



TAKE PART IN
PARLIAMENT.
MAKE YOUR VOICE
HEARD.

A CHILD FRIENDLY GUIDE ON HOW
TO MAKE SUBMISSIONS ON THE
BELA AND HOW IT AFFECTS YOU.

EELC

EQUAL EDUCATION
LAW CENTRE

BASIC EDUCATION LAWS AMENDMENT BILL – BELA



DEFINITIONS

Act

An "Act" is another way of referring to a law. For example, the South African Schools Act is a law about South African Schools.

Bill

A "Bill" is something which is not law yet but our law makers are considering making it a law in the future. A Bill is a "draft" of a law. It makes proposals and sometimes people are allowed to make comments on it. Sometimes a Bill suggests changes to or "amends" laws that already exist.

Legislation

Legislation is the word used all over the world to describe a collection of laws. For example, another way of saying "all the laws involving children" is "all the legislation involving children."



CHILD PARTICIPATION: WHY IT IS IMPORTANT THAT YOU ARE INCLUDED IN CREATING LAWS THAT AFFECT YOU?

- ★ 'Child participation' means the active involvement of children in the decisions, processes and policies that affect their lives. It is an important right of children.
- ★ A child's voice must be heard in all decisions that adults make that affect them.
- ★ You have a right to be included and involved in the creation of a law which affects you.

WHAT IS BELA?

BELA STANDS FOR: **B**ASIC **E**DUCTION
LAWS **A**MENDMENT

WHAT IS BELA'S PURPOSE?

The BELA Bill wants to make changes to laws that already exist such as the South African Schools Act and the Employment of Educators Act.



HOW WILL IT AFFECT YOU?

The Schools Act applies to children's education. Changes suggested in BELA will therefore impact all learners. The changes may impact on your rights and responsibilities as a learner, the rights and responsibilities of your parents, guardians and the duties of your teachers, school governing body and school principal.

WHAT ARE SOME OF THE PROPOSED CHANGES BELA WANTS TO MAKE?

Compulsory school attendance

- ★ The BELA Bill confirms what the Schools Act says – that your parents or guardian must make sure that you go to school if you are of compulsory school going age.
- ★ Currently, if your parents do not make sure that you attend school then they will be guilty of breaking the law and might go to prison for a maximum of 6 months or must pay a fine. The BELA Bill wants to lengthen the prison time to 12 months.
- ★ The BELA Bill adds to the Schools Act that anyone who prevents or intentionally disturbs school activities is guilty of breaking the law and may also be sent to prison for a maximum of 12 months, pay a fine, or both.



Do you think your parents should go to prison for 12 months for not making sure that you attend school?

Do you think that making it against the law to prevent or intentionally disturb school activities will affect your right to protest?



MONITORING LEARNER ATTENDANCE

- ★ The BELA Bill introduces a new section specifically dealing with the monitoring of learner attendance.
- ★ It proposes that your teacher, principal or governing body should make sure that you attend school.
- ★ School governing bodies will also have to put new rules in place for learners. For example, on regular school attendance and punctuality.
- ★ If you are absent for 3 days in a row without a valid reason, the teacher will have to report your absence to the principal.
- ★ After this, before one full day is over, the principal must investigate why you are absent from school and report it to your school's governing body to also investigate.



An important introduction by BELA Bill: There are many learners who drop out of school and schools often do not do enough to find out where these learners are.

LEARNER ADMISSIONS: ROLES AND RESPONSIBILITIES

- ★ The BELA Bill provides for various committees to be created to assist public schools in cases where a learner does not have documents, such as a birth certificate.
- ★ The BELA Bill says that if your parents or guardian do not submit the required documents when they apply to a school, the principal must tell them that there are documents missing. You will still be allowed to attend school without those documents but the principal will be required to inform one of the committees mentioned above.
- ★ If your parents or guardian refuses to cooperate in trying to get any of the required documents, they will be guilty of breaking the law and may be punished. They may be sent to prison for a maximum of 12 months or required to pay a fine, or a combination of both.

LANGUAGE POLICIES

- ★ The BELA Bill proposes that school governing bodies should determine the language policy of a school, but that the language policy must be limited to one or more of the official languages of South Africa.
- ★ A language policy must also take into consideration the language needs of the broader community.
- ★ The current Schools Act does not say the language policy must be limited to one or more of the official languages. It also does not say that it must take into consideration the language needs of any community.



Do you think that your parents should go to prison for up to 12 months for not submitting the required documents? Also think about how these sections may affect undocumented and foreign learners and their rights.



What role do you think language plays in you and other learners accessing your right to education?

CODE OF CONDUCT



- ☆ The BELA Bill proposes that a code of conduct developed by a school must be sensitive to the cultural beliefs, religious observances (such as wearing of specific religious clothing) and medical circumstances of learners at the school.
- ☆ The code of conduct must also contain a section which allows for learners to request an exemption from complying with certain parts of the code of conduct. For example, if a learner wants to wear a headscarf with the school uniform because of their religion, the code of conduct must allow for the learner to apply for that exception so that they can follow their religion.



