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BELA Draft Regulations and Public Comment

Regulating the Future: What the BELA Draft Means for Us

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Opening Reflection

Regulations are more than rules, they are reflections of our values. When the Department of Basic Education gazetted the first two sets of regulations under the BELA Act, it marked a pivotal moment in South Africa's educational journey. These documents will shape how learners are admitted, how classrooms are sized, and how schools are governed. But they also raise a deeper question: Will these regulations serve the people, or simply structure the system? Public comment is not a formality, it is a form of stewardship.

What Happened

In August 2025, Minister Siviwe Gwarube gazetted two sets of draft regulations under the BELA Act for public comment. These regulations focus on:

- Admissions: Including zoning, documentation, and exemptions
- Capacity: Standardising classroom sizes to a maximum of 40 learners
- Immunisation: Requiring proof, with exemptions for medical, religious or cultural reasons
- Governance: Clarifying the role of provincial Heads of Department (HoDs) in coordinating admissions with SGBs

The original deadline for submissions was 5 September, but it has since been extended to 5 October. Civil society groups such as Free SA and AfriForum have raised concerns about centralisation, transparency and the weakening of School Governing Bodies. Build One South Africa (BOSA) submitted formal recommendations, warning that policy without budget is meaningless.

What It Reveals

This moment reveals the tension between standardisation and contextual sensitivity. The regulations aim to create fairness and uniformity, but may risk flattening local nuance. It also highlights the importance of public participation, not just as a democratic right, but as a safeguard against unintended consequences.

From a systems-thinking lens, regulations must be adaptive, inclusive and implementable. They must balance legal clarity with educational compassion.

Why It Matters

These regulations will shape the lived experience of learners, educators and families. If crafted well, they can promote equity, transparency and access. If rushed or underfunded, they may deepen exclusion and bureaucratic gridlock.

Philosophically, this touches on subsidiarity, relational governance and constitutional stewardship. Regulation must not be a blunt instrument, it must be a bridge between law and life.

Reflective Responses

What does meaningful public comment look like?

It means engaging with the text, asking hard questions, and offering constructive alternatives. It means communities speaking not just for themselves, but for the future.

How do we ensure regulations are implementable?

By tying them to budget, infrastructure and capacity planning. By consulting those who will carry them out, not just those who draft them.

What risks emerge if public comment is ignored or rushed?

Loss of trust, legal challenges, and policies that fail in practice. Participation is not a delay, it is a safeguard.

Sidebar: Facts and Philosophy

Key Stats and Insights (2025):

- South Africa has over 13.5 million learners in public schools
- Classrooms in many provinces exceed 50 learners, despite proposed limits of 40
- The BELA Act was signed into law on 24 December 2024, with phased implementation underway

“These regulations are instruments that will affect how schools are governed and managed, how children are admitted, and how our values as a society are reflected in our education system” - *Minister Siviwe Gwarube*