NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION 632

DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 16/03/2012

(INTERNAL QUESTION PAPER 08/2012)

Mrs A T Lovemore (DA) to ask the Minister of Basic Education:

(1) Whether any comments have been received in response to the 2008 call for comments on the National Minimum Uniform Norms and Standards (NMUNS) for school infrastructure; if not, what is the position in this regard; if so, what are the relevant details;

(2) whether her department has completed an infrastructure development action plan as stipulated in its 2010-2013 Strategic Plan; if not, what are the reasons for the delay; if so, what are the relevant details;

(3) whether she intends to publish an (a) amended or (b) revised document on NMUNS in the Government Gazette; if not, why not; if so, what (i) time frames has her department set for all schools for conforming to the minimum norms and standards for infrastructure and (ii) are the further relevant details? NW759E

Response

(1) Comments were received in response to the 2008 call for comments and these were incorporated into the document. The amended document was then presented to HEDCOM and CEM and a decision was taken to convert the document into Guidelines Relating to Planning for Public School Infrastructure. The guidelines were approved by the Council of Education Ministers on the 05th November 2011 and have been approved and signed by the Minister of Basic Education.

(2) The infrastructure development action plan has been developed as part of the Action Plan to 2014; Towards the Realisation of Schooling 2025 and Goal 24 “Ensure that the physical
infrastructure and environment of every school inspires learners to want to come to school and learn and teachers to teach”, clearly spells out the desired outputs and milestones.

(3) (a) (b) The Council of Education Ministers resolved that the Norms for Infrastructure be published as Guidelines Relating to Planning for Public School Infrastructure as indicated in (1) above.

(i) (ii) In terms of the Action Plan to 2014; Towards the Realisation of Schooling 2025, the related milestones as articulated in Goal 24 is that:

- The focus for the 2010-2014 Strategic Plan period will be on all schools that do not meet the basic safety standards and those constructed from inappropriate material and are a danger to learners and educators. Those without basic services will be provided with water, sanitation, electricity and fencing. Where an entire school has been built from an inappropriate material especially mud, this school will be replaced with a school to Optimum Functionality. In the process, the drive to provide schools with critical learning spaces like libraries, laboratories, administration blocks etc will be intensified.

- The target during the 2015-2020 Strategic Plan period is to expand the provision of critical teaching and learning spaces that are essential to enhance teaching and learning outcomes (i.e. Libraries, laboratories, computer centres). Additional momentum will be given to the on-going roll-out strategy to build on developments in e-learning.

- The 2025 target is that all schools and their teaching and learning environments will be at optimal functionality level of provision.
GENERAL NOTICES

NOTICE 1438 OF 2008

DEPARTMENT OF EDUCATION

NOTICE NO OF 2008

NATIONAL EDUCATION POLICY ACT OF 1996

CALL FOR COMMENTS ON THE NATIONAL POLICY FOR AN EQUITABLE PROVISION OF AN ENABLING SCHOOL PHYSICAL TEACHING AND LEARNING ENVIRONMENT

I, Grace Naledi Mandisa Pandor, Minister of Education after consultation with the Council of Education Ministers and in terms of section 3(4) of the National Education Policy Act, 1996 (Act No 27 of 1996), hereby declare the National Policy for An Equitable Provision of an Enabling School Physical Teaching and Learning Environment, as set out in the schedule.

All interested persons and organisations are invited to comment on the policy, in writing and to direct their comments to-

The Director-General, Private Bag X895, Pretoria, 0001, for attention: Mrs E Mamathuba, tel 012 312 5954, email mamathuba.e@doe.gov.za, fax 012 312 6058.

Comments must reach the Director-General on or before 23 December 2008.

GRACE NALEDI MANDISA PANDOR, MP
MINISTER OF EDUCATION
DATE: 14-11-2008
SCHEDULE

NATIONAL POLICY FOR AN EQUITABLE PROVISION OF AN ENABLING SCHOOL PHYSICAL TEACHING AND LEARNING ENVIRONMENT
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• the authority for setting norms and standards that should guide the adequacy, equity and fit-for-purpose of the physical teaching and learning environment,

• a system for setting priorities for provision, and in a manner that facilitates the actualization of key sector policies—which are: quality, equity, relevance, efficiency, and values,

• a system of planning to address identified priorities,

• a contextually adaptable system for standardizing architectural designs that respond to core sector policies, teaching and learning requirements, set priorities for provision, and that ensures effective cost management and cost control,

• a system for timely and cost-effective management and maintenance of assets created as part of an enabling physical teaching and learning environment that optimizes usage and longevity,

• diversification of funding sources that is financially feasible, sustainable, and that eases the burden of provision on the government,

• a system for ensuring the adequacy of capacity to deliver the required elements of the environment, and

• a system for effective management of procurement procedures required to assure time and resource efficiency, transparency, cost management, and quality of services and outputs.

1.14. Policy statements: The 6 strategic and 2 operational policy statements are summarized as follows:

Policy Statement # 1: Nationally established norms and standards for an enabling environment

1.14.1. Effective from 2008, norms and standards for the physical teaching and learning environment will be set at the national level by the Department of Education. National norms and standards will set and express in terms of minimum and optimum provision. Along this continuum, norms and standards for school safety, functionality, effectiveness and enrichment will be explicitly defined at a national level by the Department of Education. The DoE will also set clear target dates by which a set proportion of schools will meet each level of enablement in its environment. The DoE will also set a clear date by which all South Africa schools will meet norms and standards for effectiveness.


1.14.3. Provinces may adopt national norms and standards to their contexts without prejudice to set minimums. Effective from January 2010, all provinces will have aligned their provision programs to national norms and standards and set targets. By the end of the current strategic plan period—2008 to 2012—all schools will meet inputs and process norms required for safety, functionality and effectiveness.

1.14.4. As need arises, national and/or sector strategic development priorities will be translated into enrichment norms and standards as defined by the Department of Education. These norms will be defined in response to current national and sector development imperatives. Such dictates may be the need to ramp up certain outputs such as in the Dinakani project. It may be to fast track reaching international benchmarks.
THE NATIONAL MINIMUM UNIFORM NORMS AND STANDARDS FOR SCHOOL INFRASTRUCTURE

I, Angie Motshekga, Minister of Basic Education after consultation with the Council of Education Ministers and in terms of section 5A of the South African Schools Act, 1996 (Act No 84 of 1996), hereby publish the National Minimum Uniform Norms and Standards for School Infrastructure, as set out in the Schedule.

Copies of the documents are available from the Department of Education:
123 Schoeman Street
PRETORIA
001

The document may also be obtained at: www.education.gov.za

ANGIE MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
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1.6. The current sector strategic plan (2009/2013) identifies the development of National Norms and Standards for the provision of school infrastructure. These National Norms and Standards are therefore also the first step toward the implementation of the Strategic Plan.

Implementation of the norms

1.7. These norms will be fully adopted by the end of the 2009/2010 financial year and will be implemented in a phased manner during the 2010-2014 Strategic Plan period. All additional construction from uncommitted and additional funds on approval of these norms shall conform to these norms.

Norms and Standards will be introduced in the following three-stream approach:

1: Norms and Standards will be phased into the planning and budgeting of new educational facilities determined by space backlogs.

2: Norms and Standards will be applied to existing education facilities to determine all those facilities that fail to meet the Basic Safety and Minimum Functional provision or Basic Minimum Package (BMP) of resource inputs. A failure to meet these levels of provision will constitute backlogs that will need to be funded through a budget comprising both new and upgrading facilities backlogs.

