
Basic principal and legal perspectives on the Basic Education Laws Amendment Bill – BELA (2021)

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Abstract

The recent tabling of the Basic Education Laws Amendment Bill (2021) (BELA), and the signing thereof into law by the President of South Africa on 13 September 2024, have evoked widespread controversy. Several organisations and individuals have lauded its adoption by parliament as a step in the right direction, but others have rejected it as a patent

attack on especially Afrikaans medium schools. BELA brought two key aspects of schooling to the surface: the right of parents to determine the type of schooling that their children should enjoy, and the question whether the concept of state schools can be justified. This article zeroes in on these two aspects. It is firstly concluded that the voices of parents, as the primary educators of their children, should in principle never be silenced. The second conclusion is that the concept of a state school is not justifiable in normal circumstances. It is suggested, in view of these conclusions, that sensitive negotiations be conducted in the context of a school community engagement forum when it is found that a school should change its admission policy and its language medium of instruction due to demographic changes in its environment.

Opsomming

Die onlangse voorlegging van die Basic Education Laws Amendment Bill (2021)(BELA), en die ondertekening daarvan tot wet deur die President van Suid-Afrika op 13 September 2024, het tot wyd uiteenlopende en teenstrydige gespreksvoering gelei. Verskeie organisasies en individue het die aanvaarding daarvan deur die parlement verwelkom as 'n stap in die regte rigting, terwyl ander dit verwerp het as 'n onverbloemde aanval op veral Afrikaans-medium skole. BELA het twee sleutelaspekte aangaande skoolwese na vore gebring: die reg van ouers om te bepaal welke soort skoolonderwys hulle vir hulle kinders verlang, en die vraag of die konsep van staatskole regverdigbaar is. Hierdie artikel handel oor hierdie twee vrae. Die eerste gevolgtrekking waartoe gekom word, is dat die stemme van ouers, as die primêre opvoeders van hulle eie kinders, nooit stilgemaak mag word nie. Die tweede gevolgtrekking is dat die idee van 'n staatskool in normale omstandighede nie regverdigbaar is nie. Dit word derhalwe in die lig van hierdie twee gevolgtrekkinge aanbeveel dat omsigtige onderhandelinge in die raamwerk van 'n skoolgemeenskapskakelingsforum gevoer behoort te word wanneer dit nodig raak vir 'n skool om sy toelatingsbeleid en sy taalmedium van onderrig te verander as gevolg van demografiese veranderinge in sy voedingsgebied.

1. Introduction and problem statement

1.1 The origin and purpose of the Basic Education Laws Amendment Bill (signed into law on 13 September 2024; Gazetted on 16 September 2024: Government Gazette, Act no. 32 of 2024, vol., 711, no. 51258)

The Basic Education Laws Amendment Bill (henceforth referred to as BELA) was tabled on 6 December 2021 (SA, 2021) in the South African parliament. Despite initial opposition to the Bill, and after some concessions were made, as suggested by the Select Committee on Education, Technology, Sport and Culture, it was accepted by the National Council of Provinces on 14 May 2024, with only one province voting against it – the Western Cape (Prince, 2024:6). It was subsequently adopted by Parliament on 16 May 2024. 223 members representing the ANC, the EFF, the NFP and the PAC voted in favour of the Act, and 78 representing the DA, the ACDP, the FF+, and Al Jama-ah voted against it (Prince, 2024(b):2). Its signing into law was delayed, however, by the election of a new government and by the fact that the regulations associated with the Bill have not yet been finalised.

The objective of BELA was to amend some of the stipulations of the South African Schools Act of 1996 (SA, 1996) and of the Educators Employment Act of 1998 (SA, 1998). Its adoption was aimed at empowering provincial Heads of Department regarding the issue of learner admission to public schools. It provided for a provincial Head of Department to compel a public school to change its language policy, for instance, and to adopt more than one language of learning and teaching. For this purpose, BELA empowered a provincial Head of Department to curtail or over-ride some of the current powers of a school governing body if required, for instance, when a learner or learners speaking a different language as that used in the school needed to be accommodated in that particular school. According to James Ndlebe, spokesperson of the Department of Basic Education, “it cannot be right for school governing bodies to enjoy unlimited and uncontrolled powers and a final say about matters in a public school” (De Klerk-Luttig, 2024:12).

