



education

Department:
Education
PROVINCE OF KWAZULU-NATAL

**KZN LEARNER TRANSPORT
POLICY
2021**

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1. DEFINITIONS

In this Policy unless the context indicates otherwise:

“**bus**” means a motor vehicle designed or modified to carry more than 35 persons, including the driver, as defined by the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**bus attendant**” means a person who supervises learners attending public special schools on learner transport provided by the KwaZulu-Natal Department of Education (KZN DOE) or the School Governing Body;

“**certificate of roadworthiness**”, means certification of roadworthiness in terms of section 42 of the NRTA;

“**Constitution**” means the Constitution of the Republic of South Africa Act, No. 108 of 1996;

“**contracted services**” means dedicated subsidised learner transport services provided to needy learners;

“**dedicated subsidised learner transport services**” means transportation of learners to and from public schools, arranged and funded by the KZN DOE and/or the KZN DOT;

“**district**” means a cluster of schools within a geographical area under the administration and management of a District Director;

“**DOT**” means the National Department of Transport;

“**effective date**” means the date on which the KZN Learner Transport Policy: 2021 becomes effective as determined by the Head: KZN DOE;

“**Head: KZN DOE**” means the Head of the KwaZulu-Natal Department of Education;

“**Head: KZN DOT**” means the Head of the KwaZulu-Natal Department of Transport;

“**implementing authorities**” means the KwaZulu-Natal Departments of Education and Transport;

“**implementing departments**” means the KwaZulu-Natal Departments of Education and Transport;

“**IPTN**” means Integrated Public Transport Network;

“**KZN DOE**” means the KwaZulu-Natal Department of Education;

“**KZN DOE Transport Policy**” means KwaZulu Natal Department of Education transport policy in respect of state owned vehicles;

“KZN DOT” means the KwaZulu-Natal Department of Transport;

“KZN Learner Transport Policy” means the KwaZulu-Natal Learner Transport Policy: 2021;

“learner” means any person receiving education or obliged to receive education in a public school in terms of the South African Schools Act, No. 84 of 1996;

“learner transport” means any transport services provided to learners from Grade R to Grade 12 in order to access education;

“learners with disabilities” means all learners whose mobility is restricted by temporary or permanent physical or mental disability, and includes the very young, the blind or partially-sighted and the deaf or hard of hearing as defined by the NLTA;

“midibus” means a sub-category of a bus, designed or modified solely or principally for the conveyance of more than 16 and not more than 35 persons (including the driver and the attendant) as defined by the NLTA;

“minibus” means a motor vehicle designed or adapted solely or principally for the conveyance of more than nine, but not more than 16 persons, (including the driver and the attendant) as defined by the NLTA;

“mode of transport” means method or way of travel, e.g. by bus, taxi, train, bicycle or on foot;

“monitoring firm” means a service provider contracted to monitor the dedicated subsidised learner transport services;

“National Policy” means the National Learner Transport Policy issued by the DOT and published in the Government Gazette on 23rd October 2015 in Government Notice No. 997;

“nearest appropriate school” means the nearest school offering the grades and subjects chosen by the learner;

“needy learner” means a learner attending a quintile 1, 2, or 3 school or a learner attending a quintile 4 or 5 school who qualifies for a school fee exemption;

“NLTA” means the National Land Transport Act, 5 of 2009;

“NRTA” means the National Road Traffic Act, 93 of 1996;

“operator” means the owner of the vehicle contracted to provide learners with transport to school or the driver of the said vehicle;

“operating licence” means a licence required in terms of section 50 of the NLTA and granted and issued in accordance with the NLTA;

“Province” means the Province of KwaZulu-Natal;

“public schools” means ordinary public schools and public schools that provide education with a specialised focus on talent, including sport, performing arts or creative arts;

“public special school” means a public school for learners with special education needs;

“public transport” means the conveyance of people or freight for reward by any travel mode whether by car, metered taxi, minibus, bus or train;

“rural area” means a geographical area situated in KwaZulu-Natal outside an urban area;

“SASA” means the South African’s Schools Act, No. 84 of 1996;

“school” means a public school as defined in the SASA;

“school bus” means a mini-bus or bus, owned by or contracted to, or on behalf of, a school and used principally for the conveyance of learners and other persons associated with such school;

“school day” means a day in a school term on which tuition is scheduled to take place at a school for pupils enrolled at such school;

“school of parental choice” means a school which parents prefer to enroll their children in, other than the nearest appropriate school;

“school term” means any one of the periods into which a particular school year is divided for tuition purposes and fixed as such by the Head: KZN DOE;

“SGB” means a School Governing Body contemplated in terms of section 16(1) of the SASA;

“SIAS” means the Policy on Screening, Identification, Assessment and Support (2014);

“trip” means a journey from an approved pick-up point/drop-off point to and from school;

“unauthorised passenger” means any person not permitted to travel in a learner transport vehicle; and

“vehicle” means any mode of transporting learners including a bus/midibus/minibus.