3: All planned and budgeted for educational facilities will not in the immediate term be necessarily be subjected to the new Norms and Standards, since all PEDs are already busy with their respective infrastructure plans and only some of them have begun to introduce the new Norms and Standards. However, this does not prevent PEDs from applying these Norms and Standards in cases where the introduction of these Norms and Standards do not impede delivery.

A backlog will be defined as those educational facilities that do not meet the Minimum Functional Norms or "Basic Minimum Package" of resource inputs.

Legal underpinnings

1.8. The National Norms and Standards entailed in this document find their legal underpinning in the South African Schools Act of 84 of 1996 as amended which designates the Minister of Education the authority to prescribe National Minimum Norms and Standards for the physical teaching and learning environment, after consultations with the Council of Education Ministers (CEM).

1.9. In operational terms, these National Norms and Standards will also impact other relevant national legal frameworks such as the National Education Policy Act 1996(Act No 27 of 1996) and all other relevant legislation.

Institutional framework

1.10. The current institutional framework accords the DoE the responsibility for policy development and the monitoring of policy implementation by provinces. Consistent with the current institutional framework, the DoE will retain the responsibility for policy development and for the development of national instruments that facilitate policy implementation of these National Norms and Standards. The DoE will also retain responsibility for periodic review of the National Norms and Standards to ensure currency and contextual responsiveness. As provided for in the national policy, the DoE will oversee and ensure effective implementation and compliance with the National Norms and Standards. This
NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION 405

DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 26/02/2010

(INTERNAL QUESTION PAPER 4-2010)

Mr J B R Lorimer (DA) to ask Minister of Basic Education:

Whether there are minimum standards with regard to (a) libraries and (b) media/computer centres for (i) primary and (ii) high schools; if not, (aa) why not and (bb) when will such minimum standards be enforced; if so, (aaa) what are they in each case and (bbb) what is the (aaaa) learner to book and (bbbb) learner to computer ratio supposed to be? NW478E

Answer:

Yes.

(a) and (b) The National Minimum Norms and Standards for School Infrastructure prescribe norms for the size of libraries and computer centres for primary and secondary schools. According to the said norms, which were approved in 2009, libraries are indicated as media centres.

(bb) These norms and standards will be implemented with effect from the 2010 financial year (all new constructions).

(aaa) The libraries and computer rooms are regarded as core spaces required for teaching and learning. The norms for these spaces are indicated in terms of size and these are the same for both primary and secondary schools, and the norms are:

<table>
<thead>
<tr>
<th>Name of space</th>
<th>Minimum norm</th>
<th>Optimum norm</th>
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<tbody>
<tr>
<td>Media centre/library</td>
<td>60m²</td>
<td>120m²</td>
</tr>
<tr>
<td>Computer rooms/centres</td>
<td>60m²</td>
<td>80m²</td>
</tr>
</tbody>
</table>

(bbb) Presently no ratios have been prescribed.
QUESTION 2500

DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 03/09/2010

(INTERNAL QUESTION PAPER: 26-2010)

Dr J C Kloppers-Loureens (DA) to ask the Minister of Basic Education:

Whether the Government has taken any steps to resource school libraries fully; if not, why not; if so, what are the (a) plans and (b) proposed timelines for her department to provide every school in the country with a (i) properly equipped library and (ii) trained school librarian? NW3073E

REPLY

(a) To enable the DBE to address infrastructure provisioning holistically two significant documents have been developed namely the:

- National Policy for an Equitable Provision of an Enabling School Physical Teaching and Learning Environment. Through this policy, the department will realize the provision of all essential spaces and facilities, including school libraries. This policy will be followed by the Norms and Standards for School Infrastructure.

- National School Library and Information Services Guidelines. Through these guidelines provisioning and support of libraries in the system will be addressed.

(b) (i) In terms of the Norms and Standards for School Infrastructure all new schools will have libraries. National Treasury has allocated an additional R2b for the next two financial years to provide libraries, laboratories and grade R classrooms 2011 and 2012. This amount is over and above the infrastructure budget allocated to provinces. The department is also in the process of developing a strategy that aims to accelerate the delivery of schools infrastructure and more specifically, aimed at the improvement of existing schools infrastructure to achieve Optimum Functionality level in targeted schools infrastructure within the 2010-2014 Strategic Plan Period and beyond. The targets related to this initiative are being finalized. From their budgets in this financial year, provinces will be providing 146 libraries to new and existing schools.

(ii) The provision of teacher librarians will have to be made within the context of broad post provisioning according to priority needs in the system.
ANNUAL REPORT OF THE DEPARTMENT OF EDUCATION FOR 2009/10

PRESENTATION TO THE PORTFOLIO COMMITTEE ON BASIC EDUCATION AND HIGHER EDUCATION AND TRAINING

13 October 2010
SIGNIFICANT EVENTS AND ACHIEVEMENTS

• Minister declared 60% of learners to be in no-fee school i.e. approx 8 million learners in approx 19 000 schools
• The Technical Design of Phase II of NEIMS was completed
• Further additions to the OSD for educators were implemented
• Audio-visual training material on IQMS were developed and distributed to schools. Reports on schools visits are sent to provinces for intervention
• NEEDU has been set up, posts are in the process of being filled
• Bursary support was provided to 1 603 Mathematics, Science and Technology
• The Minister of Finance concurred on the Policy on Infrastructure as well as the Norms & Standards for School Infrastructure
STATUS OF INCLUSIVE EDUCATION, ACCOMPANYING CHALLENGES AND STRATEGIC RESPONSE

Presentation to PC on Basic Education

9 November 2010
Developments: Infrastructure

- Specifications for making ordinary schools environmentally accessible to the disabled have been developed and are used by Infrastructure Planners.
- The specifications were incorporated into the national Infrastructure Norms for application in all new classrooms and buildings.
- 10 ordinary schools were physically upgraded to be environmentally accessible to serve as models of full-service schools.
- Provinces have taken over the progressive physical upgrading of ordinary schools to full-service schools and 33 schools have been selected.
- Provinces progressively identify additional schools for further conversion to full-service schools with medium term goal of having an inclusive school in every district.
- Development of infrastructure norms for special schools will resume shortly.
- Infrastructure projects are slow in certain provinces due to capacity.
Department "Action Plan to 2014: Towards the Realisation of Schooling 2025"

Basic Education [1]
Meeting Report Information:
Date of Meeting: 1 Nov 2010
Chairperson: Ms M Kubayi (ANC)
Documents handed out:
Audio recording of the meeting:
PC Basic: Briefing by Department on "Act Plan to 2014: Towards the Realisation of Schooling 2025 [3]

Summary:
The Department of Basic Education (the Department) briefed the Committee on its “Action Plan to 2014” which formed part of its longer-range vision of the “Schooling 2025” plans. The Department noted that the Action Plan built on existing policies to provide a cohesive strategy and would be revised until the Minister was satisfied that there had been sufficient consultation with all stakeholders and experts. The Action Plan to 2014 was part of a longer range vision known as "Schooling 2025". This Plan builds on existing policies to provide a cohesive strategy. This Plan will be further revised until the Minister is satisfied that there has been sufficient consultation with stakeholders and experts. The Plan focused on outcomes and provided a series of baseline figures in order to map out five year goals. It aimed to increase the number of learners who passed, and those who excelled. The goals would be measured by Annual National Assessments of Grade 3, 6, 9, and 12 learners, by way of external examinations, which would not be used to rank schools but to indicate where problems needed to be addressed. Internal examinations, which would be subject to external moderation, would be held in the other grades. The targets were ambitious, but the Department thought they could be achieved. The Department was hoping that all children would remain enrolled at school from ages 7 to 15, that there was improved access to Early Childhood Development (ECD), that the numbers of those repeating grades would decrease and that there was improved access to Further Education and Training (FET) facilities. The new system highlighted the role of the National Department in supporting and holding the provincial departments accountable, with district officials providing direct support to principals, whilst it also emphasised the essential role played by parents in the support structure.