This is a welcome addition as it provides more protection of cultural and religious rights than the Schools Act.



LIQUOR ON SCHOOL PREMISES

- ☆ The BELA Bill suggests allowing a school governing body to apply for permission to possess, consume and sell liquor during a school activity in order for the school to fundraise.



Do you think it is a good idea for alcohol to be sold at schools?

SUSPENSION AND EXPULSION

- ☆ A learner may be suspended or expelled if found guilty of serious misconduct. The Schools Act does not define serious misconduct. The BELA Bill suggests including some of the following acts as serious misconduct:

- physical assault;
- any form of harassment, including sexual harassment including via electronic and social media;
- repeated offences related to bullying or threatening to;
- the illegal possession of a drug or liquor;
- the repeated disruption of school
- serious misbehaviors relating to any test, examination, or examination paper;
- fraud;
- theft or dishonesty;
- having a dangerous object at school;
- the possession or distributing of pornographic material;
- engaging in sexual activity at school premises; and
- committing a crime



Think about this list and whether you agree with it or if anything has been left out that you think should be included.



CORPORAL PUNISHMENT

- ★ The BELA Bill confirms what the Schools Act says about corporal punishment and says that corporal punishment is no longer allowed in our law. The BELA Bill now defines for us what corporal punishment means.
- ★ BELA wants to define Corporal punishment as any act which is done on purpose against a child that causes pain or physical discomfort.
- ★ The BELA Bill is proposing that a person who does this may need to pay a fine or be sent to prison.



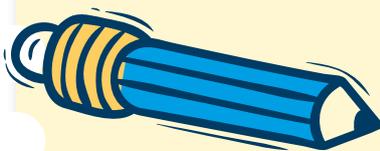
Do you think its good that a person can now get a fine or go to prison if they do corporal punishment.

CLOSURE OF PUBLIC SCHOOLS

- ★ BELA is suggesting that parents, learners and communities must be consulted If the Minister for Education wants to close a school. The Schools Act only required the Minister to consult with SGB's.
- ★ The Minister must put a notice in a local newspaper in the area and the principal must give a notice to each learner and tell the learners to give the notice to their parents.
- ★ If the Minister still wants to close a school, then arrangements must be made for the learners who are at the school to go to another school and if learners qualify for transport, those learners must also be provided with transport to the new school.

HOW DO I MAKE A SUBMISSION?

- ★ The BELA Bill is not a law yet. The public can comment on the Bill and make "submissions."
- ★ A submission is like presenting your view or opinion on a Bill before it is made law. A committee of Parliament will then take all the submissions they receive and look at whether the Bill can or should be changed before it is made law. Submissions help in making new laws in the country.
- ★ Submissions may be in any language.
- ★ Submissions are usually in writing but, sometimes a person or group who made submissions will be invited to do a presentation on their submissions orally in front of a committee.
- ★ Making a submission is an opportunity for any person to suggest changes to Bills.



THE FORMAT FOR A SUBMISSION TO A COMMITTEE SHOULD BE WELL THOUGHT-OUT AND EASY TO READ.



HOW DO I WRITE A SUBMISSION?

While there is no specific format for a submission to a committee, it should be well thought-out and easy to read. The following suggestions may help to achieve this. Try and include the following in your submission:

- ★ **A Heading**
- ★ **Who is it from/who you are and why you have an interest in the Bill and how it affects you?**
- ★ **Your contact Details**
- ★ **Say if you wish to make oral submissions?**
- ★ **Be Clear and to the point**
- ★ **Conclusion** – Sum up or list the main points of your recommendations at the end of the submission.
- ★ **Sending your submission** – Your submission should reach the committee by or before the closing date for submissions, and should be sent to the relevant Committee Secretary.



ORAL SUBMISSIONS

An oral submission is when you go to parliament and get the opportunity to present a speech about the presentation which you submitted. Oral submissions give you a chance to highlight what you have said in your written submission and allow the committee to clarify certain things that you raised. If the committee has decided to hear your submission, the Committee Secretary will contact you to make arrangements to hear your oral submission.

GUIDELINES FOR MAKING ORAL SUBMISSIONS

- ★ **Follow the same guidelines as for written submissions.**
- ★ **Prepare for your oral submission**
- ★ **You may use a PowerPoint presentation** if you would like to, you can use any of South Africa's official languages
- ★ **Questions** – The committee may ask you question
- ★ **Time allocation** – The committee may tell you how much time you have

Remember that the Committee needs to make sure that they are child friendly and that they need to make the proceedings simple and accessible for you.

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www.eelawcentre.org.za



Third Floor Isivivana Centre, 8 Mzala Street, Khayelitsha, Cape Town



021 461 1421 / 0800 110 752



info@eelawcentre.org.za

 /EqualEducationLawCentre/

 @EElawcentre