

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

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**SUBJECT: OBJECTION TO BASIC EDUCATION LAWS AMENDMENT BILL,
COMMENTS DUE 10 NOVEMBER 2017**

1. DISCUSSION

Government Gazette #41178 of 13 October 2017 invites comment on the draft Basic Education Laws Amendment Bill (the "Bill").

We believe that the quality of education should be paramount in our 23 719 public schools. We feel that Clause 3 of the Bill gives too much autocratic power to the Head of Department in admissions of a learner and admissions policy as the final approver.

It is imperative that local school governing bodies consisting of 285 000 members should have a say in the appointment of teachers at various levels, school principals, deputy principals and heads of departments to act as an assurance of the quality of education, the placement of learners at schools (admissions), class sizes (capacity) and language composition (Clause 4) of the school. This has been upheld in several judgements made by the Constitutional Court. Vesting these rights at the sole discretion and responsibility to the head of the provincial education department is tantamount to centralised state control over our schools. State control is not a substitute for democracy. We do not have a good history of central control in South Africa. In fact, this is a move backwards towards the way schools were run during apartheid.

Emasculating school governing bodies will have the effect of lowering the willingness of parents to serve and thus, lower already low parental involvement. Thus, accountability to the community will be further diminished. Parents are the best representatives of their children's educational needs. These bodies are supposed to be composed more than half by parents. Reducing parents' willingness to serve will strengthen the South African Democratic Teachers Union (Sadtu), whose sole mandate seems to be to preserve their entrenched poor performing teachers where rumours of teaching jobs are being bought and sold. This union financially supports political parties that keep them in control.

Many of the former model C schools have established a successful record in providing quality education and racial mixing. Chasing away the parents serving on these school governing bodies will see them taking their children to independent schools. Dumbing

down schools to the lowest common denominator is not the direction to which schools should be aiming. We need more scientists and mathematicians, not just numeracy and literacy. We should be building rather than destroying public education.

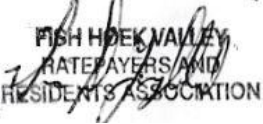
Our Constitution states that every South African has the right to basic education whereupon the State must provide: schools, fund education, monitor the quality of education, provide properly trained / qualified educators and train governing bodies. The State has failed its citizens in this regard. Many local school governing bodies are functioning properly. This proposed Bill negates this.

2. RECOMMENDATION

Therefore, for the reasons set out in this report, it is recommended that:

- Clause 3 should be amended to reflect consensus rule by the local school governing bodies regarding the local school's admissions and admission policy;
- Clause 4 should be amended to reflect consensus rule by the local school governing bodies regarding the local school's language policy;
- Clause 6 should be amended to reflect consensus rule by the local school governing bodies regarding the local school's code of conduct with no exemptions (However, we support "an informal process when dealing with disciplinary matters, and stipulates that the proceedings should adhere to the principles of justice, fairness and reasonableness prescribed by the Constitution.");
- Clause 10 and 32 should be amended to reflect consensus rule by the local school governing bodies regarding the local school's candidates for appointment for all levels (not just level 1. The Head of Department may conduct the interview process if the local school governing bodies delegate their authority);
- Clause 11 should be amended to reflect consensus rule by the local school governing bodies regarding the identification of learning support material for local public schools;
- Clause 12 should be amended to reflect consensus rule by the local school governing bodies regarding the withdrawal of local school governing bodies' function(s); and

- Clause 29 should be amended to reflect consensus rule by the local school governing bodies regarding the admissions of learners (not left to the Minister to regulate, manage or set policies enforceable in a court of law);

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DATE	6 November 2017

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