Members asked about the strategies for dealing with ECD, which was very important, and questioned why ECD, training of teachers and pupil wellness were largely implemented by non-governmental organisations instead of government. They stressed that now that there was clarity on the Plan, the Department must implement and enforce with vigour and commitment. They asked how the Department was addressing the issue of children who did not remain at school, many of whom were living on farms, wondered if the district standardisation would be effective, noted that support to school governance was vital and that all stakeholders, including parents, must be committed to and educated on the Action Plan. They also asked how the Plan and its outcomes would be communicated to the Province. They were concerned about the monitoring of teacher development, wondered if human resources could be shared, and raised concerns about infrastructure spending, particularly given the lack of provincial capacity and accountability, and questioned what plans the Department had to address the discrepancy in responsibility for schools, which was split between the Departments of Basic Education and Public Works. Members noted that annual national testing could not be held across the board. Members were generally appreciative that this was the first long-term Plan, but asked whether it would be immune to political interference, how it would be communicated, how successful partnerships with all stakeholders would be formed and whether it departed radically from the Outcomes Based Education systems, and what models were used. They asked if mother tongue education was addressed in the Plan, what age restrictions were noted, how many times a learner could repeat and when the Plan would be implemented. Members also enquired about schools that focused on technical skills, how the Department addressed dyslexia, and where teacher development was located. Members asked when the workbooks would be ready and how they would be distributed, and asked to be provided with a copy of the guidelines for District Officials.

A formal proposal was made that a non-partisan debate should be held on teacher quality, and how it could be improved in South Africa.

Minutes:
党组 of Acting Chairperson, and opening remarks
The Committee noted that Ms F Chohan (ANC), the former Chairperson of the Committee, had been promoted to be the new Deputy Minister of Home Affairs. Ms N Gasa (ANC) was elected as Acting Chairperson for this meeting.

The Acting Chairperson said that the Committee’s congratulations would be extended to Ms Chohan.

The Acting Chairperson said that in the previous week a summit had been hosted by the Department of Basic Education, but not all the Committee was able to attend. The Department of Basic Education (DBE or the Department) would thus brief the Committee on the ‘Action Plan to 2014’, which had been discussed at that summit.

Action Plan to 2014: Towards the Realisation of Schooling 2025: Department of Basic Education (DBE) briefing
Mr Boshoy Soobrayan, Director-General, Department of Basic Education, presented the “Action Plan to 2014” (the Plan) to the Committee. The “Action Plan to 2014” was part of a longer range vision known as “Schooling 2025”. The Plan was based on a series of outcomes in education for children, which should occur by 2014. The output goals of the Plan intended to highlight the importance of tracking poor learning outcomes. The Plan had a two-pronged focus, which would not only improve the overall percentage of learners who achieved the minimum required, but would also focus on improving the performance of every learner and encourage him or her to excel. The goals also focused on increasing the percentage of learners who achieved the minimum requirements. These would be measured by Annual National Assessments of Grade 3, 6, 9 and 12 learners. The assessments would not be used to rank schools, but would provide indications to the Department of where aid was needed, or where teaching had improved. Although the targets were ambitious, the Department believed that they were achievable. Some other developing countries had seen improvements of this size.

Mr Soobrayan then indicated what was included in the output goals that focused on encouraging learners to excel. They would ensure that all children
A Member also asked about the monitoring of teaching development. He also thought that there needed to be a sharing of human resources, as some schools did not have functioning educators.

Mr Sookrayan replied that a system was being developed to accredit teachers with points, according to what courses they attended. This system would also monitor the quality and content of training courses.

Mr W James (DA) asked about the R40 billion to be spent on infrastructure. He stated that there were concerns that the provinces were not spending money properly, such as shown recently in the Eastern Cape. He commented that there was a lack of provincial capacity and accountability.

Mr Sookrayan corrected Mr James, noting that the Department needed R60 billion for infrastructure, but did not have those funds already. He agreed with Mr James that there was a lack of provincial capacity to spend funds. For this reason, part of the infrastructure plan was to create substantial capacity in the National Department to monitor, design, support infrastructure norms, and to ensure efficiency. He also stated that in some areas schools were built by the Department, in other areas schools were built by the Department of Public Works, although problems were generally ascribed to his Department.

Mr James stated that it was not good enough to have regular national testing on the basics of mathematics, writing and reading. It would be preferable to have tests every year or at least every second year, on a national basis, to ascertain how successful the national strategy was.

Mr Sookrayan replied that no countries who had a similar economic level to South Africa undertook yearly national testing. It was currently occurring in only a very small percentage of urban areas of Brazil. He also stated that yearly national testing would impose a huge burden on the Department.

Mr James commented that since 1994, there have been many policy discussions and documents produced around education, but there needed long-term planning. This plan was a wonderful example of long-term planning. However, he wondered if it would be immune to political interference, by which he meant not the regular political cycle of changes in ministers and staff, but disruptions caused by other organisations such as teachers' unions.

Mr Sookrayan replied that this issue occurred in any democracy, including the current administrations in the United States of America and France. If the Department empowered parents to learn the outcomes, then the system would not rely on the dominant political players. He admitted that the Action Plan was politically determined, but stated that there was continuity between past plans and the current plan. These plans were based on continuous improvements, and focused on results.

Mr D Smale (DA) asked how far the Department had gone on its consultations with individuals, to get their buy-in to achieving the outcomes specified in the Action Plan, and what was planned so that teachers could understand that Action Plan. He pointed out that the success of the Plan was heavily reliant on a partnership between the learners, parents and teachers, with learners being the priority.

Mr Sookrayan replied that there had been a lot of consultations and consolidations, but that certain events such as industrial action had affected this consolidation. The process was managed, to ensure that the mandate given to the Department was met, and to ensure that after the strike there could be a positive relationship with all stakeholders. He also stated that teacher development focused on competence and orientation, to recognise that teachers must put learners first.

Mr Smale asked if the Department planned to reintroduce the Higher Grade and Standard Grade distinctions in Mathematics.

Mr Sookrayan replied that this was still under discussion. There should be progress by early 2011.

Ms A Mdzu (COPE) believed that this policy offered hope for education, but stressed that the Department must be fully committed to it. The new plan of working towards achieving stability in education by 2025 was derived from an Outcomes Based Education (OBE) curriculum that did not work, and that, to a greater extent, created more problems than it solved. She asked if the new Plan was focused on quality or on curriculum.

Mr Sookrayan replied that there had been a paradigm shift. The OBE, and any other curriculum of the Department, had always directed at improving quality. OBE was still being used to inform FET, higher education and improving methodologies. The Department had, however, removed the elements that had created problems in the curriculum.

Ms Mdzu asked if the Action Plan captured the issue of mother tongue education. If not, then she asked for the stance of the Department on this issue.

Mr Sookrayan replied that the issue of mother tongue education was on the agenda of the Action Plan. Teacher development, the workbooks and first additional language all focused on the use of mother tongue. The Department had been continuing its research on the impact of mother tongue education. The two continuing challenges facing mother tongue education were teacher capacity and appropriate reference materials.

Ms Mdzu asked about age restrictions for admission into school. She suggested either that the Department should restrict the minimum age for admission, or that the Department should take into account the possibility of repeating years when determining age limits for finishing school.