The stipulations of BELA were disputed from the moment that it was tabled in parliament (Prince, 2024(b):2; Prince 2024(c):9; Prince, 2024(d):2; Prince, 2024(e):2; Prince, 2024(f):8; Prince, 2024(g):6; De Klerk-Luttig, 2024:12; Matthee, 2024:13; Prince, 2024 (h):2; Prince, 2024(i):2; Du Plessis, 2024:7; Hitge, 2024:4; Kok, 2024:1; Prince, 2024(j):2). Most of the arguments against its possible promulgation rotated around the proposed curtailment of the functions of school governing bodies as prescribed in the South African Schools Act of 1996. The discussions were of a dual nature: the standpoint

held by the Department of Basic Education and its supporters, as opposed to that voiced by several civic organisations (mainly from the Afrikaans community).

1.2 Arguments in favour of BELA

The Department of Basic Education maintained that a more top-down approach to school governance would promote administrative decision-making processes. According to the Minister of Basic Education at the time, Angie Motshekga, the adoption of BELA was intended to remove some of the obstacles “that for years had been obstructing the progress of the educational eco-system”. She reiterated that BELA, in its adapted form, was not intended to deprive school governing bodies of their powers, but rather to prevent them from using those powers for the purpose of excluding learners from a school on the basis of discriminatory criteria such as race, the ability of parents to pay the school fees, academic prowess and the ability to perform well in sports. The purpose of BELA, she explained, was to bring about a better balance in that it sought to align the powers of the school governing bodies with those of the provincial Heads of Department. For this purpose, BELA was meant to downscale the powers of school governing bodies in the sense that they would not anymore possess final authority regarding a school's language of learning and teaching. BELA assigned greater authority to provincial Heads of Department in order to ensure that a school's policies become “more adaptable, inclusive and in alignment with the constitutional right to basic education” (Willemse, 2023:2). All the clauses of BELA, she emphasised, dealt with fair admission to schools. South Africa could not any longer afford the use of children by their parents to be beggars at street corners instead of sending them to school. It also could no longer tolerate for children to be employed as farm workers, for children loitering in the streets, or being used for protesting against the lack of service delivery. Instead, they had to attend to their own education (Willemse, 2023:2).

In a subsequent statement, the Minister drew attention to the fact that the wording of BELA had been changed to the effect that school governing bodies would not be totally stripped of their powers to determine the language of teaching and learning of schools. However, in controversial cases, the provincial Head of Department would have the final say in future (Du Plessis, 2024(b):2). It is clear from the stance of the Department of Basic Education that it regarded the intended promulgation of BELA as necessary for the promotion of equal access to schooling for all South African children, and to remove all vestiges of discrimination on the grounds of race, ethnicity, language or socio-economic status.

The tabling of BELA was lauded in some circles. According to Le Cordeur (2022:21), Vice-Dean of Education at the University of Stellenbosch, BELA had been tabled for the specific purpose of “healing the divisions of the past, for creating a *modus vivendi* that is rooted in democratic values, and intended to afford all South Africans with a better life”. In his opinion, BELA would not only serve to solve various problems in the education system but would also eradicate some of the inequalities of the past, thereby creating better working conditions for teachers.

BELA was also cautiously welcomed by the Federation of South African Schools (FEDSAS), who declared that it accepted that provincial Heads of Department should have the power to take a final decision about learner admission to a school, if and when necessary. According to Deacon, the Head of FEDSAS, the conditions under which such decisions could be taken had been clearly explicated and were in line with the Constitutional Court’s Rivonia verdict regarding schools’ admission policy (Prince, 2024(b):2) and, could be added, the High Court of Appeal’s verdict regarding schools’ language policy¹ (*Hoërskool Ermelo v Head of Department of Education, Mpumalanga*, 2009). In its revised form, Deacon stated, BELA stipulated that a provincial Head of Department should take a decision in consultation with the school governing body in question, and in alignment with school policy, and that the decision should be reasonable, fair and procedurally defensible. In Deacon’s opinion, BELA seemed to be “a workable option with which we can live” (Du Plessis, 2024(b):2).

The tabling of BELA was also widely welcomed by members of the African National Congress. In their opinion, BELA put a final end to the education of the apartheid era in that it terminated the practice of discrimination against learners on racial grounds or their home language. It would ensure that learners would be admitted to the schools of their choice. They reiterated that BELA did not deprive school governing bodies of their right to determine the language of teaching and learning of a school. The new stipulation is that the provincial Head of Department may only intervene after all the steps described in BELA had been followed. This, they held, was in line with

1 At the beginning of 2006, 27 English speaking learners wished to enrol at the Ermelo High School, an Afrikaans medium school. The Mpumalanga Department of Education instructed the school to change its language policy to parallel medium of teaching and learning in order to accommodate these learners, thereby overruling the official language policy of the school. After several court cases, the matter ended up in the High Court of Appeal which set aside all the orders of the Department. This ruling confirmed a previous court ruling in the case of the Middelburg Primary School (*Laerskool Middelburg and Another v Head of Department of Education, Mpumalanga*, 2003).

conditions of the Constitution of South Africa (Prince, 2024:6).

