



# Pestalozzi Trust (IT6577/98)

the legal defence fund for home education

(Beskikbaar in Afrikaans)

PO Box 12332 QUEENSWOOD 0121 Tel: (012) 330 1337; Fax: (011) 507 5997  
 Web: www.pestalozzi.org E-mail: defensor@pestalozzi.org

## **We speak for your family and your freedom**

### **We speak for you in court**

All parents have the right to choose home education for their children. The Pestalozzi Trust Legal Defence Fund for Home Education is committed to advocating the fundamental elements of this right: religious freedom; the right of parents to educate their children according to their own convictions; and the right of children to be cared for by their parents without interference with their privacy and their family. We are prepared to represent our member families every step of the way - from consultation to correspondence and negotiation with local officials, and in court proceedings all the way through the appellate courts. The Trust will pay all litigation costs for home school cases it undertakes.

Although the Trust is there to defend you in court, our first task is to keep you out of

### **But:**

#### **If home education is legal, why do we need a legal defence fund?**

There are several answers to this - one might point to the fact that corruption and theft are illegal, yet some government officials regularly commit those crimes. As a result, pensions, medical treatment, or other services may be withheld. Similarly, we find that, in all countries where home education is recognised by law, families often find their right to educate their children at home challenged by government officials - for reasons unrelated to the interest of the child.

Since home education became legal in South Africa, home educated children have been unlawfully removed from their parents. Unauthorised persons have terminated registrations for education at home. Families have been refused registration without adequate reason, or with no reasons given at all.

Indeed: until now, those families who attempted to act within the law are the ones who have experienced most problems from government officials.

The main reason is this: Most officials responsible for home education do not know the law that they are required to apply, and they have no knowledge of home education either.

For this reason, home educators are consistently forced to ask the courts to defend their rights against unlawful actions by education and other officials.

court. For this reason, we work towards just and reasonable laws and policies, and public understanding and support for the right to educate your children at home. Our civic duties as a non-governmental organisation on your behalf are performed also in the following arenas:

### **We speak for you at National Government**

The Trust monitors national legislation and maintains relationships with key legislators and officials as well as with our fellow family-friendly organisations. We are equipped to support representative home schooling associations and home schooling families to lobby our national representatives on issues affecting home educators, to make informed inputs in processes where policy is formulated and to disseminate emergency alerts to volunteers and associates nation-wide by fax and e-mail.

### **We speak for you in Provincial Governments**

The Trust helps provincial home school leaders by tracking provincial legislation and policy initiatives, alerting them to bills, regulations, and policies which may affect home educators, and by fighting harmful legislation and policies. At the invitation of provincial home school organisations, the Trust will assist with drafting statutes to improve their home school legal environment.

### **We speak for you in the Media**

The Pestalozzi Trust strives to present an engaging, informative, and dynamic picture of the home schooling community to the public by providing the media with arti-

culate and knowledgeable spokesmen on the subject of home schooling. Through press releases we are able to alert the media to significant developments and achievements in the home schooling community, and authoritative statements by Pestalozzi trustees and staff inform newspaper and magazine articles across the country.

### **We speak for you internationally**

The Pestalozzi Trust does not draw on its own strength alone. We receive active support from the Home School Legal Defence Association and others who have blazed the way for home educators in the USA (where nearly two million children are now educated at home). Their experience through decades of legal and legislative struggle is of inestimable value to home schoolers in South Africa.

We also share information, experience, and mutual support with jurists, pedagogues, and home school leaders in other countries including Australia, Canada, Namibia, the Netherlands, New Zealand, Sweden, and the United Kingdom. History shows that home education in South Africa would almost certainly have been illegal now if it were not for international support in the past, and at least one South African home schooling family has been reunited as a result of international pressure on the government.

We invest in cultivating cordial relations with home education leadership in other countries in the event that yours is the family who may need it in future.

## **Who are we?**

We are a Christian ministry that advocates the right of all families to educate their children at home regardless of their religious affiliation. We are committed to home education, not only as a legal right, but also as an educational opportunity and spiritual blessing. We believe that God has blessed the efforts of home schooling families and home school leaders on behalf of the home schooling community throughout South Africa.

Our international Board of Trustees includes jurists and educationists who are leaders in the field of home education, family rights, and related fundamental rights, leaders in the field of financial management and control, as well as advocates of home education and home educators of long standing.

Our mission is to support those efforts to defend and advance the constitutional rights of parents to direct the education of their children and to protect family freedoms. Our task is to provide the best expertise obtainable to discover and develop the expertise that will be necessary to guard and expand the freedom with which God has blessed home schoolers.