Mr Sookrayan replied that the current age restriction was that learners must be turning seven in the year in which they were admitted to Grade 1. Learners could repeat one year per foundation phase, which could add up to four years on their school education. He stated that age grade norms needed to be enforced.

Mr Smiles asked Mr Sookrayan to clarify when the Department would start implementing the baseline year of the Plan. He also asked what model was used for the figures.

Mr Sookrayan stated that this Action Plan was based on outcomes, and not input. It focused on ensuring that, within the provisions set out, the outcomes would be met. The model used for the figures factored in growth in learner numbers, changes in budgets, and what demographers had said about population growth.

Mr Makhubele asked whether there were schools of skills under the Department, which were FET-related although they did not fall under higher education and training.

Mr Sookrayan explained that there were technical skills schools, which offered the school curriculum up to FET level. Schools of Skills departed from the official curriculum, and offered four-year training programmes. Learners could join these schools at any level, and did not end up at FET level.

QUESTION 3450

DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 26/11/2010

INTERNAL QUESTION PAPER: 39-2010

Mr J J van der Linde (DA) to ask the Minister of Basic Education:

With reference to her reply to question 1178 on 08 June 2010, (a) what are the names of the schools that have no sporting facilities, (b) what is the estimated cost of providing these schools with sporting facilities and (c) when did the school sport policy come into effect?

REPLY:

(a) The attached [2] table provides names of schools without sporting facilities.

(b) At the current rates, the cost for providing the basic sporting facilities in line with the Norms and Standards for School Infrastructure is estimated at R1,3m per school.

(c) The school sport policy is not yet in effect. What is available is a draft document that must still be shared for public comment in terms of section 3 (4) (I) of the National Education Policy Act, 1996 (Act No. 27 of 1996).
HIGHLIGHTS, ACHIEVEMENTS AND CHALLENGES

CHIEF DIRECTORATE: FINANCIAL AND PHYSICAL PLANNING AND ANALYSIS

The Government Notice to amend the national per learner target allocations for 2010, the declaration of a proportion of learners to attend no-fee schools in 2010, as well as the List of No-Fee Schools for 2010 were published by the Minister in the Government Gazette by 13 December 2009. In 2010 there will be approximately eight million learners in 19,933 no-fee schools. The implementation plan, detailing activities for the 2011 implementation of the norms and standards, was approved by HEDCOM and provided to the provincial education departments (PEDs).

A telephonic survey on the transfer of funds to schools for Grade R funding was conducted nationally on a sample of 90 schools during June 2009. A report was produced and forwarded to the Minister and thereafter to the heads of education departments. A monitoring plan on the implementation of the Grade R funding norms was approved by HEDCOM on 17 March 2010. The broader monitoring study on the implementation of the school funding norms was completed in November 2009.

During February 2010, an analysis of the final report and recommendations was submitted to the Minister of Basic Education. A medium to longer-term monitoring and evaluation framework for funding norms was also developed.

The funding norms for FET colleges were due for implementation in April 2010. The implementation plan of the funding norms for FET colleges was approved by HEDCOM during 2009. Provinces were provided with a template to develop their own implementation plans.

A proposal to shift the implementation date of the funding norms for ARIE centres from January 2010 to January 2012 was published by the Minister of Higher Education and Training on 20 January 2010 for public comment. The publication of a new implementation date by the Minister is in the process of being carried out.

Provincial infrastructure budgets were monitored quarterly, and reports were produced and submitted to HEDCOM and the CEM. The total (revised) education sector infrastructure budget for 2009/10 came to R5.590 billion. Some 52.5% of this amount comprised the Infrastructure Grant to Provinces.

All the plans for the provision of water and sanitation by DWAF during 2009/10 were in place. The targets for the provision of water and sanitation were 751 and 776 schools respectively, and implementation by DWAF was in progress in all the provinces during the period under review. Of the 751 schools targeted for water provisioning during 2009/10, work was completed at 485 schools, while 266 were still under construction. Of the 776 schools targeted for sanitation during 2009/10, work was completed at 430 schools, while 146 were still under construction. The scope for the provision of electricity was finalised and the Department of Energy will be providing 1,436 schools with electricity during the new financial year. Implementation commenced during October 2009 and 430 connections have been completed to date.

The Minister of Finance concurred on the Policy on Infrastructure, as well as on the Norms and Standards for School Infrastructure. The Policy on Infrastructure was also presented to the Minister, with a view to subsequent gazetting. The draft Accelerated Schools Infrastructure Delivery Initiative was presented to the HEDCOM Subcommittee, as well as to Senior Management.
HIGHLIGHTS, ACHIEVEMENTS AND CHALLENGES

The Chief Directorate furthermore drafted the following pieces of legislation:

The Draft Education Laws Amendment Act was converted into three Bills in line with the reorganisation of the Department of Education. The Basic Education Laws Amendment Bill served before HEDCOM and the CEM and was referred back, due to contentious issues. It was finally referred to HEDCOM on 13 and 14 August 2009 and to the CEM on 31 August 2009. Both forums accepted the draft and it was then sent to the Minister of Basic Education for publication for public comment.

Comments were evaluated on 2 and 5 March 2010. The following documents were prepared in the further processing of the BBLA Bill:

(a) Briefing notes to the Minister on the progress made on the Bill.
(b) A submission, advising the Minister on the comments and requesting her to refer it to the State Law Advisor for certification.
(c) A Cabinet memorandum, referring the Bill to Cabinet for consideration.

The Minister is now considering all the above documents.

The Regulations in terms of Section 38A of SASA was published for comment and the comments have been received. The comments are being collated and considered, whereafter the Minister will be advised in this regard. A submission was drafted and sent to the Minister, in order for the Regulations to be published for general notice.

The Chief Directorate is awaiting the Minister's decision to have the Regulations published.

The Regulations in terms of Section 3A of SASA (Norms and Standards for School Infrastructure) was drafted. A plan to process and finalise these regulation is underway.

The Chief Directorate assisted other units in dealing with policies and/or regulations. The Chief Directorate participated in the development of, inter alia, the following:

(a) Appointment procedure for Principals and Deputy Principals in Public Schools.
(b) Policy on Learner Attendance.
(c) RCL Guidelines.
(d) Teacher training and development funding models.

The provision of legal advice is ongoing and demand-based, and dealt with on an ad hoc basis.
Ms Yolisa Dwane  
Head of Policy, Communications & Research  
Equal Education  
PO Box 40114  
Elnwabeni  
7701

Dear Ms Dwane

RESPONSE TO MEMORANDUM FROM EQUAL EDUCATION

Thank you for the memorandum which I received on 21 March 2011 which details Equal Education’s demands in respect of the Minimum Norms and Standards for School Infrastructure and the National School Library and Information Services guidelines.

In respect of the Minimum Norms and Standards for School Infrastructure, the document will serve at the next Council of Education Minister’s (CEM) meeting and once approved will be published for public comment and then follow the subsequent necessary processes. Once the document has gone through the necessary processes, I will announce a date of its release. However, the norms and standards are currently being effected in all new schools being constructed; and where possible and when budget is available provinces will apply both Basic Safety and Minimum Functionality norms and standards to existing schools.

The National School Library and Information Services guidelines served at the last Head of Education Committee (HEDCOM) meeting and the department is currently costing the models of library provision in order to assist schools to budget from an informed position.

In respect of the issue of provisioning of librarians, please note that the provision of librarians will have to be made within the context of broad post provisioning according to priority needs in the system.
I remain committed to ensuring that we improve the conditions of our schools and the provisioning of resources. I will therefore ensure that my Department continues to give attention to this important area of our work.

I trust that the foregoing serves to clarify key issues raised in your memorandum.

