

IN THE EASTERN CAPE HIGH COURT, BHISHO
(REPUBLIC OF SOUTH AFRICA)

CASE NO. 81/2012

In the matter between:

EQUAL EDUCATION AND TWO OTHERS

APPLICANTS

and

**THE MEC FOR EDUCATION: EASTERN CAPE
AND TWELVE OTHERS**

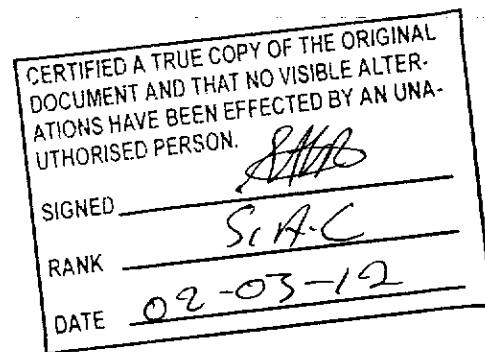
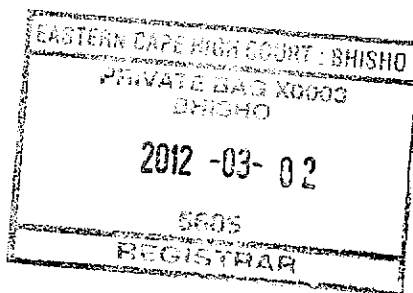
RESPONDENTS

SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

ZENZILE NOMLENZANA

state under oath the following:



1. I am the chairperson of the School Governing Body at Malize Senior Primary School (Malize SPS). I have been the chairperson of the SGB since 2007. I have one child in grade six at the school.
2. The facts set out in this affidavit are true and correct, and unless otherwise stated, are within my personal knowledge.



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3. This affidavit is intended to deal with three issues:

3.1 The poor state of infrastructure at Malize SPS;

3.2 Its impact on teaching and learning;


3.3 Efforts to obtain assistance from the Department of Education

CONDITIONS AT THE SCHOOL

4. Malize SPS is located approximately 30 kilometres north east of Port St Johns in the village of Mdeni, The school is in the Port St John's Local Municipality, in the Eastern Cape. It was founded in 1996. The school has seven teachers and 133 students in grade R to grade 6. The number of teachers at the school, however, is likely to change soon as the teacher post establishment for 2012 is four teachers, but this process has not been finalised.

5. The Department of Education ('DOE') places schools in quintiles by using a poverty ranking system prepared by the National Treasury. Malize SPS is placed in quintile one of the five quintiles and is a no-fee school. Quintile one is the poorest quintile. Students at our school come from very poor backgrounds. We are a section 20 school and therefore have limited control over our budget.

6. Malize SPS has a long history of not having enough classrooms. In 1998 a severe storm destroyed all of the schools classrooms when the school was

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still located at its original site. The school originally consisted of two classrooms made of mud and they were completely demolished. We informed the DOE but we received no assistance from them.

7. After the storm the principal, Mrs Zoko, decided to move the school into a vacant homestead in the community. The homestead comprised of three rondavels. This was a temporary arrangement until the DOE could come to our assistance or we could raise enough funds to rebuild our school.
8. Unfortunately the rondavels at the abandoned homestead were in very poor condition. After using them for only a few months they had to be abandoned as they collapsed following heavy rainfall. The school was then moved by the principal to another abandoned homestead where the same thing happened again. The rondavels being used as classrooms collapsed after a severe storm. In approximately 1999 the school moved to two more abandoned rondavels and these are still used today as the classrooms for Grades two and three.
9. The rondavels are very small, very dark, and very dirty and are not appropriate structures for teaching and learning to take place in. Neither of the 2 rondavels are big enough to accommodate all of the learners in the Grade 2 or in Grade 3 classes at the same time. Many learners are often absent because of the lack of space in the classrooms. Teaching and learning in these cramped conditions is very difficult. Teachers are not able to create an environment conducive to learning. Photographs depicting the rondavels used as classrooms are annexed to the affidavit of Cameron

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McConnachie which I am advised will be filed with this affidavit.

- 10. After the storm in 1998 and while we were moving from abandoned homestead to homestead, the principal was forced to ask parents to donate R140 each for the construction of new classrooms. The principal also successfully approached businesses in Lusikisiki for donations. By 1999 we had raised approximately R3000 and we began construction of two new classrooms using local builders. These were eventually ready for use in 2002.
- 11. The two new classrooms are made of pre-cast cinder blocks, together with mud bricks for the internal wall. The roof is made of zinc and there is no ceiling. We eventually raised enough money to plaster the new structures in 2009. Photographs depicting the two community built classrooms are annexed to the affidavit of Cameron McConnachie which I am advised will be filed with this affidavit.
- 12. The school now has a total of four classrooms, including the two rondavels. The 21 students in Grade 2 occupy one rondavel and the 17 students in Grade 3 use the other rondavel. The 15 learners in Grade R and the 25 learners in Grade 1 are all taught in one of the brick classrooms and the Grade four, five and six students, which combined total 55 students, are all taught in the second brick classroom.
- 13. The learners have to share the classrooms, as there is not enough space for everybody. This means that the learners have to wait outside without any



His Honor Judge

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protection from the elements during some parts of the school day. It is common for teachers to take some learners outside for lessons due to the overcrowding. When it rains, however, teaching outside is not possible and the learners all have to squeeze into the classrooms at once or some of them have to go home.