1.3 Arguments against BELA

In contrast with those who lauded, welcomed and accepted the intentions and stipulations of BELA are the voices of those who are in opposition to it for reasons that differ somewhat from those proffered by its supporters. Most of those in opposition maintained that BELA would (a) undermine the authority of parents-in-organisation as embodied in the school governing bodies, and (b) that public schools that are currently only state-funded or state-subsidised would, as a result of the application of BELA, be transformed into state schools (Prince, 2024(b):2; Beukman, 2024:8). Despite reservations about the Bill such as these, the President of South Africa, Cyril Ramaphosa, signed it into law on 13 September 2024. He prudently deferred the application of Clauses 4 and 5 of the Act that deal with the admission and language policies of schools, for three months to allow for further consultations².

1.4 Purpose of the reflections in this article

The remainder of this article contains reflections on these two objections: (a) What should the role of the parents of school-going children (learners) be with regard to the management of the school at the level of the school governing body? (b) Is the concept of a “state school” fundamentally defensible? In our quest for answers to these two questions, we evaluated the views of the proponents as well as the critics of BELA, and then employed interpretivism-constructivism as research method. In both the phases of the application of this method, we resorted to perspectives flowing from Biblical-reformational thought, in particular with reference to societal theory since the problematic of this paper centres on the relationship between the parental home, the school, and the state (cf. Tarnas, 2020:359, 360, 396; and Caputo, 2018:3-5 for detailed discussions of this method).

2 There are also other objections to the signing of the BELA bill into law. One of the most prominent of these, voiced by the Benoni Bible Church, is against the Comprehensive Sexuality Education. It is feared that if parents (in the form of the school governing body) of historically white schools would lose control of what is being taught in the school, that learners would be subjected to “an increasing push to introduce explicit sexual content to children without parent consent (which might be the major force behind the BELA Bill to begin with). We must seek the Lord’s intervention to ensure that Christian parents retain their right to shape their children’s understanding of sexuality in accordance with biblical principles” (Benoni Bible Church, widely distributed WhatsApp message, 12 September 2024). This objection should be seen against the backdrop of the fact that Comprehensive Sexuality Education has been taught in schools already since 2004 as part of the Life Skills and Life Orientation programme.

2. The position of the parent vis-à-vis the school attended by his/her child(ren)

2.1 *The principal view: Parents the primary educators of their children*

The critics of BELA were particularly vocal in their resistance to the potential impact of the Bill on the position of learners' parents vis-à-vis the schools attended by their children. In October 2023, a number of political parties, trade unions and civic organisations declared that they were prepared to approach the courts in a bid to stop BELA from being put into practice. According to them, BELA embodied an attack on particularly Afrikaans-medium public schools by stripping their school governing bodies of the authority to determine the admission and language policies of schools (Willemse, 2023:2). In doing so, they argued, these schools could be transformed from Afrikaans medium schools to dual or parallel medium schools. BELA rendered consultation between the provincial Head of Department and the school governing bodies meaningless, and could mean the end of schooling through the medium of Afrikaans (Prince, 2024(k):2). Solidariteit (an Afrikaner trade union) and AfriForum (an Afrikaner civic organisation) announced that they were ready to approach the courts to declare BELA to be unconstitutional. They regarded BELA as a calculated attack on particularly Afrikaans medium schools (Prince, 2024(b):2).

De Klerk-Luttig (2024:12) drew attention to the fact that school governing bodies serve as the guardians of the culture, the teaching-learning climate, the ethos, and the core values of their respective schools, and that it is their duty to ensure that all of these resonate optimally with those of the surrounding community from whence the learners come to school. For this reason, she contends, the voices of parents, via the school governing bodies in which they serve, should not be silenced. Parents can, and should in principle, never abdicate their responsibilities in this regard and outsource them to the state (in this case, to the provincial Head of Department). The parents remain the primary educators of their own children; the primary responsibility for the education of their children lies with them, and not with the state.