# Our members can “stay home” with confidence

## We are here for your family

When you have a problem that needs immediate attention, we are just a phone call away - 24 hours a day. The Pestalozzi Trust enables our members to home school their children in peace and freedom.

## What kinds of assistance do we give?

If a government official challenges your right to home school, the Trust will be there to support you with legal and pedagogical expertise, advising and representing you at every stage of proceedings against you. As a member of the Pestalozzi Trust Legal Defence Fund for Home Education you will be able to obtain consultation by letter and telephone, representation in negotiations with local officials, and representation in court proceedings.

## The board of trustees

Mrs **Thilia Boulogne** holds a B.Com (Hons) degree. She is a business woman and a home schooling mother of long standing.

Dr **Chris Klicka** from Virginia in the USA serves as senior council for the Home School Legal Defence Association in his own country and member of the board of the HSLDA (Canada). He was the first lawyer to establish himself in a full time career defending the rights of home educators.

Mr **Craig Koetsier** (Treasurer of the Trust) is a chartered accountant and home school leader in the Eastern Cape.

Mr **Frikkie Marx** (Secretary of the Trust) is an engineer and home schooler of long standing.

Mr **Henri Slabbert** is a home schooling leader and a school teacher with specialist qualifications in education management.

Mr **Francois van der Walt** from Brisbane in Australia, is a home educating father. As regional director in a well known international auditing firm, he has established himself in financial management locally and in the USA.

Mr **Leendert van Oostrum** (Executive Chairman) has provided leadership on home education policy for longer than a decade. He received an M.Ed degree for his research on home education.

Professor **Hans Visser** is Professor of Private Law at the University of Pretoria and a director of the Inter University Centre for Education Law and Education Policy. He specialises in family and education law. He has represented the cause of family rights in many forums, including the Constitutional Court. He chooses school education for his own children. His support for the rights of home educators is, therefore, not influenced by his personal preferences.

## The cost

The standard fee for the Legal Defence Fund for Home Education, operated by the Pestalozzi Trust, is R720 per family per annum (subject to change).

If you submit proof that you belong to an organisation or home schooling association **that is affiliated with the Trust** (please enquire first) a discount can be granted.

The Trust can also take the offensive, filing actions to protect members against government intrusion and to establish legal precedent. We are able to help our members through the initial stages of child abuse and neglect investigations, which have become a method to intimidate home schoolers. We remain involved in follow-up litigation if home schooling is an issue.

Although the Trust does not take divorce or custody cases, we will provide helpful information and may, when there is an opportunity to set precedent, approach the court in an *amicus curiae* capacity supporting the rights of a home schooling parent.

## Your information source

Our regular *newsletter* will update you on what is going on in your province and around the country, reporting on trends, issues, and items of general interest to home educators. Our *web site* will put helpful resources, news, and information at your fingertips 24 hours a day.

*Fax Alerts* and *E-lerts* (alerts by e-mail). These messages will keep regional leaders and subscribing members current on "hot" legislative and government issues that need their attention.

*Conference Speakers.* Our trustees and staff offer vision, encouragement, and helpful how-to-home-school information.

## The wisdom of experience

Nobody sets out to get into a legal battle, but it can happen at any time - primarily because our laws and policies on home education are developing in a country where the practice is new and strange to government and society alike.

Our law on home education is, by admission of the governing party, based on ignorance of home education and often policies are prepared by officials who have no knowledge of the tested and legitimate practices of home educators, their rights and freedoms.

Our staff can assist you in carefully planning and establishing your home school in a way that can be well defended against challenge by government officials. We are also able to refer you to resources and organisations to help you.

## A neighbour to your home schooling "neighbour"

Scripture instructs us to "love our neighbours as ourselves." Even if your family never needs to call the Legal Defence Fund, your membership will help other home schooling families who desperately need our expertise. By supporting the Trust thousands of families will be able to confidently step into the "unknown" of home schooling because they know that they have friends like you standing beside them, defending their right to educate their children at home as you defend your own.