With kind regards

[Signature]
MRS K MOTSHEKGA, MP
MINISTER
DATE: 03 May 2011
School sport programmes delivery progress: Departments of Basic Education and Sport and Recreation briefing

Basic Education [1]
Meeting Report Information

Date of Meeting: 20 Jun 2011
Chairperson: Ms M Malgas (ANC) & Co Chairperson: Mr M Dikgacwii (ANC)
Documents handed out:
Department of Basic Education and Department of Sport and Recreation Progress on School Sport presentation [2]
Audio recording of the meeting:
PC Basic: briefing by Department on delivery of School Sports programmes; Adoption of outstanding minutes [3]

Summary:

The Department of Basic Education and the Department of Sport and Recreation presented a joint meeting of the Portfolio Committees of Basic Education and Sport and Recreation on the progress on school sport and the purpose, process and principles underlying the Draft Integrated School Sport Plan. The Plan had yet to be approved by the Departments’ Ministers. Consensus had been reached on all aspects of the Plan at Director-General level. The way forward was to implement the recommendations outlined in the Integrated School Sport Plan; agree on the funding responsibilities; develop a Memorandum of Understanding by both Ministers; and finalise the School Sport Policy and guidelines on sport implementation. The Basic Education budget was under serious pressure.

Members asked if teachers and school sports unions had been consulted and if there would be reconciliation between labour laws and working hours for teachers; how cooperation with local government had progressed with implementation of programmes for school sport; if there was a specific school sport budget; what grants would cover the building of school facilities; how poor learners would have access to facilities when they could not afford affiliation fees; if there was special dispensation for rural areas and if schools for the children with disabilities were included in the plan; and if Sport and Recreation South Africa conducted oversight visits to see what sport and recreation was taking place at the schools. Members also asked how many educators were in the development programmes and what content they were being taught; what the trend for sporting codes was for those schools that had signed up for leagues; and who was organizing the leagues. Members then asked how the Integrated Plan would influence existing initiatives; how the plan spoke to sports projects outside of schools such as AjaxI and Liverpool Schools of Excellence; why only 8 000 schools of more than 25 000 schools had signed up for leagues and what the limitations were; and why predictable sport had not progressed in the under-privileged schools since 2003.

Members were interested in lotto funding and whether it had been fully explored. Sport and Recreation South Africa answered that lotto funding would be the topic of discussion at a conference that day and the following day. At a later stage, Sport and Recreation South Africa would also meet with the Department of Trade and Industry to discuss lotto funding. Further, an amendment to the Lotto Act would be brought in so that sport could obtain its fair share of lotto money.

Members also asked for clarity on funding in schools and if school sport should be funded by the Department of Sport and Recreation. The Department of Basic Education added that Love-life and lotto were important avenues to explore for funding. However, it was important to know how it would impact the full sector. For 12 million learners, a small increase of R100 allocated per learner increased the budget to R1.2 billion. Cabinet had made it clear that the core curriculum was key priority. Lotto funded schools directly but required audited statements which the schools in need did not necessarily have. The regulations would be changed so that those schools could access funding. The Department clarified that any activity integrated into the curriculum which involved learners in school - in terms of the public finance policy and in agreement with Sport and Recreation South Africa - was funded by the Department of Basic Education. Activity which occurred outside school which involved learners was funded by Sport and Recreation South Africa. Balance, equalization and redistribution had been successful after apartheid. In provinces doing well, up to 90% of the budget was spent on salaries and there was very little money for sport. Treasury constantly reminded the Department that 20% of the gross domestic product was on education. Infrastructure norms and standards had been passed and were used to guide new developments in infrastructure. These norms and standards were applied to backlogs (R8 billion over the Medium Term Expenditure

"
Framework) and rural schools were prioritized.

It was resolved to hold a follow-up meeting to include policy on school sport (2009); alignment with other stakeholders such as Labour; collaboration; monitoring and evaluation; the Integrated Plan (signed by the two Ministers); funding; nutrition for learners; dates for the national launch and signing of the protocol; Inter-governmental Relationship Act; corporate governance (Chapter 3 of the Constitution); the Municipal Infrastructure Grant (MIG) and by-laws of the municipalities; and the legislative framework - Sport Amendment Act 1997.

Minutes:

Department of Basic Education and Department of Sport and Recreation. Progress on School Sport

The Department of Basic Education (DBE) and the Department of Sport and Recreation [Sport and Recreation South Africa (SRSA)] presented to and interacted with Members of the Portfolio Committees of Basic Education and Sport and Recreation on the progress on school sport and the purpose, process and principles underlying the Draft Integrated School Sport Plan.

Mr Bobby Soobrayan, Director General: Department of Basic Education (DBE) said that the important presentation on the Draft Integrated Sports Plan was currently before both the Minister of Basic Education and the Minister of Sport and Recreation. They would be meeting the following day for consideration of the plan. Thus, the plan itself would not be presented, but the progress and issues around the plan.

Ms Gugu Ndebele, Deputy Director General: Department of Basic Education, said that the Collaboration Framework was introduced in 2005 to ensure an integrated approach with clear programmes for delivery of sport in schools by both Departments. She outlined the purpose, process and principles underlying the Draft Integrated School Sport Plan which had yet to be approved by the DBE and SRSA Ministers. Consensus had been reached on all aspects of the Plan at Director-General level. The Integrated Plan would allow policy, long term plans and funding to ensure that learners had access to ongoing league programmes, talent identification and development, coaching to improve skills, a choice of different sports and opportunities to volunteer in sport.

There were currently municipal sporting facilities not accessible to schools and there was a need for conversation around how the existing facilities could be used and how the Municipal Infrastructure Grant (MIG) could support infrastructure in schools.

Agreement had been reached on the following levels: DBE was responsible for school sport policy development and all sport activities taking place within the education sector - physical education, inter and intra school sport. SRSA was responsible for all sporting activities in South Africa - competitive and elite sport. Funding would follow the roles and responsibilities of the two Departments to address critical areas in alignment with the Federation and sport codes. A school sport coordinating committee would be appointed by both Ministers to address the critical areas identified in the Integrated Plan. The challenge with having no predictability was that schools could not plan in time. Once the integrated plan framework was tabled to Cabinet it would allow policy, long term plans and funding to be tabled to ensure that learners had access to ongoing league programmes, talent identification and development, coaching to improve skills, a choice of different sports and opportunities to volunteer in sport.

The process of establishing sport structures and sport leagues was underway and physical education as a stand alone subject (two hours/week) involved training of Quintile I Foundation phase subject advisors in line with Curriculum Assessment Policy Statements (CAPS). Training material and educator resource packs for Intermediate and Senior phase educations had also been developed and would continue to be used.

The way forward was to: implement the recommendations outlined in the Integrated School Sport Plan; agree on the funding responsibilities; develop a Memorandum of Understanding (MoU) by both Ministers; and finalize the School Sport Policy and guidelines on sport implementation.

Discussion

Mr T Lee (DA) asked if DBE had spoken to the teachers and school sports unions. He cautioned that DBE would not be able to run the sports league without their support. He also asked if sources of funding for sport, such as the lotto, had been fully explored and if Love-life had been consulted on how they obtained funding. Lastly, he asked if there was a specific budget for school sport in South Africa.

Mr A Mponshane (IFP) asked if the MIG and other grants would cover building of facilities. In the rural and township schools facilities were non-existent. He also asked how implementation of sport in school would affect teachers' after-

www.pm.org.za/print/report/20110621-department-basic-education-delivery-school-sports-programmes
Minister Angie Motshekga’s Speech at the Opening of the People’s Summit for Quality Education
25 June 2011
OR Tambo Hall, Mew Way, Khayelitsha
Transcript of what the Minister said on the night

"Esteemed guests, the leadership of EE, the learners that are here, let me start off by giving you greetings from Ikamva, where I started off in the morning, and also bring you greetings from Nedlac where I went from Ikamva today, and COSATU secretary general brings special greetings.