2. INTRODUCTION

1. Section 29(1) of the Constitution provides that everyone has the right to basic education.
2. On 23rd October 2015, the DOT published the National Policy.
3. The rationale for the National Policy is to improve access to quality education by providing safe, decent, effective, integrated and sustainable learner transport especially for learners in rural areas who experience transportation challenges in accessing schools.
4. The main thrust of the National Policy is to ensure that learners, schools, parents, communities, planners and law enforcement authorities are governed by a uniform set of priorities and regulations.
5. The National Policy recognises *inter alia*:
 - (a) that the Provincial Education Departments have been providing transport to learners who do not have access to their nearest appropriate schools;
 - (b) that implementing departments are responsible for the planning and implementation of learner transport; and
 - (c) that the current learner transport system does not make sufficient provision for the transportation of learners with physical disabilities.
6. The National Policy provides *inter alia*:
 - (a) that in the long term learner transport should be integrated with mainstream public transport services according to the IPTN in both rural and urban areas and that dedicated subsidised learner transport services will continue to be implemented in areas where there is no public transport services; and
 - (b) that vehicles transporting learners shall adhere to the requirements and principles of universal design especially those transporting learners with disabilities and to that end all processes involved from planning to implementation shall take cognizance of the needs of learners with disabilities and meet the required support needs.
7. The National Policy requires implementing authorities and departments to *inter alia* manage and operate learner transport in the Provinces.
8. In order to give effect to learner transport at a Provincial Level the National Policy provides *inter alia*:
 - (a) that the implementing authorities, after consultation with stakeholders, will determine who qualifies as beneficiaries and the appropriate type of learner transport within their area of jurisdiction;
 - (b) that Provincial Departments of Education will be responsible for selecting learners who will benefit from learner transport services;
 - (c) that learner transport will be funded through the fiscus from the relevant treasuries allocation;
 - (d) that all processes involved from the planning to implementation shall take cognizance of the needs of learners with disabilities; and
 - (e) that the school principals, after consultation with the SGB shall identify beneficiaries of dedicated subsidised learner transport services in accordance with the following criteria:

- i. Beneficiaries shall be needy learners attending grade R to 12.
 - ii. Learner transport will be subsidised to the nearest appropriate school. Learners attending a school of parental choice shall not be entitled to learner transport.
 - iii. Priority shall be given to learners with disabilities, taking into consideration the nature of the disability as well as primary school learners who walk long distances to schools, especially in rural areas.
 - iv. Existing transport services shall be taken into account when identifying beneficiaries as no learner transport services will be provided in areas where public transport is available.
9. Due to the limited resources available to the KZN DOE learner transport will only be provided to schools where there are ten or more learners using the same route.
10. In order to give effect to the KZN Learner Transport Policy, the implementing authorities and departments have agreed on their respective roles and responsibilities which are set out in this document.
11. As all learners requiring learner transport cannot currently be integrated into a single learner transport programme, the criteria for learners attending public schools and public special schools and implementation procedures are set out separately where appropriate.

3. THE LEGISLATIVE AND POLICY FRAMEWORK

1. Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).
2. Education White Paper 6 (July 2001).
3. National Education Policy Act, 1996 (Act No. 27 of 1996).
4. National Land Transport Act, 2009 (Act No. 5 of 2009).
5. National Learner Transport Policy (June 2015) published in Government Gazette No. 39314 on 23rd October 2015, No. 997.
6. National Road Traffic Act, 1996 (No. 93 of 1996).
7. Policy on Screening, Identification, Assessment and Support (2014).
8. Public Finance Management Act, 1999 (Act No. 1 of 1999).
9. South African Schools Act, 1996 (Act No. 84 of 1996).
10. White Paper 9 on the rights of persons with disabilities (2016).