The position taken by De Klerk-Luttig about the position of the parent vis-à-vis the school gives us cause to reflect on the relationship between parents and the school attended by their children. It is important to do so from a Biblical point of view given the fact that, according to the 2022 census, 85.6% of all South African are still adherents to the Christian faith.

The family is the societal relationship in which a child is born and spends its first years of life. The parents should therefore be regarded as the primary educators of the child. Since the relationship between a child and its parents is immediately physical and relational, “the most original relationship of the child is to those who conceived” him/her – the parents (Burggraeve, 2010:217). The Bible is also clear about the God-given status of parents as the primary educators of their children, as argued by Edlin (1999:102-103) with reference to Deuteronomy 6:1-9, Psalm 78:1-8, and Ephesians 6:4.

God not only commanded Adam and Eve to be “fruitful and to multiply” (Gen 1:28) but also entrusted them with the parenthood of children. According to Psalm 127, children are a gift of God, “a heritage from God”, “a reward” and a “source of happiness” for the parents. So, although children belong to God, He entrusted parents with stewardship over their children. Hayford (1991:866) correctly concluded that “they are ours only in a secondary sense” and that “loving and caring for children honours God and shares in building His kingdom”. Hayford (1991:1796) also emphasises the fact that “God holds parents responsible for the upbringing of their children” – and not the state or the grandparents, peer groups or friends.

Edlin (1999:103) draws the following conclusion in light of the above:

The evidence of the Scriptures is clear. The state has not been given the responsibility of education, and it is not even the teacher who primarily will be called to give account at the end time by the Lord for education of children. Rather it's the *parents* who must answer to God for their exercise of this responsibility. They rightly may enlist the support of others [such as the school] to assist them in this task, but they always retain the primary charge and authority for this responsibility.

Although this principled view of parenthood could be deemed to be sufficient to justify the fact that parents, as the primary educators of their children, should be constantly involved in the schooling (with the exception of the professional didactical aspects thereof) of their children, and that they should refuse to be sidelined for any reason, reference can be made to empirical research showing that parental involvement in the school can be advantageous to the schools, and hence beneficial to the learners.

Research done in the United States of America by Dufur, Parcel and Troutman (2013:1) revealed that learners whose parents were involved in the activities of their schools not only enjoyed schooling more than those whose parents were not involved but they also more regularly obtained higher grades than the others. According to Robbins and Dempster (2021:ii, v), the results of their mixed method research project in the United Kingdom similarly revealed that

parental involvement in school activities had a beneficial effect on learner performance. Some 82% of the responding learners, regardless of their age, reported that their parents' support had indeed "affected how well they did at school".

Based on research results such as these, the University of Missouri College of Education commented that findings such as these "show the importance of teacher-parent connections and also the need for training teachers on how to create effective links with all parents" (Robbins & Dempster, 2021).

2.2 The legal perspective regarding the place and role of the parent vis-à-vis their relationship with their children's school

The status of the parent as primary educator of his or her child has also been enshrined in international, and in South African legal instruments.

- International instruments

The General Assembly of the United Nations (UN, 1989) adopted the Convention on the Rights of the Child in 1989 which South Africa co-signed in 1993 and ratified on 16 June 1995. In its preamble, this Convention recognises the United Nations Declaration on the *Social and Legal Principles Relating to the Protection and Welfare of Children* (1986). In the latter Declaration, the commanding importance of parental care had been elevated to be of the **highest priority** in the life of a child³ (emphasis added). Article 2 of this Declaration declares that "good child welfare depends on good family welfare". In 1989, the aforementioned *Convention on the Rights of the Child* was adopted, a document that had a major impact on the formulation of the South African *Constitution* of 1996. In its preamble, this *Convention* reiterates the importance of the family as the "fundamental group of society". It also states that children, "for the full and harmonious development of [their] personality, should grow up in a family environment". Section 9 of the Convention adds that State Parties should ensure that children are not removed from their parents (against their will). Section 18 pertinently states that the parents have the primary responsibility for the upbringing and development of the child.