Thank you very much program director for inviting us to this occasion, the opening of your People’s Summit for Quality Education. It is very important because it creates an opportunity for us to interact under the banner of quality and equal education for all. Your choice in date and timing I think is perfect because tomorrow on the 26th of June 2011 is the 56th anniversary of the Freedom Charter, which was adopted by the people of South Africa, black and white, in Kliptown on the 26th of June, 1955. The Freedom Charter redefined the struggle for freedom, called for the new order based on the will of people, and gave us a vision for education.

The people’s aspect of this assembly of patriots and educationalists, ‘the mass-based look and feel’ that Equal Education has given to this encounter is reminiscent of the collective spirit informing the making of the Freedom Charter. The feeling of a people united by a common desire for a better life, evoked by the image of Kliptown, we have kept alive in this summit in Khayelitsha.

In Kliptown calling ardently for a better and equal education, the People’s Congress said, “the doors of learning and culture shall be opened” and amongst other things, this Education Clause of the Charter categorically stated that education shall be free, compulsory, universal, and equal for all children, adult illiteracy shall be ended by a master education plan.

When we engaged in the combat for people’s education for people’s power, it is the Freedom Charter’s vision of education, which we sought to bring alive. Our hopes are that we will equip learners, irrespective of their socioeconomic background, race, gender, physical ability, or intellectual ability with the knowledge, skills, and values necessary for the self-fulfilment and meaningful participation in society as citizens of a free country, and this is the basis for the Freedom Charter belief in equal education. Most importantly, our aspirations are a country and people who will stand proud and tall, so that Chair, to be quite sad when our credentials and our credentials were put to question because we stand proud and tall among the greatest in all our achievements, including education.

In the face of grinding poverty, inequality, and wasted national talent and potential, together we have to find a way forward to enable the realization of the capabilities through education. We have to find a way forward especially addressing the challenges of quality education. We have to find a way forward together. We can be under no illusions about the enormity of the challenges we face. They are not even single-issue matters, they are beyond one single issue; they are not a single-issue matter.

We are all aware that the TIMMS and PIRLS international assessments have placed South Africa at the bottom of the international class in literacy and numeracy. Our own systemic assessments which we conducted confirm and reveal the same outcomes that the TIMMS put in place. Even the National Planning Commission diagnostic overview has also identified poor educational achievement as our major challenge in education. And I’m emphasizing this Chair that we are not mindless of the
Summit are much more concerned about libraries, infrastructure, and the fact that I was not able to come to your march on the 21st of March, so I want to get into those.

Equal Education has raised these matters with us through letters, memorandum, e-mails, and marches. And I must say here with due respect and all the humility, in some instances with absolute arrogance and rudeness, which I find completely unacceptable and unnecessary, and I have to say this. It has emphasised the Norms and Standards of School Infrastructure and the training and appointment of librarians in schools. We even discussed these issues in a meeting in Cape Town on the 10th of February 2011, where we agreed to cordial cooperation in the interest of education. I greatly appreciate the social conscience, interest in activism expressed in the letters and engagements, and the community participation is critical to the success of all these initiatives. I was particularly humbled by the enthusiasm and courage of mothers who wrote to me directly to express their concerns about the state of education in their area.

The leadership of Equal Education will confirm that we have on various occasions met and engaged on these issues, so that if it’s not me as Angie Motshekga, but people that we have mandated to engage with a team. We have shared information and explained what we want to achieve and how we thought it ought to be done. Be rest assured we share your frustration on the length of time required to tackle infrastructure backlogs and other challenges flowing from the apartheid legacy and ongoing challenges. As I say, indeed, we are the ones who own up to say the infrastructure that we have is not conducive, but I want to repeat that our challenges are not a single-issue challenge.

As I speak now, Chair, amongst other priorities in the Eastern Cape that I think at some stage I had a march on, we discovered that almost 60% of kids there don’t even have chairs and desks. And we are the ones who own up first, no one tells us, we are the ones who give that information. So let there be no doubt that the Minimum Norms and Standards for Infrastructure are crucial also to me. Because we know that to improve literacy and numeracy, it means improving reading, and that means improving exposure of our children to books and the written word, and a library is one very important way of doing so. So another is to ensure that all children have one textbook a subject and the achievement of this has been one of my main priorities. If you recall that the President during the State of the Nation Address called us to ensure that we pay attention to the three T’s: we pay attention to teacher development, we pay attention to text, we also pay attention to time.

So to many of our structures, as I said, these are the areas that are also priorities in addition to libraries.

So too many of our structures were born in a period of our history where there was little concern for learning of the African child, a fact that can’t be wished away, and it’s this that must be corrected. I gazetted the National Policy for an Equitable Provision of an Enabling School Physical and Teaching Environment in June 2010. The Norms and Standards were based on this policy were then developed. The Norms and Standards were approved in 2010 by CEM, the Council of Education Minister, and these require regulation. And so we develop regulations. These will shortly be released for public comment because before I as the minister can say these are the regulations in terms of the law of this country, I must get concurrence with my colleagues from provinces. Unless I get concurrence I am not by law able to move. And that’s what the answer is in terms of the delays in the Norms and Standards. While working on getting concurrence, we are as anxious as you are to make sure that we can release this, but we are a constitutional country and I’m governed by the laws of this country as to how I can proceed on matters. So until I get concurrence I cannot move. And that’s what I’m working on.
Dear Cameron

The Department received the attached letter from NEDLAC requesting that the Regulations be tabled in NEDLAC for engagement between the social partners. They are also requesting an extension up to the end of June 2013 for such processes. The Regulations must in terms of the out of court settlement be promulgated by the 15 May 2013. Unfortunately when we negotiated these dates the Department did not take into account the NEDLAC process. Given the importance of the Regulations for the nation it would be proper that the Regulations be subjected to the NEDLAC process for engagement between business, social society, Labour and government. This process will then have consequences for the final promulgation of the Regulations.

I hereby wish to request that the out of court agreement between the Department and Equal Education be amended and that the final date for promulgation of the Regulations be extended to the end of August 2013 to accommodate the process in NEDLAC. I am convinced that the deliberations in NEDLAC will enrich the final Regulations. Kindly note that the Department is asking this extension in good faith and is not trying to delay the promulgation of the Regulations.

Regards

Chris

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For more information please visit http://www.is.co.za
19 February 2013

Mr Bobby Soobrayan
Director-General
Department of Basic Education
Private Bag X695
Pretoria
0001

Attention: Mr C Ledwaba

Per Email: ledwaba.c@dbe.gov.za

Dear Mr Soobrayan

REQUEST FOR TABLING OF THE REGULATIONS ON THE MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE

The request for public comment in respect of the above matter, as advertised in the Government Gazette of 08 January 2013 has reference. NEDLAC’s Development Chamber, comprising Organised Business, Organised Labour, Community and Government, wishes to engage on the Regulations on the Minimum Uniform Norms and Standards for Public School Infrastructure.

In this regard the following requests are made:

a) These Regulations are tabled at NEDLAC for engagement by the Development Chamber.
b) NEDLAC is provided with an extension, up to end-June 2013. This would allow for a more thorough engagement between the social partners at NEDLAC.

c) The responsible official dealing with the matter makes a presentation on the Regulations at the Development Chamber meeting scheduled for 06 March 2013, from 10h00 -13h00.