4. PURPOSE, SCOPE AND IMPLEMENTATION

1. The KZN Learner Transport Policy is applicable to the transportation of learners from grade R to 12, including learners with disabilities.
2. The purpose of the KZN Learner Transport Policy is to give practical application to the rights of learners to gain access to their schools as contemplated by the National Policy.
3. Whilst acknowledging the learners' right of access to schools, the Province's ability to give full effect thereto is dependent on *inter alia* the following:
 - (a) the existing road infrastructure;
 - (b) the current transport designs;

- (c) the existing design of schools; and
 - (d) available funding.
4. The implementation of the KZN Learner Transport Policy shall be the shared responsibilities of the implementing authorities.

5. STRUCTURE OF POLICY

1. In keeping with the National Policy, the KZN Learner Transport Policy makes provision for learners attending public schools and public special schools.
2. The provision of transport for each category of learners is dealt with by different implementing departments and under different programmes.

SECTION 1: LEARNERS ATTENDING PUBLIC SCHOOLS

6. CRITERIA

1. The implementing departments shall be guided by the criteria for the identification of beneficiaries for learner transport as set out in the National Policy and as amplified further hereunder.
2. A learner who travels a minimum distance of three (3) kilometres to the nearest appropriate school qualifies for learner transport.
3. Learner with disabilities qualify for learner transport having regard to:
 - (a) the nature and extent of the disability;
 - (b) the affordability of the parents to provide transport;
 - (c) the age of the learner; and
 - (d) whether the learner is attending the nearest appropriate school.
4. If, as a consequence of budgetary constraints, the implementing authorities are unable to provide learner transport to all schools which qualify for learner transport, the Head: KZN DOE shall on the advice of the Director: Learner Transport Directorate, prioritise schools that should receive learner transport. Any such prioritisation shall take place in accordance with the intent and purpose of the KZN Learner Transport Policy having particular regard to the provisions of paragraph 2(8)(e)(iii) above.
5. The KZN DOE shall ensure that the school principals are regularly informed of the availability of learner transport for their schools as well as the prioritisation criteria.

7. IDENTIFICATION OF BENEFICIARIES ATTENDING PUBLIC SCHOOLS

1. School principals shall:
 - (a) by not later than the end of the third term of the academic year preceding the year for which learner transport is to be finalised and after consultation with the SGB, determine whether learners attending their schools require learner transport and if so identify those learners who qualify for such transport in accordance with the criteria set out in the KZN Learner Transport Policy;
 - (b) compile a list of all such learners, together with the following information in respect of each learner:
 - i. age;
 - ii. gender;
 - iii. any functional limitations arising from a disability;
 - iv. grade;
 - v. Iuritz number;
 - vi. pick-up point;
 - vii. kilometers travelled (return trip);
 - viii. mode of transport; and
 - ix. costs per day to and from school.
 - (c) forward a copy of the list to the District Director and retain the original list.
2. The District Director shall:
 - (a) scrutinise each list to satisfy himself/herself that the learners reflected thereon qualify for learner transport as per the criteria set out in the KZN Learner Transport Policy;
 - (b) direct any enquiries in connection with the list to the school principal and/or verify any information contained therein in any manner he/she deems appropriate;
 - (c) request the school principal to amend the list appropriately if he/she is satisfied on good grounds that the school principal erred in any material respect in compiling the list; and
 - (d) prepare and forward a submission accompanied by the list of learners provided by the school principal to the Head: KZN DOE requesting that learner transport be approved for such school.
3. The Head: KZN DOE shall consider the submission and make a decision thereon, which decision shall be conveyed to the Learner Transport Directorate and the District Director.
4. If the Head: KZN DOE does not approve learner transport for a particular school, he/she shall inform the District Director in writing of his/her decision and the reasons for such decision.
5. The District Director shall convey the decision of the Head: KZN DOE together with the reasons for the decision, where applicable to the school principal concerned.

6. The school principal shall, through the learners, inform the learners' parents/guardians of the decision of the Head: KZN DOE.
7. If additional funding for learner transport becomes available, the Head: KZN DOE shall request the District Directors to prioritise schools in their respective districts for the provision of additional learner transport.
8. In prioritising schools, the District Director shall have regard to *inter alia* the following:
 - (a) the criteria set out in the KZN Learner Transport Policy;
 - (b) learners with functional limitations having regard to the nature and the extent of the limitations;
 - (c) the age and gender of learners;
 - (d) the distance from the learners' residence to their schools; and
 - (e) the nature of the terrain which the learners have to traverse.
9. The District Director shall thereafter prepare and forward a submission for approval of learner transport for the prioritised schools to the Head: KZN DOE.
10. The Head: KZN DOE shall consider and make a decision on the submission and inform the Learner Transport Directorate and the District Director of his/ her decision.
11. The District Director shall inform the school principals of the decision.
12. The Learner Transport Directorate shall, together with the KZN DOT initiate all necessary steps for the provision of learner transport to the additional schools.