## The Pestalozzi Trust undertakes:

During the time that your family is a member of the Pestalozzi Trust Legal Defence Fund for Home Education (the Fund), we undertake to:

- 1 Treat all information as confidential and use it solely to prepare for any potential legal defence in relation to your home education.
- 2 Exercise due diligence in administering all contributions by Members as an indivisible part of the Fund to defend, by the most appropriate means as determined by the Trustees, your right to home education against unlawful encroachment by the legislative, executive, or judicial branches of government.
- 3 Provide quality legal representation on any actual or threatened criminal proceedings brought against you in relation to your home education.
- 4 Pay all fees for attorneys and advocates appointed by the Trust, and court costs resulting from criminal proceedings brought against you in relation to home education.
- 5 Decline to assist in the defence of a Member or in an appeal against a decision and decline to continue to render assistance in a matter if, in the exclusive discretion of the Trustees, the likely result in regard to legal precedent or the cost will be detrimental to your interests or those of other Members.
- 6 Communicate with you via a regular newsletter regarding any information that will affect your home education.
- 7 Serve as advocates and lobby in the public policy arena for your right to home education.

# Membership application - Legal Defense Fund for Home Education

(Pestalozzi Trust will treat this information with absolute confidentiality)

**EVERY** question must be answered **IN FULL** by parent or legal guardian using black or blue ink. Do not staple correspondence to this application. Associate members complete only numbers 1 and 2, and sign the form on page 4.

1. Father: Title <input type="text"/>	Names <input type="text"/>	Mother: Title <input type="text"/>	Names <input type="text"/>
Surname <input type="text"/>	Surname <input type="text"/>		
Postal Address <input type="text"/>		Postal Code <input type="text"/>	Province <input type="text"/>
		Magisterial district <input type="text"/>	
Phone: Home <input type="text"/>	Fax <input type="text"/>	For attention <input type="text"/>	
Work <input type="text"/>	Cell <input type="text"/>	E-mail <input type="text"/>	
Language preference: Afr <input type="checkbox"/>		Eng <input type="checkbox"/>	ID/passport no. of father or custodial parent <input type="text"/>
2. I received this application from : <input type="checkbox"/> Pestalozzi Trust office <input type="checkbox"/> Local support group <input type="checkbox"/> Curriculum supplier (which?) <input type="text"/>			
<input type="checkbox"/> Home school conference <input type="checkbox"/> A friend (who?) <input type="text"/>			
<input type="checkbox"/> A web site <input type="checkbox"/> Home school publication <input type="checkbox"/> Other (specify) <input type="text"/>			

### 3. Information on educators

Please provide the names of both parents, as well as the name of anyone else who provides education or supervision to your children on a regular basis  <i>To be eligible for membership of the Fund, parents, legal guardians, grandparents or siblings must personally do at least 50% of the home education</i>		<b>Education</b> <small>(use abbreviation)</small>	<b>Employment schedule</b>	<b>Work location</b>	<b>Teaching schedule</b>	<b>% of Teaching</b>
		N school not completed 10 Std 10 D Diploma B Bachelor M Master Other (fill in)	Indicate the times of the day this person starts and stops working. <i>Remember to indicate a.m. and p.m. If none, put "NA".</i>	If this person is employed, is it in the home or out of the home?  <b>In</b> <b>Out</b>	Indicate the times of the day when this person will start and stop instruction. Include a.m. and p.m. hours.	What percentage of the teaching will this person do?  <i>Column must total 100%</i>
<b>First name</b>	<b>Surname</b>					
Father						
Mother						
Grandparent						
Other						

4. Include information on all children you are planning to teach at home. Generally, we cannot protect your right to educate any children other than those who are educated in their own home. If any learners are not part of your family, please explain on a separate sheet.

Please list all minor learners who are or will be educated at home during the year. <i>(If child's surname differs from parent's, please indicate)</i>	<b>Date of Birth</b>	What is the legal relationship between each educator in the family and each child? B = Biological / Adoptive parent      V = Legal guardian (appointed by a court) S = Step parent      G = No legal relationship			
<b>First Name</b>	<b>Surname</b>	<b>Father</b>	<b>Mother</b>	<b>Grandparent</b>	<b>Other</b>
	/ /				
	/ /				
	/ /				
	/ /				
	/ /				
	/ /				

**IMPORTANT: YOU MUST COMPLETE AND SIGN THE REVERSE SIDE**

Questions? Call us at (012) 330 1337

### Office use only

Payment type and date	Date of postmark Date of arrival	Date accepted	Alliance / category
Amount & period	Entered into database	Accepted by	Membership #
QB invoice	Payments to		