I look forward to your reply.

Kind Regards

ALISTAIR SMITH
EXECUTIVE DIRECTOR
25 February 2013

Mr C Leukes
Legal Services
Department of Basic Education
Per email: Leukes.c@dbe.gov.za

CC: Allistair Smith
CEO NEDLAC
Per e-mail: frieda@nedlec.org.za

Dear Chris

RE: EXTENSION OF THE DATE FOR SUBMISSION OF COMMENTS ON THE REGULATIONS RELATING TO MINIMUM UNIFORM RULES AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE

Your e-mail dated Wednesday, 20 February refers. I have discussed your request with our clients and counsel.

1. Everyone acknowledges that the department’s proposed change to the settlement agreement is made in good faith and that NEDLAC’s input has the potential to improve the final regulations. Our clients welcome the potential of a fruitful engagement with NEDLAC.

2. We are, however, extremely concerned that the two and a half month delay requested will be prejudicial to the interests of the learners that EE represents across the country; and that the NEDLAC forum will not be fully apprised of the need for specific content in the norms and standards if EE does not make representations to the Development Chamber at the meeting scheduled for 6 March.

3. Our clients will therefore agree to an amendment to the settlement agreement and an extension if:

   a) Nedlac agrees to hear submissions by Equal Education at the Development Chamber meeting scheduled for 6 March;
b) Nedlac agrees that Equal Education will be invited to participate fully in any further process that Nedlac may undertake, as a community organisation and social partner in this sector;

c) Nedlac undertakes to comment on the draft regulations before the end of May; and

d) the Minister undertakes to promulgate the regulations before 31 July 2013.

4. We believe this is a very reasonable compromise and gives NEDLAC sufficient opportunity to deliberate and comment on the draft regulations.

5. On this basis we would agree to amend the settlement agreement such that the comment period will be open (to all) until 31 May, and the deadline for final promulgation would be 31 July. This may require the Minister to publish a clarification in the Government Gazette.

I have copied NEDLAC CEO Alistair Smith on this e-mail. Please discuss with NEDLAC and the department and revert shortly.

Yours faithfully

[Signature]

LEGAL RESOURCES CENTRE
Per: CAMERON MCCONNACHIE
Dear Cameron

I refer to your letter of the 4th March 2013. Kindly find attached hereto a letter from NEDLAC which addresses your clients queries. Kindly note that it would in light of this letter not be necessary to amend the settlement agreement and the department will comply with the timeframes as set out in the agreement.

Regards

Chris Leukes
NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

P.O.BOX 1775, SAXONWOLD, 2132 – 14A JELLCOE AVENUE, ROSEBANK 2196
TELEPHONE +27(0) 11 328 4200 FAX +27 (0) 11 447 6033/2069

5TH March 2013

Mr C Leukes
Legal Services
Department of Basic Education

Per Email: Leukes.c@dbe.gov.za

Dear Mr Leukes

NEDLAC REQUEST FOR EXTENSION OF COMMENT PERIOD AND DATE TO PROMULGATE NORMS AND STANDARDS

With reference to the correspondence from the LRC dated 25th February 2013 and 4th March 2013 and my subsequent telephone conversation held yesterday with your Mr Ledwaba

I confirm that following consultation with the relevant chamber convenors I am not in a position at this stage to accede to the request for Equal Education to form part of the NEDLAC process to consider the proposed Norms and Standards.

The meeting planned for the 6th of March is not a public hearing as such but rather a formal NEDLAC meeting that involves the constituent members of NEDLAC. We are cognisant of the Settlement Agreement between the DBE and Equal Education which requires the promulgation of the regulations before the 15th of May 2013. It is not the intention of NEDLAC constituents to delay the promulgation of the Norms and Standards.

PROUDLY
SOUTH AFRICAN
I am also not aware of any informal overtures from NEDLAC or any of its members to EE in this regard. I am however concerned that the impression is being created that NEDLAC is not dealing with this matter in a serious way. I therefore appeal that your office urgently conveys the NEDLAC position to the LRC.

Kind regards

[Signature]

ALISTAIR SMITH
EXECUTIVE DIRECTOR

cc . C.LEDWABA
Ms Yoliswa Dwane  
Chairperson: Equal Education  
PO Box 40114  
ELONWABENI  
7791

By fax: 086 516 9396

Dear Ms Dwane

REGULATIONS RELATING TO MINIMUM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE

As you are aware, the Regulations Relating to Minimum Norms and Standards for Public School Infrastructure (hereinafter, "the norms and standards"), made in terms of section 5A(1)(a) of the South African Schools Act, No. 84 of 1996, were published for public comment on 8 January 2013. By the closing date for the submission of comments, 31 March 2013, my Department had received 35 comments from a variety of stakeholders.

The terms of our settlement agreement stipulate that I must publish the norms and standards by not later than 15 May 2013.

However, from the comments received, I have discerned that it is undesirable for me to finalise and promulgate the norms and standards in their current form. In the main, stakeholders object to the fact that the norms and standards lack substance and certainty, and that there is no clear framework or plan for implementing the norms and standards.
The stakeholders who submitted comments in response to the public consultation are not the only ones who criticised the norms and standards. In addition to the public consultation process, the Department is currently also engaging in consultation with Nedlac, which is at the same time consulting its own stakeholders and will prepare a report for the Minister and for Parliament's Portfolio Committee on Basic Education. The consultation with Nedlac is taking place in terms of the National Economic, Development and Labour Council (Nedlac) Act, No. 35 of 1994.

As part of the Department's remediation plan, I have appointed a consultant who has a great deal of experience and skill in legal drafting, and I am confident that, with his assistance, greatly improved norms and standard will be developed.

I would like to request Equal Education to consider to a renegotiated settlement agreement, specifically a postponement of the date of final publication of the norms and standards in order to allow enough time for the redrafting of the norms and standards.

I would also wish to invite Equal Education to a workshop-cum-meeting to discuss a process plan for the finalisation of the norms and standards.

For further communication on matter raised above, please contact Mr Chris Leukes, Director: Legal Services, at 012 357 3712 or at leukes.c@dbe.gov.za.

I trust that my request will be acceptable to you. Thank you in advance for your understanding.

Kind regards

MRS AM MOTSHEKGA
MINISTER
DATE: 
Our ref: C McConnachie

Minister Motshekga
Department of Basic Education
Pretoria
c/o
Mr Chris Leukes
Director: Legal Services
Department of Basic Education
Per email: Leukes.c@dbe.gov.za

CC: Ms Yako
State Attorney, East London
Per email: NoYako@justice.gov.za

Dear Mr Leukes

RE: REGULATIONS RELATING TO MINIMUM NORMS AND STANDARDS FOR SCHOOL INFRASTRUCTURE

1. The Minister’s letter to our client, Equal Education (EE), dated 9 May requesting an extension of time to publish the finalized Regulations Relating to Minimum Norms and Standards for Public School Infrastructure (the “norms and standards”) refers.

2. As you are aware, draft norms and standards were published for public comment by the previous Minister in November 2008.
3. In responding to the Minister's request, it is necessary for us to record the following background:

3.1 EE have been attempting to persuade the current Minister to publish the final norms and standards for many years.

3.2 The Minister's Director General, Mr Soobrayan, wrote to EE nearly three years ago confirming that the norms and standards "are currently with the DBE Legal Services and will be promulgated as regulations thereafter." (20 July 2010)

3.3 The National Policy for an Equitable Provision of an Enabling School Physical Teaching and Learning Environment committed to implementing Norms and Standards for School Infrastructure by 1 April 2011.