8. RESPONSIBILITIES OF DEPARTMENTS

1. The core function of providing learner transport is the responsibility of the KZN DOE and as such it shall be responsible for developing the KZN Learner Transport Policy.
2. The KZN Provincial Government has procured the cooperation of the KZN DOT to assist the KZN DOE with the implementation of its learner transport programmes.
3. Funding for the implementation of the learner transport programmes by the KZN DOT will be facilitated by the Provincial Treasury by reallocating the KZN DOE's learner transport budget to the KZN DOT.

Specific responsibilities of the KZN DOE

4. The KZN DOE shall:

- (a) make such needs analysis as might be reasonably necessary annually for the provision of learner transport;
- (b) identify learners who qualify for learner transport services in public schools and public special schools;
- (c) keep and provide all records and relevant documents required by the KZN DOT to carry out its responsibilities under any learner transport programme;
- (d) prepare a consolidated list of all learners requiring learner transport at schools in each district. The list should include information on the current number of learners receiving learner transport in each school, the number of vehicles servicing each school, the number of learners that were eligible for learner transport but not provided transport, together with any other relevant information;
- (e) keep a database of the following information for each school in accordance with the provisions of the Protection of Personal Information Act, No.4 of 2013:
 - i. names of learners;
 - ii. parents'/guardians' contact details;
 - iii. contact numbers;
 - iv. operators' contact details;
 - v. details of the routes serviced by operators;
 - vi. number of learners on each route;
 - vii. distance travelled per route; and
 - viii. vehicle registration numbers.
- (f) nominate representatives to attend the Programme Management Committee meetings or any other meetings relating to the learner transport programmes;
- (g) evaluate the impact of learner transport on teaching and learning;
- (h) monitor and evaluate programme performance at school, district and Provincial levels;
- (i) be responsible for the provision of learner transport for learners with disabilities having functional limitations;
- (j) provide specifications to the KZN DOT for vehicles to be acquired for the transportation of learners with disabilities having functional limitations;
- (k) provide funding to the KZN DOT for the purchase of the aforementioned vehicles as well as expenses incurred by the KZN DOT in respect of fuel, maintenance and repairs of the said vehicles;
- (l) determine the mode of transport and vehicle modifications suitable for the needs of learners with disabilities having functional limitations;
- (m) allocate and distribute modified and unmodified vehicles to public special schools;
- (n) hire suitable persons as drivers and bus attendants;
- (o) motivate for the allocation of additional funding to the Provincial Treasury for the various learner transport programmes or whenever the need arises;
- (p) provide and facilitate the necessary training for drivers and bus attendants including, but not limited to those operating special equipment, managing student behaviour, providing basic first aid, firefighting, and serving as seating specialists in positioning and securing adaptive and assistive devices for learners with functional limitations;

- (q) monitor the learner transport operations provided by the KZN DOT at school level;
- (r) report any defects or concerns regarding the contracted services to the KZN DOT;
- (s) monitor the conduct of learners and drivers whilst in transit;
- (t) ensure the implementation of the code of conduct for learners and drivers; and
- (u) prepare reports on findings and make recommendations to the KZN DOT.

Specific responsibilities of the KZN DOT

5. The KZN DOT shall:

- (a) plan and design dedicated subsidised learner transport services based on data which shall include a priority list of qualifying schools as provided by the KZN DOE;
- (b) procure service providers who are in possession of valid operating licences;
- (c) ensure that the provisions of paragraphs 9 to 14 hereunder are taken into account in its dealings with service providers;
- (d) ensure that the contractors incorporate, as far as it is reasonably possible and practical, the provisions of paragraphs 19 and 20 hereunder.
- (e) attend to budget control and administration in public ordinary schools;
- (f) adhere to budget;
- (g) regulate, monitor and evaluate the learner transport programme;
- (h) provide the KZN DOE with monthly reports on the learner transport programme;
- (i) procure vehicles in accordance with specifications received from the KZN DOE for learners with disabilities having functional limitations;
- (j) facilitate the payment for fuel, maintenance and repairs on behalf of the KZN DOE in respect of the vehicles acquired by it for the transportation of learners with disabilities;
- (k) procure and distribute non-motorised transport to public schools in collaboration with the KZN DOE;
- (l) provide and monitor non-dedicated subsidised services to learners using mainstream public transport services;
- (m) conduct technical inspections of vehicles;
- (n) ensure compliance by operators with their operational and contractual obligations;
- (o) keep updated operational statistics;
- (p) monitor dedicated subsidised learner transport services including reviewing monitoring reports from contracted monitoring firms;
- (q) verify the operated routes; and
- (r) monitor road conditions of operated routes.

