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THE BASIC EDUCATION LAWS AMENDMENT ACT



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The Basic Education Laws Amendment Act (BELA) is an important update to South Africa's education laws. While it is not perfect, it aims to make schools fairer and more accessible for all children. This booklet will help you understand what BELA does and how to spot false information about it.

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WHAT IS BELA?

One of the most important education laws in South Africa is the South African Schools Act (SASA) – this law was made all the way back in 1996.

DEFINITION

Act: an “act” is another word for a law. For example, the South African Schools Act is a law about South African Schools

SASA covers a huge range of topics, like how schools must be funded, what learners’ rights are, when learners must start and end school and what happens if they don’t attend school, and how schools are run, and who runs them.



For a long time, SASA had not been changed, even though, as the years went by, many things about the education system **had** changed. SASA was also not perfect – it was not very clear about some things and this led to some confusion. To solve this confusion, many schools and people had to go to court to ask judges to tell them what the law was when they had a problem. But, because going to the court is expensive and takes a long time, only richer schools and people could do this.

In 2017, the government decided to update SASA – it wanted to make sure that SASA included all the decisions that courts had made over the years, and it also wanted to make sure that education laws were changing to support and respond to the changing needs of learners and school communities.

It made these changes to SASA by creating the “**Basic Education Laws Amendment Act**”, or more famously known as “**the BELA Act**”. This Act was finalised in December 2024.

“**Government also wanted to make sure that education laws were changing to support and respond to the changing needs of learners and school communities.**”



WHAT IS IN THE BELA ACT?

While the Act covers many areas, here are some examples of changes that BELA makes to South Africa's education laws:



Making schools safer

The Act confirms that corporal punishment is not allowed in schools – it says corporal punishment is any act which is done on purpose against a child that causes pain or physical discomfort. Some examples of this are washing children's mouths out with soap, forcing children to stay in uncomfortable positions, stopping children from having meals, stopping learners from using the toilet, or belittling, humiliating or threatening learners.



Supporting early education

The Act says that children must start school from Grade R (or from six years old). SASA used to say that children had to start school in Grade 1. But, the time children are allowed to leave school stays the same – learners must stay in school at least until they reach the age of 15 or finish Grade 9.



School attendance:

Unfortunately, the Act makes punishment worse for parents, or any other person, that stops a learner who is between 6 and 15 years old from going to school without a good reason. This punishment can be up to 12 months in prison and/or a fine. While government included this change to try and make sure that all learners go to school, punishing parents and caregivers does not address the underlying reasons why children might not be in school. To make sure children are in school, parents and caregivers need support and access to quality learning, not punishment.



Fair admissions policies:

The Act says that School Governing Bodies (SGBs) can still make their own policies about how to admit learners into their schools (these are called school admissions policies) and they must review this policy every three years. But, when they are making or reviewing this policy,

they must consider things like:

- ✓ Whether other schools in the community are accessible to learners.
- ✓ The best interests of the child, and the need to protect equality and equity, so that learners are not treated unfairly because of their race, gender, or financial circumstances.
- ✓ How many resources the school has, and the need to use public resources for the good of **all** learners, not just some.

DEFINITION

School Governing Body: Every public school in South Africa must have a school governing body (SGB). SGB's are important for proper school governance.

They make decisions on how the school is run. These decisions relate to things such as how school money is spent, hiring teachers, and what policies the school has.



Even though SGBs keep the power to make their admissions policy, the provincial government can make the final decision to place a learner in a school. If the government decides to make this final decision, they can only do this after talking to the school and listening to the school's opinion. If a learner or an SGB is unhappy about the decision to admit/or not admit a learner into a school, they can argue against this decision by appealing it to a higher level of government.



If a school is asked to teach in an extra language, the government must make sure they give the school extra teachers and textbooks, and other resources like classrooms.



Protecting learning and teaching in all languages

The Act says that public schools can be told to adopt an **extra** language of learning and teaching when, for example, the languages that are being spoken by the surrounding community change. For example, if a school is teaching only in Afrikaans, but most children in the area speak isiZulu, and those children do not have access to other schools, the school can be asked to teach in **both** Afrikaans and isiZulu. If a school is asked to teach in an extra language, the government must make sure they give the school extra teachers and textbooks, and other resources like classrooms. Before making this decision, the government must speak to the school community and listen to their opinions, and include them in the decision. If the school is unhappy with the government's decision, they can challenge the decision at a higher level of government.



Protecting the right to education for learners who are undocumented

The Act says that even if a parent or guardian does not give a school or the education department their identity documents and/or their child's identity documents when applying for their child's school admission, the child must still be allowed to attend school. In other words, schools are not allowed to refuse to accept a learner because they do not have documents. This confirms what the courts have already said, which is that children, regardless of their documentation status, have the right to access quality basic education.

WHAT THE BELA ACT IS **NOT**?

