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Comment on the Basic Education Laws Amendment Bill

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Attn: Mr Llewellyn Brown, the Committee Secretary
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1. Does the imposition of harsh legislation mitigate against past poor administration?

The overriding reaction of the average reader to the contents of the Bill, and responses to it, is that many of the proposed provisions are considered necessary as corrective action for poor past administration. To suggest that school governing bodies, after the passage of years, should produce audit certificates to justify expenditure is ludicrous. Had the schools been under private administration this would have been standard practice from the outset. And implementing harsh requirements in respect of home-schooling and attendance from Grade-R makes no sense when the education department is already under pressure. This after parents have had to contend with years of a hard lockdown when they were compelled to make alternative arrangements for the schooling of their children.

2. The children are not yours

The notion that the children in the country are, automatically, the ward of the state is a misconception. A recent report in a newspaper on Child Protection Week had this to say:

What is Child Protection Week?

National Child Protection Week is commemorated annually to raise awareness on the rights of children as articulated in the Constitution and Children's Act (Act No. 38 of 2005).

The campaign is led by the Department of Social Development in partnership with Basic Education.

We need to do our best to protect the most vulnerable in our society and stop the exploitation of children. Read this for more information on social relief for children in South Africa.

Children in poverty

UNICEF shows that

- more than half the children in South Africa continue to live below the poverty line (Child Gauge, 2019);
- one third of girls experience some form of violence before the age of 18 (Optimus study 2016); and
- some two-thirds of children eligible for early childhood development (ECD) programmes do not have access to them.

Teenage pregnancies and GBV

Research done by the OCHA shows that there has been a [60% increase](#) in the number of teen pregnancies during the National State of Disaster under the COVID-19 lockdown period. The Gauteng Department of Health discovered that more than 23,000 girls aged under eighteen gave birth between April 2020 and March 2021 – of which 934 were aged under 14.

Care and basic education

According to [UNICEF](#), 95,000 children in South Africa have lost parents and guardians during Covid-19. This is the highest number of COVID orphans on the continent.

Furthermore, it was reported that [school drop-out rates](#) had tripled between March 2020 and July 2021, with approximately 750 000 children out of school.

3. Leave well-cared-for children, especially home-schooled children, alone!

The Departments of Welfare and Education have enough on their plates without adding legislation that unnecessarily increases that load. Parliament must take cognisance of all the information and not merely those items that have appeared in the proposed legislation (the discussion on which is, for convenience, attached to this comment).

4. Education deserves a wider discussion than the matters discussed in the BEL Amendment Bill

To consider the issue at hand it is necessary to broaden the discussion to cover matters other than those addressed in the proposed Bill.

As Economist Thomas Sowell said: “It is not what education teaches us directly, but how well it prepares us to learn ourselves that is the ultimate measure of its value.”

The current [one-size-fits-all](#) schooling places major limitations on the ability and incentives of teachers to use their knowledge and abilities to provide high-quality education and training that prepares young people for taking on the challenges of adulthood, especially their working lives. The curricula imposed on teachers and their students do not leave space or time for teachers to allow students to “learn themselves” as described by Thomas Sowell as being the most valuable form of learning.

Imagine how different the skills and knowledge-gathering offerings would be if education and training were demand driven; if competitive markets in education could develop freely, taking their cue totally from the demands of students and their parents. Only those establishments that wished to use the current government prescriptions, such as the compulsory curriculum, would retain them.

5. The drawbacks of attempts at central planning of education

Central planning for the implementation of successful education and training is impossible because no single mind has the knowledge to carry it out. Centralised attempts at the planning of any form of economic activity inevitably fails because central planners will not and cannot have the information necessary to successfully conduct the task.

Compulsory schooling inevitably results in standardised curricula, predictably aimed at the mythical 'average' student. There is no such person. All students are individuals who have a vast variety of differing innate abilities and characteristics. They deserve to have their wishes and aspirations respected. They need to be free to choose their most preferred option from an array of available educational and training offerings.

6. An alternative to central planning of schools

There will be individuals among the current government-school teachers who would be interested in running a school along entrepreneurial lines. People with specialised knowledge and abilities could decide to pass on their knowledge and skills to the next generation but the current system would not allow space for specialised training of young people. Finance for entrepreneurial-style schools could come from the current schooling budgets through "the money following the student" but there is no latitude for out-of-the-box skills training of young people. Other students in such schools could either be privately sponsored, or fully parent funded.

If the money followed the student in [government schools](#), competition for student customers will inevitably drive up the quality of teaching. The attitudes of teachers would change dramatically in the fully government-managed schools if they had to compete with other government schools for students and the taxpayer's money that follows them. Losing students would put pressure on all schools to improve the quality of service they provide to their student customers. Under such conditions, the load on the Education Department for the monitoring of schools would reduce rapidly.

A free and competitive learning environment would offer an immense variety of choices and teaching methods. Education entrepreneurs would be seeking to fill every imaginable market demand. Educational supply would vary from facilities run by one person to large organisations catering for thousands of students. Young artists, musicians, engineers, chefs, film producers, athletes, writers and every other conceivable skill and talent would be catered for somewhere.

7. Young people should view schooling with excitement

Forcing young people to sit through years of boring standardised 'subjects' and 'curricula' chosen by a centralised decision-making body wishing to stamp its own vision on unfortunate young people, is nothing short of a crime. It is time to allow young people and their parents to make those decisions, currently made for them by the people who believe, incorrectly, that they have the right to do so.

Breaking free has become a popular term, used to describe momentous occasions when people throw off the constraints of circumstances that have kept them in an untenable situation for far too long. The chains of such circumstances have trapped the world's children for more than a century. They cannot break free on their own. They need the assistance of adults, especially political leaders, and their own parents, to break free from the monotony currently imposed on them. Give them the freedom that was promised to them in the Freedom Charter.

8. The wisdom of Albert Einstein

Albert Einstein said of government-imposed schooling: “It is, in fact, nothing short of a miracle that the modern methods of instruction have not yet strangled the holy curiosity of enquiry; for this delicate little plant, aside from stimulation, stands mostly in need of freedom; without this it goes to ruin without fail. It is a very grave mistake to think that the enjoyment of seeing and searching can be promoted by means of coercion and a sense of duty.”

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