9. VARIATION OF CONTRACTS AND PROVISION FOR TRANSPORT IN CASES OF EMERGENCY

1. When any additional need for learner transport is identified by the KZN DOE it shall inform the KZN DOT and provide an updated list of prioritised schools. Any proposed variation shall be supported by the Head: KZN DOE.
2. The KZN DOT shall reassess the service provision in line with the revised prioritisation, having regard to the existing budget.
3. If the existing budget permits it, the KZN DOT shall engage the operator to effect the service variation.
4. Variations with financial implications shall follow the approval process as per the relevant SCM policies as well as Treasury Regulations.
5. Where, as a result of an emergency, the Head: KZN DOE is required to provide learner transport which is not covered by the existing contracts, the Head: KZN DOE shall confirm that an emergency has arisen and he/she shall inform the Head: KZN DOT.
6. The Head: KZN DOT shall take all reasonable measures to provide transport for those learners affected by the emergency for the duration thereof.

10. PAYMENT MODEL FOR OPERATORS

1. The payment model shall be a standardised rate per the mode of transport plus a standardised rate per kilometer multiplied by the number of school days.
2. The payment model may be amended by both Executive Authorities for future procurement processes.

11. PAYMENT TO OPERATORS

1. The monitoring firm is required to compile payment certificates together with all relevant documents and submit them to the KZN DOT in the first week of each month.
2. The KZN DOT: Public Transport Services shall verify the requisition for payment and submit the request to Supply Chain Management.
3. A complete payment certificate shall consist of the following documents:
 - (a) pro forma / fleet list;
 - (b) operational statistics / detailed invoice;
 - (c) valid operating licence;
 - (d) PDP for drivers;

- (e) certificate of road worthiness disc;
- (f) permits or proof of application;
- (g) proof of liability insurance; and
- (h) proof of insurance.

4. In the absence of all the relevant documentation payment to operators may be refused.
5. Operators shall communicate with the KZN DOT through the monitoring firm in connection with payment certificates and the required documents.

12. REPLACEMENT OF CONTRACTED VEHICLES BY OPERATORS

1. Operators may use an alternate vehicle in case of a breakdown provided that the alternate vehicle complies with safety standards as set out in all relevant National and Provincial Road Transport policies and legislation.
2. Relief vehicles shall meet all the required standards as expected of the contracted vehicle. The operator shall immediately inform the monitoring firm so that arrangements for the monitoring of the replacement vehicle can be effected.
3. Operators may, with the consent of the KZN DOT: Public Transport Services, change the contracted vehicle permanently under the following circumstances:
 - (a) the vehicle being written off;
 - (b) the number of learners having increased beyond or decreased below the capacity of the current vehicle;
 - (c) the vehicle not being roadworthy; or
 - (d) the vehicle having been stolen.
4. Except where the number of learners has decreased, the capacity of the replacement vehicle shall be the same or greater than the capacity of the contracted vehicle.
5. Where the request to change a contracted vehicle arises from a breakdown, the request for the replacement of the vehicle shall be made to the monitoring firm on the same day.
6. The KZN DOT shall not pay operators for service rendered with an alternate vehicle if the monitoring firm had not authorised the use of the said vehicle.

13. ROUTE VARIATION

1. The KZN DOT, shall reserve the right to vary the contract with operators according to learner needs. All variations of the contract shall be in writing. The written consent of the Head: KZN DOT is mandatory before any variation is effected for the purposes of:

- (a) increasing the number of trips on any route or routes;
- (b) omitting any route or adding a new route;
- (c) lengthening, shortening or altering an existing route;
- (d) altering the number or location of authorised pick-up points, (provided this is done after consultation with the relevant local community, monitoring firm, and the operator);
- (e) making alterations in connection with vehicle capacities; or
- (f) increasing or decreasing the number of learners on any route or routes.