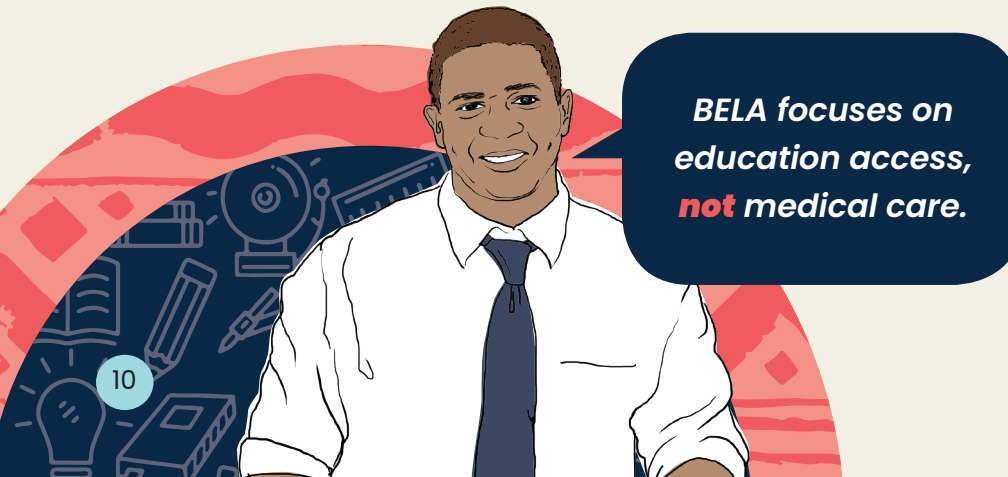
Understanding what BELA does not do is just as important as understanding what it does. Let us look at some common claims about BELA and understand why they are incorrect.

Gender identity in schools

Some people claim that BELA gives schools control to change children's gender. This misunderstanding may come from broader discussions about supporting all learners in schools. However, BELA says nothing about gender identity. Medical decisions, including any treatment related to gender, remain strictly between doctors, children and their parents or guardians. BELA focuses on education access, not medical care.

Pregnancy and Healthcare

There have been claims that BELA gives teachers the power to help children access abortions. This is completely false. While BELA does mention that the Minister can create regulations (extra laws) about supporting pregnant learners to continue their education, these regulations have not been made yet. When they are drafted, the public will have a chance to comment on them. The goal is simply to help pregnant learners stay in school, not to make medical decisions.



**BELA focuses on
education access,
not medical care.**

Sexual Education

Some groups say BELA forces all schools to teach comprehensive sexual education, but BELA does not mention anything about sexual education. Changes to what schools teach (the curriculum) would need to happen through different laws. BELA focuses on school administration and access to education, not on curriculum content.

Language of Learning

Some groups have said that BELA will get rid of schools that teach in Afrikaans. This misinterprets BELA's approach to language. BELA protects all languages while making sure that children can learn in their home language when possible. It only asks schools to add additional languages when needed, not to remove existing ones. For example, if many isiZulu-speaking children live near an Afrikaans school and have no other schools to attend, the school might need to teach in both languages, but it would keep teaching in Afrikaans. The government must also provide resources like extra teachers and textbooks to make this possible.

School Governing Body Powers

Some claim that BELA takes away all power from SGBs. This oversimplifies a careful balance. SGBs keep their power to make admission and language policies. However, these policies must consider the needs of all learners in their community, promote equality, and avoid discrimination. This is not new – the courts have been saying this for years. BELA simply makes these requirements more clear. When policies do not take these things into account or are discriminatory, government has a legal duty to get involved.

WHY ARE PEOPLE MAKING FALSE CLAIMS ABOUT THE BELA ACT?

Some people and groups are spreading incorrect information about BELA for different reasons. Let us understand why this happens:

1 First, whenever big changes happen in education, some people get worried and nervous. This is natural – parents and caregivers care deeply about their children’s education and want to make sure any changes will be good for their children. However, some groups take advantage of these worries to spread fear instead of facts.

2 Second, some political parties use BELA as a way to get attention and support. They might twist what the Act says to make people angry or scared, hoping these emotions will make people support their party instead of looking at what the Act does.

3 Third, some schools have gotten used to doing things in certain ways that might not be fair to all children. When BELA asks them to think about the needs of every learner in their community, not just some, they might resist these changes because it means changing how they have always done things.

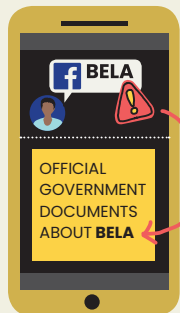
HOW CAN I IDENTIFY FAKE NEWS AND FALSE CLAIMS ABOUT BELA?

Understanding what is true and what is false about BELA is extremely important. When people believe and share false information, it can cause real harm to our education system. Parents might make decisions based on fears rather than facts. Schools might resist positive changes because they have heard incorrect information. Communities might become divided over issues that are not even real.

Most importantly, spreading false claims about BELA can prevent us from having meaningful discussions about how to make education better for all South African children.



Here is how you can **spot false information** about BELA and make sure you know the real facts:



FIRST, always go back to the source.

Instead of believing what you read on WhatsApp or Facebook, look for official government documents about BELA. These will tell you exactly what the Act says, not what people claim it says.

SECOND, ask yourself:

"Does this claim match what we know are the main goals of BELA?"

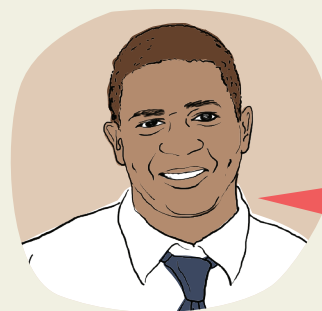
The Act aims to make education fairer and more accessible for all South African children. If someone claims BELA is trying to harm children or schools, that is probably not true.

THIRD, be aware of the common false claims that keep appearing:

- If someone says BELA lets schools change children's gender – **this is false**
- If they claim teachers can help with abortions – **this is false**
- If they say all schools must teach comprehensive sex education – **this is false**
- If they claim BELA will destroy Afrikaans schools – **this is false**
- If they say SGBs will lose all their power – **this is false**

THIS IS FALSE

LASTLY, notice the language being used.



Is someone trying to make you feel scared or angry?



Is the claim trying to promote fear instead of understanding?



Are they using dramatic words without giving proper evidence?

This often means they are trying to manipulate emotions rather than share facts.





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