afrikaans as a language which is spoken as a first language by 77% of the **coloured population**
- Mr Lesufi must recognise democratic processes and hear the **voices of millions of South Africans** who are opposed to this Bill.

DEMOCRATIC ALLIANCE

05 JULY 2022

1. Background:

The Basic Education Laws Amendment Bill (BELA) was introduced into the National Assembly on 10 January 2022.

This bill unashamedly seeks to, amongst other things, increase the extent of the influence of the politicians in the daily activities of the education sector.

Under the BELA Bill, the head of provincial education departments and MECs like Mr Panyaza Lesufi will ultimately decide:

- what language is taught in your child's school; and
- who is admitted to the school.

Parents, and School Governing Bodies (SGBs), will lose these powers. This bill takes power away from communities and into the hands of politicians. This bill will fundamentally damage our public education sector.

We, the Democratic Alliance, condemn the proposed bill and its attack on the local authority of schools.

2. Public perception:

The draconian BELA Bill has received widespread criticism from the public. To date, more than 17 000 people have submitted their comments on the BELA Bill and more than 13 000 people have signed the DA's Afrikaans and English petitions *opposing* the Bill.

Different civil society organisations, education experts and student governing bodies have also spoken out against the bill. The sentiment of the public is thus clear: The vast majority of South Africans do not support the BELA Bill.

It is therefore very concerning that, considering South Africa is a country founded upon democratic principles, the governing party is steamrolling ahead with its plans for the bill to be adopted, despite the public's clear wishes for it not to be.

Accordingly, we are very concerned about the continued ignorant support of government for this fundamentally flawed Bill. Mr. Lesufi is one such a leader. He has openly displayed his support for the BELA Bill and is outspoken about his disdain for single medium- and mother tongue education.

3. Main concerns of BELA Bill:

The DA has submitted our comments on the Basic Education Laws Amendment (BELA) Bill, and encourages the public to submit their concerns to Parliament. The DA will continue to fight the BELA Bill through especially the Parliamentary channels. Our main concerns are:

1. Clause 2 – Making Grade R Compulsory

The DA supports the intention of making Grade R mandatory as this year serves as an important developmental tool. While it is commendable that the Department wishes to extend grade R to all learners, there are ***serious practical concerns*** surrounding whether the schooling system will be able to cope with the influx in student demand. There are already shortages in teachers and inadequacies relating to school infrastructure across our schooling system. We do not believe the school system can admit such a large number of new Grade R learners at present. There will be a need for significant financial investment to expand Grade R classroom capacity and to employ additional teaching staff across the country.

We request that government first implement proper plans to ensure that scarcity of resources does not affect the adequate implementation of this aim, and simultaneously that the cost of implementing this provision is not overly burdensome on our already constrained fiscus.

2. Clause 4 – Admissions Policies

The DA opposes this clause as it will put the final decision of school admission policies into the hands of the Head of Department, with appeals being allowed to the MEC. We believe that local communities should have the right to determine their own school admissions policies as they will have the greatest grasp of their own needs.

The DA believes that the requirement that all admissions policies be sent to the Head of Department for approval within 30 days of the Bill coming into force, and with approvals being required within 60 days is far too great of an administrative burden and should be removed.

The DA believes that the power to determine admissions policies must remain with school governing bodies, and a suitable appeal mechanism be left in place to provide for adequate recourse in instances where a school abuses their right to determine admissions policies so as to exclude certain learners.

Furthermore, the DA believes that the proposed intergovernmental committee which aims to assist schools in obtaining the required documentation for learners admitted without this documentation is a waste of resources. The Department of Basic Education should not have to compensate for the failure of the Department of Home Affairs to perform their basic mandate.

3. Clause 5 - Language Policies

Clause 5 of the Bill requires that a school governing body must submit the language policy of any public school and any amendment thereof to the Head of Department for approval. The DA believes that this clause may be abused to force single language schools to change their

language policies. We also believe that the administrative burden placed on the Head of Department to approve all language policies will be prohibitive. Furthermore, the current timeline of 14 days for an appeal decision from the MEC is too short for any meaningful engagement with the issues of the appeal to have been conducted.

The DA submits that language policy decisions should remain with school governing bodies, and an appropriate appeal mechanism be established to provide adequate recourse when problems may arise.

4. Clause 19 – Power of the Minister to Determine the Number of School Governing Body Members, and their Manner of Election at Public Schools for Learners with Special Needs

The DA opposes this transferral of power as it amounts to an ***unjustified intrusion*** on the affairs of the provinces and constitutes an unnecessary centralisation of power within government.

The DA believes this power should remain with the MEC rather than the Minister.

5. Clause 21 – Dissolution of a School Governing Body by the Head of Department

This section provides that in instances where a school governing body has been dissolved by the HoD, any appeal against this decision must be decided within 14 days after receiving the appeal.

The DA believes this timeline is unrealistic and should be extended.

6. Clause 37 – Home Schooling

This clause provides that parents of a home-schooled child must apply to the Head of Department to register their learner, as well as the requiring additional assessments of a child's educational attainment up to the age of 15 or grade 9. A delegated official may also be required to perform a pre-registration home education site visit.

While the DA believes that there must be accountability measures in place to ensure home schools provide quality education standards, there is a need for ***greater consultation*** with the home schooling-sector to determine their views, and to consider their concerns with this clause.

7. Regulation of Online and Blended learning

The DA believes the Basic Education Laws Amendment Bill is missing an opportunity to ***effectively regulate*** online and blended learning. These forms of schooling are likely to grow in popularity in the near future. There is a need effectively regulate these new forms of learning so as to alleviate the pressure on existing physical schooling systems.

4. Demands to Mr Lesufi:

As such we, the Democratic Alliance (DA), **reiterate our demands** that:

- Mr Lesufi must **publicly retract** his support for the BELA Bill
- Mr Lesufi must put **pressure** on the Department of Basic Education, and the Minister of Basic Education to withdraw the Bill from Parliament
- Mr Lesufi must publicly denounce and distances himself from the BELA Bill, in particular **clauses 4 and clause 5** which aims to take power away from parents on language and admission policies
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- Mr Lesufi must publicly retract his attack on Afrikaans as a language which is spoken as a first language by 77% of the **coloured population**
- Mr Lesufi must recognise democratic processes and hear the **voices of millions of South Africans** who are opposed to this Bill.

The BELA Bill, if adopted, will significantly alter the educational landscape of South Africa by ensuing irreparable damage on our schools and the lives of our youth, to the detriment of the entire country.

Democratic Alliance
05 July 2022