14. TRIP EXCHANGE

1. A trip exchange is the variation of the existing contract by replacing an existing operator with another approved operator. A trip exchange will be allowed in circumstances where the operator:
 - (a) has withdrawn or has been withdrawn from the route;
 - (b) is replaced due to incapacity of the vehicle;
 - (c) is replaced due to a breach of contract or code of conduct; or
 - (d) refuses to accept a route variation.
2. Where a trip exchange becomes necessary, the KZN DOT working together with the monitoring firm shall identify another contracted operator to service the route, provided that agreement has been reached on *inter alia* the rate, the distance to be travelled, the number of learners and the school to be serviced.
3. An identified operator shall submit all the necessary documents as proof that the vehicle can transport the number of learners.
4. The trip exchange letter shall be approved by the Head: KZN DOT.
5. In effecting any trip exchange, the KZN DOT shall do everything reasonably possible to ensure that learner transport is not interrupted.

SECTION 2: LEARNERS ATTENDING PUBLIC SPECIAL SCHOOLS

15. CRITERIA

1. Learner with disabilities qualify for learner transport having regard to their:
 - (a) visual impairment;
 - (b) hearing impairment;
 - (c) physical impairment;
 - (d) medical impairment; or
 - (e) intellectual disability.

2. The following criteria shall be used to prioritise transport for learners with disabilities in public special schools:
 - (a) the nature and extent of the disability;
 - (b) the affordability of the parents to provide transport;
 - (c) the age of the learner; and
 - (d) whether or not the learner is attending the nearest appropriate school or a school of parental choice.

16. IDENTIFICATION OF BENEFICIARIES ATTENDING PUBLIC SPECIAL SCHOOLS

1. The Admissions Committee of the public special school shall assess the nature and extent of the learners' disabilities and provide a list to the Transport Committee of the school setting out *inter alia*:
 - (a) the relevant details of each learner requiring learner transport including:
 - i. age;
 - ii. gender;
 - iii. grade;
 - iv. Iuritz number; and
 - v. kilometers travelled (return trip);
 - (b) the nature of the disability;
 - (c) the address of the learner; and
 - (d) nearest pick-up point for the learner.
2. Each public special school shall appoint a Transport Committee comprising at least five members which shall include:
 - (a) the school principal or his/her representative as the Chairperson;
 - (b) at least one member of the academic staff;
 - (c) at least one member of the non-academic staff which includes therapists; and
 - (d) at least two members of the SGB.
3. The Transport Committee shall consider the list, have regard to the transportation resources of the school, the criteria for eligibility and any prioritisation necessary and provide a list with its recommendation to the District Director through the school principal which list shall reflect all learners who qualify for learner transport.
4. Any prioritisation of learners shall take into account:
 - (a) the nature and extent of the disability;
 - (b) the affordability of the parent/ guardian to provide transport; and
 - (c) the distance to be travelled by the learner.

5. The District Director shall:
 - (a) scrutinise each list to satisfy himself/herself that the learners reflected thereon qualify for learner transport as per the criteria set out in the KZN Learner Transport Policy;
 - (b) make any enquiries or verify any information or request the Transport Committee to amend the list if necessary;
 - (c) direct any enquiries in connection with the lists to the Transport Committee and/or verify any information contained therein in any manner he/she deems appropriate;
 - (d) request the Transport Committee to amend the list appropriately if he/she is satisfied on good grounds that the Principal erred in any material respect in compiling the list; and
 - (e) prepare and forward a submission in respect of each school accompanied by the list of learners provided by the Transport Committee to the Head: KZN DOE requesting learner transport be approved for such school through the LSEN Unit (Inclusive Education).
6. The LSEN Unit shall consider the submission together with all the information provided by the District Director as well as such additional information it might have and make a recommendation on the submission before forwarding it to the Head: KZN DOE.
7. The Head: KZN DOE shall consider the submission together with the information provided and recommendations made by the District Director and LSEN Unit.
8. Where it is not possible to provide all eligible learners with learner transport due to budgetary constraints, the Head: KZN DOE shall have regard to the provisions of the National Policy as amplified by the KZN Learner Transport Policy and in particular the prioritisation criteria set out above.
9. If the Head: KZN DOE does not approve learner transport for specific learners from a particular school he/she shall inform the District Director in writing of his/her decision and the reasons for such decision.
10. The District Director shall convey the decision of the Head: KZN DOE together with the reasons to the school principals concerned who shall then inform the learners' parents or guardians of the decision and the reasons for the decision.
11. Where it is reasonable and practical to do so, learner transport will be made available to learners to and from their place of residence. Where, however, due to the nature of the terrain, learner transport cannot be provided to a learner to and from his/her place of residence, it shall be the responsibility of the parent or guardian to make such reasonable arrangements as may be necessary to ensure that the learner gets access to a pick-up point where learner transport is accessible.