- South African statutory provisions regarding the status of the parent as primary educator of the child

The *National Education Policy Act* of 1996 (SA, 1996(b)) has been the departure point for the drafting of statutory and policy matters pertaining to

3 Article 3 of the Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children of 1986.

educational matters in South Africa. Put differently, it has formed the core of “directive principles” for public education in South Africa. Section 4(a)(iii) of this Act emphasises the right of the parents regarding the education of their children⁴. Subsection 4(m) of the Act regulates the “representation of stakeholders⁵ in the governance” of educational matters. The preamble of the *South African Schools Act* (SA, 1996), in defining the core objectives of the Act, emphasises the need for a parent-school communication forum in partnership with the State.⁶

Section 16 of the current *South African Schools Act* (which is to be amended by the BELA Act) specifically defines the parents of learners as *stakeholders* in the South African educational sphere. The *National Education Policy Act* (1996(b)) which is, according to the preamble of BELA, not one of the current education Acts to be amended by BELA,⁷ defines a “stakeholder” in Section 1, as “an organisation or body with a direct and continuing interest” in educational matters. The parents of school-going children obviously have such “direct and continuing interest” in the educational matters concerning their children. The very existence of a school governing body in terms of Section 16 of the *South African Schools Act* in its current state meets the requirement of the *National Education Policy Act* for such “a body” or “organisation”. This stipulation has up to now been interpreted to refer to a body representing an integrated partnership and co-operation between the stakeholders involved in schooling such as the parents, the teaching corps, the management team of the school, the state, and representatives of the

4 Sections 4(a)(iii) and 4(m) of the National Education Policy Act of 1996 stipulate the following:

4 (a)(iii): the policy shall be directed toward the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 3 of the Constitution, and in terms of international conventions ratified by Parliament, and in particular:

- the right of a parent or guardian in respect of the education of his or her children or ward;
4(m) – a right ensuring broad public participation in the development of education policy and the representation of stakeholders in the governance of all aspects of the education system.

5 According to Section 1 of the Act, the concept “stakeholders” means “an organisation or body with a direct and continuing interest in the education institution, programme, phase or sector in question”.

6 “Whereas this country requires a new national system for schools which will redress past injustices in education provision ... to protect and advance our diverse cultures and languages, uphold the rights of all learners, parents and educators, promote their acceptance of responsibility for the organisation, the right to stakeholder representation and governance and funding of schools in partnership with the State.”

7 In terms of the preamble to the (current) Bill, the only references to amendments are limited to the South African Schools Act of 1996 and the Employment of Educators Act of 1998 (SA, 1998)

community – each with its own interest in the equipping and maturing of the child in becoming a well-informed, educated South African citizen.

3. State-financed and -supported schools versus state schools

The second issue that BELA brought to the table is whether its implementation, that is, assigning the final say about the language of learning and teaching, and about the admission policy of a school to the provincial Head of Department will not turn schools that are currently (partly) state funded or supported, such as Quintile 5 schools (schools serving the least poor communities) in South Africa, into state schools. If this should indeed be the case, it was feared in some circles that the more affluent parents whose children attended these schools might leave them in droves in favour of independent schools (Prince, 2024(b):2).

Application of the reformational principle of sphere sovereignty (Verburg, 2015:104-107) compels one to see the school as a societal relationship in its own right. As long ago as 1986, Taljaard (1976:244) remarked: “As far as I can see, the school has all the features of a separate, independent and unique community and should therefore, free itself from the controlment of the state. As a unique community, [it is] equipollent with all other types of communities.” In another classic study, Stone (1981:33) came to a similar conclusion: “The school emerged in the course of history as a fully internally sovereign societal relationship that functions freely within its own competence to fulfil its own unique function, a function that is totally different though fully equipollent with the functions of the parental home and of the state” (translated from the original Afrikaans). This position, namely that the school is a completely sovereign institution, distinguishable from both parental home and the state, differs from that of Edlin (1999:103) who sees “school education (as an) aspect of the nurture of children that originates and extends from the context of the home and family. In our specialized, technological society parents find it necessary to delegate some of that educational task to the school just as they delegate medical treatment to doctors”.

We agree, on the basis of the principle of sphere sovereignty, that the school must be seen as a different, unique and independent societal relationship. Based on the principle of sphere universality (Verburg, 2015:144-145), on the other hand, we also contend that all societal relationships are in essence interwoven in that they, in many cases, have the same persons as members. Persons who, for instance, are the mothers, fathers and children in the

parental home are at the same time the parents of learners who attend a school, and the children at home are learners at school. All of these role-players are also, at the same time, citizens of the state. The application of these two basic principles of reformational thinking about the societal relationships of parental home, school and state compel us to reject in principle the notion of the school as either parental property or of the school as state property (as a state school).⁸

It has been widely assumed that the tabling of BELA was targeted at especially Afrikaans medium schools since they are the only schools that are currently still inaccessible by non-Afrikaans speaking learners because of the language of teaching and learning. These schools are already in a minority: out of the approximately 23 700 public schools in South Africa in 2020, only 1 261 of them employed Afrikaans as the language of teaching and learning in single, dual, or parallel mediums (Minister of Basic Education, 2020). Afrikaans medium schools that are not full to capacity are especially vulnerable in this regard. The fact that only the small number of still functioning Afrikaans medium schools are being targeted explains why mostly Afrikaans culture organisations have been up in arms against the adoption of BELA.