3.4 At a meeting with EE in early 2011 the Minister reiterated that Norms and Standards were being finalised. This same commitment was repeatedly expressed by the Minister in letters to EE.

3.5 Norms and Standards for School Infrastructure never materialized. Over this entire period EE campaigned publicly and wrote to the Minister urging her to abide by her obligations under the Constitution and the South African Schools Act 84 of 1996.

3.6 It eventually became clear that Minister did not intend to issue Norms and Standards.

3.7 This compelled EE to make an application to the High Court on 2 March 2012.

3.8 The Minister vigorously opposed the application. She refused to publish norms and standards altogether and on 10 October 2011 declared that she would adopt "guidelines" instead.

3.9 The Minister also took many months to file responding papers. EE granted the Minister three separate extensions for the filing of her responding papers. In the end, after three extensions, her responding
papers consisted of a single short affidavit from a Deputy Director General, Mr Padayachee. These delays resulted in the matter being further delayed and a date for the hearing could only be set for 20 November 2012.

3.10 Finally, and only days before the case was to be heard, the Minister agreed and undertook to publish norms and standards for comment by 15 December 2012. At her request, we extended the date for the draft norms to be published for comment by a month to 15 January 2013. After all the delays the draft norms were an enormous disappointment as they fail to provide meaningful minimum norms and standards as required by the South African Schools Act. The reinsertion of a new version of the “guidelines” device, to be published 18 months after the norms and standards, constituted yet another attempt to delay providing any substance to the Norms and Standards.

3.11 The public was given until 31 March to comment on the draft norms. EE and many other organisations complied with this deadline.

3.12 The agreed date, per the settlement agreement, for the Minister to publish the final norms is 15 May 2013.

3.13 Then on 9 May 2013, less than a week before the agreed deadline, the Minister requested yet further time. She does not say how long she wants for this purpose.

3.14 The above is only a very partial record of the delays, extensions and unfulfilled commitments. EE is presently compiling the full record for public and legal purposes.

3.15 Meanwhile learners and teachers suffer under conditions in which inadequate infrastructure puts their health and safety at risk, and in which effective education cannot take place. The constitutional rights of vast numbers of learners are breached on a daily basis due to the
Minister's ongoing failure to comply with her statutory and constitutional obligations.

4. Having canvassed their members at numerous meetings over the past two days, EE have decided to respond to the Minister's request as follows:

4.1 They will agree, with great reluctance, to extend the agreed date for publication of the norms and standards by one month, to 15 June 2013;

4.2 The new settlement agreement, reflecting the new deadline of 15 June 2013, must be signed by the Minister on or before 17 May 2013;

4.3 If the Minister does not agree to sign the new settlement agreement, or does not comply with the new settlement agreement and carry out her constitutional obligations, EE will immediately renew their application in court.

5. Kindly take instructions and revert before close of business on 16 May 2013 so that the new settlement agreement can be signed before close of business on 17 May 2013. In the meantime, our client's rights are reserved.

Yours faithfully

LEGAL RESOURCES CENTRE
Per: CAMERON MCCONNACHIE
Dear Mr McConnachie

Re: REGULATIONS RELATING TO MINIMUM NORMS AND STANDARDS FOR SCHOOL INFRASTRUCTURE

Your letter dated 16 May 2013 refers.

I do not intend to respond to each and every allegation made in your letter save to say that my failure to do so should not be construed as an admission of the correctness thereof.

The Department can unfortunately not agree to an extension of one month for the finalisation of the Regulations, as it is not feasible to finalise the Regulations within such a short period. As I indicated in my letter of 9 May 2013, the Department had, by 31 March 2013, which was the closing date for the submission of comments, received 35 detailed comments from a variety of stakeholders.
As you will recall, the initial closing date for the submission of comments was, at your request, extended to 31 March 2013. I agreed to the extension in order to allow as many individuals and organisations as possible to comment on the Regulations. Almost without exception, the comments were very critical of the Regulations.

In order to ensure a fair process, the Department is obliged to consider these comments and to include in the Regulations the suggestions that have merit. This will inevitably result in a substantial redrafting of the Regulations. In addition, the Department will have to publish the redrafted Regulations in the Government Gazette in order to allow all stakeholders the opportunity to submit comments.

Furthermore, as I also indicated in my letter of 9 May 2013, the consultation process involving NEDLAC has not been concluded, and I am awaiting NEDLAC’s final report. Once it has been submitted, I will have to consider the report and the recommendations contained therein.

The redrafted Regulations will also have to be submitted to the Heads of Education Departments Committee (HEDCOM) and the Council of Education Ministers (CEM) for their input. It is important that HEDCOM and CEM be consulted, as the provincial education departments will be responsible for the implementation of the Regulations. Lastly, the office of the Chief State Law Adviser will have to certify the final Regulations.

It should be evident that all of the above processes cannot be concluded within a month and that six (6) months would be a more realistic timeframe. It is in the interest of all stakeholders that the final Regulations should have the approval of as wide a section of the public as possible and that the process should not be hurried unduly. I trust that you will agree to a longer timeframe, seeing that a hastily finalised set of regulations will be of little use to the learners, for whose benefit it is intended.
I also note with regret that communication between my office and Equal Education is made public through the media, which I find unfortunate as it prejudices the Department, and forces us to in turn communicate via media to clarify our side of the story.

Kind regards

MRS AM MOTSHEKGA
MINISTER OF BASIC EDUCATION
DATE: 17 May 2013
31 May 2013

Minister Motshekga
Department of Basic Education
Pretoria

c/o Mr Chris Leukes
Director: Legal Services
Department of Basic Education
Per email: Leukes.C@dbe.gov.za

CC: Ms Yako
State Attorney, East London
Per email: NoYako@justice.gov.za

Dear Minister Motshekga

RE: REGULATIONS RELATING TO MINIMUM NORMS AND STANDARDS FOR SCHOOL INFRASTRUCTURE

1. Your letter dated 17 May 2013, rejecting our clients’ offer to extend the timeframe for publishing Regulations Relating to Minimum Norms and Standards for Public School Infrastructure (“the Regulations”) by one month, refers.

2. We have forwarded your letter to our clients and consulted with them. They in turn have consulted their constituents. After careful consideration, including of the history of the matter and the consequences of further delay, they have decided to proceed in terms of the settlement agreement signed on 19 November 2012 by approaching the Bhisho High Court on an urgent basis for appropriate relief.

3. Our clients consider that your request for a further period of at least six months in which to publish the Regulations is unjustifiable for the following
reasons, which, to the extent necessary, will be addressed more fully in the affidavit:

a) You are not required to publish the redrafted regulations for another round of comments. Stakeholders have commented. If they consider that the final version promulgated is unconstitutional or fails to comply with relevant legislation they can approach a court for relief.

b) The redrafted Regulations do not need to be resubmitted to the Heads of Education Departments Committee (HEDCOM) and the Council of Education Ministers (CEM) for their input. These bodies have both had extensive opportunities to make input during previous rounds of drafting. As you will recall, all of the provinces agreed to abide by the decision of the court in this matter and did not make any submissions regarding the content of the regulations.

c) Amending the Regulations in light of the comments received from the public cannot reasonably require more than one month.

d) There has been a long history of delay in promulgating the Regulations, some of which is set out in EE’s papers and in our letter of 16 May 2013. Our clients are of the view that further delay in promulgation of the Regulations is unreasonable and will result in ongoing hardship for learners and teachers across the country in schools with unacceptable infrastructure.

4. We will be filing our client’s application shortly.

Yours faithfully

LEGAL RESOURCES CENTRE
Per: CAMERON MCCONNACHIE