14. The Grade R and Grade one classroom is also used as the kitchen to prepare meals for the learners and this is extremely disruptive. It is almost impossible for the children to concentrate when meals are being prepared in front of their hungry eyes.
15. In addition to overcrowded classes, we do not have enough desks and chairs for the learners. This means that learners have to take it in turns to sit at a desk. Many learners are forced to either sit on the floor, stand, or wait outside during classes. This is not conducive to teaching or learning.
16. Access to a steady supply of water is another problem we face at the school. We have three water tanks to provide water for the learners but these tanks are not in good condition and have leaks. We are totally reliant on them for water, so if there is no rain for long periods, we run out of water altogether.
17. We have no administration block. Any administrative functions have to be performed in the classrooms.
18. Also, the school has no electricity. Electricity poles have been erected but the electricity has never been connected.

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19. There are no computers at the school for teachers or learners to use at the school.
20. Finally, the school does not have a library. The absence of a dedicated space where learners could access additional reading materials has an adverse impact of the development of students at our school.

IMPACT ON TEACHING AND LEARNING

21. The conditions of the classrooms at our school are having a terrible impact on teaching and learning. Given that our school does not have enough classrooms, or classrooms that are large enough to properly accommodate all the learners, our current overcrowded classrooms are undermining the teachers' ability to effectively teach on a daily basis.
22. The students who manage to physically fit in the classrooms must attempt to learn in an environment that is ripe with distractions. The lack of space and in some cases, the multiple grades who share a single classroom results in an environment where it is challenging for both the teachers and the learners to focus on the curriculum.
23. These problems are further compounded by the lack of an adequate number of chairs and desks in the classrooms. When learners have to sit on the floor or stand in the classroom it negatively impacts their ability to focus on the lesson being taught. It also does not allow for the physical space required to



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complete exercises that are necessary to the learning process.

- 24. The inadequate infrastructure of the rondavels and brick classrooms also adversely impacts the students and teachers at our school. In addition to further contributing to an environment that is inhospitable to learning, we believe that the health of teachers and learners is being affected by the conditions. We have seen both learners and teachers becoming ill the longer they have been at the school. If we had proper structures I believe they would not get sick as often as they do.

- 25. What is especially problematic is the number of students who must learn outside because there is no space for them in the classrooms. Being outside, without desks, chairs or shelter from the elements frustrates learning and teaching. Students learning outside are forced to unnecessarily miss school when it rains because there is no room for them inside. The cumulative effect of learning outside and missing school days is especially worrisome. It can hamper the ability of learners to effectively grasp the material taught in one lesson thus impacting their ability to be prepared to move on to new material to be taught in a following lesson.

- 26. The lack of access to a steady water supply undermines proper sanitation and food preparation at the school.

- 27. The lack of electricity frustrates the teachers' ability to effectively run the school as teachers struggle to communicate with the DOE. In the absence of a school phone and fax, energy and time is wasted in travelling to meetings to



His R.A.F.P. [Signature]



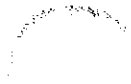
receive information that could have been relayed via fax. This comes at the expense of being able to singularly focus on the students. The absence of electricity also means that should we be able to secure a computer through a donation, it would be almost impossible to use it at the school.

28. The lack of computers and a library at our school is a significant impediment to being able to properly prepare the children for their further education and eventual employment. Given that most of these students are from very disadvantaged households, school is their sole point of access for such important enrichment materials.

29. Finally, we have observed a direct correlation between the deterioration of our school and the decrease in the number of learners who are enrolled. Parents have been taking their children out of our school and sending them to other schools with proper structures for learners. In 2007 we had 271 learners. That number has decreased each year, and now we only have 133 learners. The reduced number of learners means that our funding will be reduced, which makes it harder for us to fix the problems. It also means that we may start to lose teachers, which will make it harder to teach the children effectively.

ATTEMPTS TO SECURE ASSISTANCE FROM THE DEPARTMENT

30. We have spent a long time trying to get the DOE to fix these problems. We have written numerous letters throughout 2009 and 2010 asking for assistance. We have visited the district office on numerous occasions for



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financial assistance. None of these advances have met with any success.

31. In November 2010 the principal travelled to Bhisho in order to tell the DOE officials about the problems at our school. She met with officials in the infrastructure section of the DOE and they informed her that by making her application for new classrooms in person, she greatly improved the chances of her application being successful. The principal was told by Mr Ndankisa and Mr Mnyakama that she would probably receive new classrooms soon.

) When the principal telephoned a few months later to find out what progress had been made she was told that those officials had left the DOE and that nobody knew anything about our school's problems. The principal again informed the DOE about the school's problems at this time over the telephone but to date we have not heard from the DOE.

32. We still have no indication from the DOE when they will build proper buildings at our school. We also have no indication that we are on any priority list to improve the conditions. We have no idea if the DOE will help us, or when.

33. I have been advised by attorneys at the Legal Resources Centre that Malize SPS does not appear on any lists regarding infrastructure improvement in the Eastern Cape.

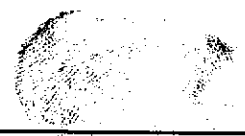
CONCLUSION

34. The teachers at Malize SPS are keen to teach the learners. We want to do the best for them, despite the terrible conditions. However, the current condition

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of our school does not foster an environment that is favourable to teaching and learning. As a result, the students are leaving the school. We desperately need improved facilities so we can provide a decent education for our learners.



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ZENZILE NOMLENZANA

I certify that on the 25th day of JANUARY 2012 and at LUSIKISIKI the deponent appeared before me and that he acknowledged to me that he knows and understands the contents of the above Affidavit, which Affidavit was signed and sworn to in my presence in accordance with the requirements of Regulation No. R1428 dated 16 November 1984, as amended, which have been fulfilled.

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COMMISSIONER OF OATHS

CALVIN HASHIBI

DOJ & CD, N.56 STANFORD STREET,
LUSIKISIKI

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