17. INCLUSION OF NEW LEARNERS WHERE PUBLIC SPECIAL SCHOOLS HAVE EXISTING LEARNER TRANSPORT

Where space becomes available on existing transport as a result of learner migration, learners completing their schooling etc. the Transport Committee shall be entitled to add further learners onto the transport programme by taking into account the prioritisation criteria set out in the KZN Learner Transport Policy.

18. ROLE OF PRINCIPALS IN PUBLIC SPECIAL SCHOOLS/ ACQUISITION OF VEHICLES

1. The school principal shall ensure that:
 - (a) a Transport Committee as referred to in paragraph 16.2 is formed as early as possible so as to ensure the smooth implementation of the KZN Learner Transport Policy;
 - (b) information regarding the learners' transportation needs are collated timeously to enable the KZN DOE to properly plan its transportation service;
 - (c) the necessary steps are in place for learners to be safely transported;
 - (d) any medical, physical or behavioural concerns by teachers and parents in connection with the transportation of the learners are taken into account;
 - (e) the necessary assistive or adaptive equipment to accommodate learners during the transportation process are safely secured and transported, and that there are adequate instructions regarding their use;
 - (f) all relevant details and records described above including the nature of disability shall be attached to the register for each mode of transport;
 - (g) safety compliance regulation documents including evacuation plans, medical emergency and accident protocols are available for each mode of transport; and
 - (h) parents and transportation staff are aware of and have in their possession route schedules, designated pick-up and drop-off points and details of all learners using the pick-up and drop-off points.
2. A public special school may purchase additional suitably modified transport from its budget to supplement the transport allocated by the KZN DOE provided that the prior written consent of the KZN DOE (which consent shall be provided in consultation with the KZN DOT) is obtained.
3. The KZN DOT shall ensure that the vehicles are suitable for the needs of the learners to be transported.
4. All the provisions of the KZN Learner Transport Policy applicable to state vehicles, drivers and bus attendants shall, insofar as is reasonably practicable, apply with equal force to vehicles acquired by the SGB, its drivers and bus attendants.

19. JOB DESCRIPTIONS

DRIVERS

1. Drivers of vehicles for learners with special needs shall be employed either by the KZN DOE or the SGB.
2. No person shall be employed as a driver unless:
 - (a) he/she is in possession of the following minimum requirements:
 - i. formal schooling up to and including grade 10;
 - ii. appropriate and valid driver's licence and PDP;
 - iii. aptitude or competence for the assigned responsibilities; and
 - iv. any other requirement that the KZN DOE, KZN DOT or school administration may consider appropriate;
 - (b) he/she is of suitable character; and
 - (c) he/she has at least two (2) years of suitable experience as a driver for the vehicle that he/she will be driving.

3. The KZN DOE and the SGB shall undertake a comprehensive and effective vetting process to ensure that no person is employed as a driver if he/she has been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, No. 38 of 2005 or the Sexual Offences and Related Matters Amendment Act, 2007, or if the KZN DOE or the SGB has any reason to believe that the driver is not of suitable character to work with children for any other good reason.

4. The KZN DOE or the SGB shall instruct all drivers:
 - (a) to file regular reports as required by the school transportation supervisor;
 - (b) to generally, provide safe and efficient transportation;
 - (c) to obey all applicable laws, policies and procedures;
 - (d) to follow the school's guidelines for maintaining order in the vehicle;
 - (e) to keep the assigned vehicle clean;
 - (f) to adhere to an assigned schedule;
 - (g) to carry out a pre-trip inspection of each vehicle to ensure *inter alia* that it is roadworthy and safe to transport learners;
 - (h) to notify the school transportation supervisor or the school principal in case of mechanical failure or any delays in connection with a trip;
 - (i) to have in their possession a list of all learners being transported which list shall contain *inter alia* the information set out in paragraph 16(1) above;
 - (j) to allow learners to disembark only at authorised stops;
 - (k) to transport only authorised learners;
 - (l) to report all accidents and complete the required reports in terms of the KZN DOE Transport Policy;
 - (m) to enforce safety regulations and the learner code of conduct on the vehicle and report any transgressions or inappropriate behaviour;
 - (n) to treat learners and co-workers with respect and dignity;
 - (o) to restrict the number of learners travelling in the vehicle to the legal carrying capacity;
 - (p) to have in their possession a cell phone or other means of communication which can be used in the case of an emergency prior to any trip;
 - (q) to check that a bus attendant is always present on any trip; and
 - (r) to comply with the KZN DOE Transport Policy.