5. Is there any time during traditional school hours (i.e. 7:30 a.m. - 2:00 p.m.) when your learners will not be under the supervision of the parents/adults listed in Question 4 overleaf?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
6. If Yes, please explain. If another adult is providing the supervision, give his/her name, relationship to the child, and where the supervision will take place.			
7. Has any legal action been threatened or brought against your home education or anyone associated with it, or have you contacted or been contacted by any school or education official, social worker or other government official concerning your children, your home education, or absence from institutional school?	<input type="checkbox"/>	<input type="checkbox"/>	
8. If Yes, please describe the threat, legal action, or contact (by whom and when). Include copies of correspondence, legal proceedings, etc.			
9. Have you been investigated for or charged with child abuse, neglect, or any other related charges?	<input type="checkbox"/>	<input type="checkbox"/>	
10. If Yes, explain (on a separate sheet of paper if necessary) when the investigation occurred, if there was a finding of neglect or abuse, and if it has been fully resolved. Attach copies of any court documents.			
11. Do any of the children being educated at home have any special learning needs?	<input type="checkbox"/>	<input type="checkbox"/>	
<i>If Yes, we may be able to provide you with information that may be helpful.</i>			

**BY SIGNING THIS APPLICATION WE AGREE TO:**

- |   |   |
|---|---|
| 1. Exercise diligence in teaching our children in a responsible way.  | 5. Co-operate fully in the defence of any legal action (threatened or otherwise) which may be brought against us in relation to the home education of our children and provide any and all information and assistance to the legal council who are appointed by the Trust to defend us. |
| 2. Establish specific objectives for the education of our children.   | 6. Contribute to the Fund the amount appropriate to our category of membership in one annual amount or, if paid in monthly instalments, by means of a stop order.   |
| 3. Keep minimal records of the progress of each child's education.  |   |
| 4. Notify the Trust promptly of any threatened or actual legal papers received by us in relation to our home education. |   |

**(Note: Both parents *must* sign, except in the case of single parents, where the custodial parent must sign.)**

Signature <input type="text"/>	Date <input type="text"/>
Signature <input type="text"/>	Date <input type="text"/>

**PLEASE NOTE:**

The Trust does not provide legal representation for members in matters involving divorce, child custody, or related domestic affairs. However, the Trust is able to provide information that may be important to parties in such matters.

The Trust reserves the right to refuse any application and to revoke membership where information has been misrepresented in the application.

You must submit your payment or a copy of your stop order with your application. Date the first payment on a stop order for the first day of the month following the date that is six weeks after sending in your application.

Membership does **not** commence on receipt of the application (processing an application may take from three to six weeks). Membership commences on the first day of the month following the date on which the application has been reviewed, approved, and entered into our membership database or on the date of first payment on a stop order, if that is later. No refund is available once accepted into membership.

You will receive notification of approval of your application as well as a member's package. If we cannot approve your application we will return your payment and send you a letter of explanation. If you do not hear from us within six weeks of when you sent in your application, please contact our office to inquire about the status of your application.

Membership is valid for a period of 12 months from the date of commencement (see above) unless a) the family should stop home education, in which case it ceases automatically; or b) the member discontinues payment of fees, in which case it ceases with the last payment.

**Categories of membership**

**Standard Membership.** The membership fee is R720 per family per annum (subject to change). A loyalty discount of R120 is granted to families who join before the 1<sup>st</sup> of March, 2003 and whose membership remains uninterrupted. An additional community discount is granted to members of accredited home schooling organisations (contact us for particulars).

**Associate Membership.** Associate membership is granted to non-homeschoolers who want to support the Trust. The associate membership fee is R360 per annum.

**PLEASE NOTE: All members and associate members with whom we have to communicate via normal mail instead of e-mail are liable to a surcharge of R60 per annum.**

**Free membership.** Free membership with limited advantages will shortly be available to anyone who subscribes via internet.

<p><b>Pestalozzi Trust</b><sub>(IT6377/98)</sub>  <b>PO Box 12332, QUEENSWOOD, 0121.</b>  <b>Tel: (012) 330 1337 Fax: (011) 507 5997</b>  <b>Web: <a href="http://pestalozzi.org">http://pestalozzi.org</a> E-mail: <a href="mailto:defensor@pestalozzi.org">defensor@pestalozzi.org</a></b></p>	<p><b>Cheques, stop orders and deposits to Trust</b>  <b>Stop orders to: Pestalozzi Trust, ABSA Bank Hatfield,</b>  <b>Account # 4048 112677, Branch code 33-55-45</b>  <b>NOTE: In case of stop orders or deposits, PLEASE ensure that YOUR name, surname and/or membership number (if available) appear as reference on OUR bank statement!</b></p>
--	---