To Register or Not to Register

By Karin van Oostrum, Pestalozzi Trust – published on BELA Bill Facebook group on 11 December 2017

“To register or not” is a dilemma for homeschoolers, and has been ever since 1996. It will remain a dilemma if the BELA Bill and the Draft Policy 2017 are passed as law. That means there is not an easy answer. That is also why it is difficult to find someone willing to enter a public debate on these issues.  
  
The Pestalozzi Trust in the person of my late husband Leendert and myself have been offering seminars on this topic for the past decade or so, and for the past year my children and I have been offering seminars, as advertised on our website and facebook. We discuss the matter at length, and helps parents understand their specific situations. To explain it, one has to distill a large amount of info into short, manageable chunks, which will be easy to digest and to understand.  
  
Before giving you a short explanation, remember that joining the Trust is not an alternative to registering with the DBE. Some of our members are registered, and some are not.  
\*Why join the Trust if you are registered? Because if you apply for registration, you might find yourself in a situation where you have to defend your rights (eg your application could be turned down, or you will have to fight unlawful intrusion in your privacy). Then you will need legal counsel.  
\*Why join the Trust if you are not registered? Because if you don’t register, you might also find yourself in a situation where you have to defend your rights, and therefore you will also need legal counsel.  
  
We find ourselves in a dilemma, because we find ourselves in the middle of a battle between on the one hand our rights (as parents and our children’s right to education) and on the other hand the law that we have to obey.  
  
\*We have various RIGHTS, which entitle us to homeschool. Government then makes LAWS in terms of these rights, which we have to obey.  
  
\*According to the constitution, rights MAY however be limited, but should be limited in a LAWFUL way (sec 36).  
  
\*95% of homeschoolers in South Africa experience the laws applicable to home education as an unlawful limitation of their rights.   
  
\*To be specific: Sec 3 of SASA requires compulsory school attendance. If your child is not registered (in a state/public/independent school or ito sec 51 of SASA as a home learner) he/she is regarded as not attending school. You can therefore be prosecuted if not registered, unless you have “just cause” for not complying with the law. To find “just cause” you have to inspect the laws and the registration requirements to see whether your rights are unlawfully being limited.   
  
\*What you have to do: (1) Know your rights. (2) Study the law (SASA, BELA Bill, Policy 1999 and Draft Policy 2017, and the registration form for home education in your province). Decide whether it will be possible for you to comply with these, without forfeiting your child’s best interests. You may discuss this with the Pestalozzi Trust when you join us. (3) Whether you register or not, join the Pestalozzi Trust, or obtain a legal team who is knowledgeable about homeschooling in South Africa to defend you.  
  
The Pestalozzi Trust is planning to guide its members about the issue of registration or not in the coming months and years, and to explore the matter of “just cause”. So keep in contact, and we’ll update you from our side as well!”