Although one must have sympathy with the efforts on the part of these opposing organisations in withstanding the pressures to turn the remaining Afrikaans medium schools into English medium or dual or parallel medium schools, common sense must prevail. Provincial departments of education cannot allow schools that are not full to the prescribed or agreed upon capacity to institute measures to keep non-Afrikaans speaking learners from enrolling; that would be unreasonable and indefensible. This explains why the national Department of Basic Education tabled BELA to address this problem. It can be expected that the pressures on Afrikaans language medium schools will increase in future in view of the fact that the Afrikaans population has been steadily shrinking. South Africa's white population in general has shrunk from 4.6 million in 2011 to 4.53 million in 2022. In contrast, all other population groups have shown a tendency to grow in numbers (Horne, 2023:11). Although Afrikaans remains the third largest home language (after Zulu and Xhosa), the number of South Africans who spoke the language decreased from 13.5% of the population in 2011 to only 10.6% in 2022 (Du Plessis, 2023:1).

8 We are aware of exceptions to this rule. Circumstances sometimes dictate that one should deviate from these principles. In some cases, home-schooling, church schooling, business-schooling, or state schooling is indicated. It is, however, preferable to avoid these forms of schooling in a differentiated society where the different societal relationships have found space in which to develop optimally.

Common sense dictates that a more amenable route than subtly stripping the authority of a school governing body of a school that has come under pressure, and to assign the final say about admission policy and language medium of instruction to the provincial Head of Department. In our opinion, the reasonable way out of this predicament is to follow a community engagement strategy, a strategy that we outline in the next section of this article.

4. The proposed way out of the predicament

Mann (2018:no page number) found that more than 80 percent of a person's success depends on his or her communication skills. This is why communication is an essential element of what we choose to refer to as a community engagement model for getting around the predicament sketched in the previous sections of this article. The community engagement model that we propose is characterised by the following four communication strategies (and are also enshrined in Section 16 of the *South African Schools Act* (SA, 1996) with respect to the tasks and duties of school governing bodies):

- Regular team meetings between the parent community and the school attended by their children.
- A willingness on the part of the school management team to listen to what the other members of the school community have to say, and a willingness to provide adequate and timeous feedback.
- Timeous training of school management team members to communicate with other stakeholders.
- A commitment on the part of all stakeholders (the school management team, the teacher corps, the parents-in-organisation, individual parents, the wider community) to expend time and effort to work towards the effective teaching and learning (and education in the sense of the forming of a child for its future task).

When it becomes clear that a particular school should be made accessible to learners who are unable to engage in teaching and learning in the particular school because of the school's language medium of instruction and its concomitant admission policy, when the numbers of learners have dwindled to below prescribed or agreed upon capacity levels, the provincial Head of Department should call for a meeting of what we referred to above as a school community engagement meeting. One or more such meetings between all the stakeholders (parents, teachers, school management team, representatives of the provincial Head of Department, representatives of the local community) could then be held, and the need for change be discussed

until a more or less consensus solution can be found. Solutions could include the merger of two schools with the same language as medium of instruction and the resultant abandonment of one of the schools to learners who prefer another medium of instruction; it could also include the changing of the language medium of instruction to parallel or dual medium so as to enable learners from other language groups to also attend the school. In the final analysis, all the stakeholders should come to agreement, through sensible negotiations, that the solution that is reached is to the advantage of all concerned, in particular that of the learners concerned. By following this strategy, it is hoped that the point is never reached where all the other stakeholders have to succumb to the current BELA solution that the provincial Head of Department has the final say. The “final say” should be reached by all concerned, in the context of school community engagement meetings.

5. Concluding remark

BELA has caused great controversy in that it currently seems to insist upon the provincial Heads of Department having the final say in cases where the language of instruction, and the admission policy of a school have to change so as to allow other learners to enrol. This approach, in our opinion, is confrontational and not based on reasonable negotiation, and will therefore not be acceptable by communities whose schools come under threat because of demographic changes. A more amicable solution to pursue is to follow a school community engagement model of negotiation.

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