BUS ATTENDANTS

5. No person shall serve as a bus attendant on a vehicle for learners with special needs unless he/she has met the requirements laid down by the KZN DOE and school administration.

6. The provisions applicable to drivers in paragraph 19.3 above shall apply to all bus attendants.

7. The bus attendant is obliged to report to the school transportation supervisor.
8. He/she is required to assist school staff, parents and school drivers.
9. His/her responsibilities include *inter alia* the following:
 - (a) transporting and properly securing all learners reliant on mobility assistive aids or mobile seating devices;
 - (b) properly securing all assistive devices and equipment as necessary;
 - (c) complying with the school's guidelines and the code of conduct for maintaining order in the vehicle;
 - (d) monitoring the behaviour of learners;
 - (e) reporting any transgressions or inappropriate behaviour to the driver;
 - (f) treating learners and co-workers with respect and dignity; and
 - (g) assisting the driver in emergency situations and evacuations.
10. In the event of the bus attendant not being available on a particular trip, the school principal shall be entitled to appoint a staff member as a substitute for the bus attendant for the duration of the bus attendant's absence.

20. EMERGENCY

1. In the event of an emergency the driver shall:
 - (a) take all reasonable and necessary steps to ensure the safety of the learners and the vehicle; and
 - (b) comply with any emergency plans issued by the KZN DOE.
2. The driver shall ensure that the vehicle is always equipped with an approved first aid kit which shall include:
 - (a) gloves;
 - (b) towelettes;
 - (c) cold pack bandages;
 - (d) CPR mask;
 - (e) gauze;
 - (f) tape;
 - (g) scissors;
 - (h) seat-belt cutter;
 - (i) fire blanket;
 - (j) approved body fluid clean up kit; and
 - (k) thermometer.

3. The driver shall ensure that the kit is checked at least once a month and after every emergency.
4. From time to time the school principal shall ensure that the items in the first aid kit are replenished and where items have expired, such items are replaced.
5. In the case of an emergency the driver shall immediately notify emergency services and the school principal (failing the school principal, the transport officer) and follow the procedure prescribed in the KZN DOE Transport Policy.
6. If as a result of an emergency any learner requires medication the driver shall provide the following information to the school principal:
 - (a) the learner's name, date of birth, disability and nature of the problem; and
 - (b) any medication taken by the learner.
7. The school principal shall:
 - (a) inform the KZN DOE and the parents of the nature of the emergency immediately;
 - (b) remain in contact with the driver throughout the duration of the emergency; and
 - (c) make suitable arrangements for the affected learners to be transported to their places of residence if necessary.

21. FRAMEWORK

Use of a vehicle transporting learners with special needs

1. A KZN DOE vehicle transporting learners with special needs shall be used only for school activities as defined in SASA.
2. Prior written consent shall be obtained from the KZN DOE if a vehicle allocated to a particular school is to be used by another school or by an employee of the KZN DOE.
3. Under no circumstances shall vehicles owned by the KZN DOE be used for party political purposes or industrial action.

Passengers

4. No persons other than learners who have qualified for learner transport shall be conveyed in a vehicle unless such persons are authorised in writing by the school principal.
5. Under no circumstances shall the driver convey any passengers who are not authorised to use the vehicle and in the event of him/her doing so he/she shall be liable to disciplinary proceedings and/or personal liability. The KZN DOE will not be liable for any damages arising out of injury to such unauthorised persons.

Authority to use a vehicle

6. No trips shall be undertaken without the school principal, failing him/her, the district transport officer signing an appropriate trip authority. In the event of the driver of a state owned vehicle breaching this provision, he/she shall be personally liable for any damages in consequence of the trip and shall forfeit state protection.
7. All the requirements prescribed for trip authorities in the KZN DOE Transport Policy shall be observed by the drivers of state owned vehicles.

Parking

8. A driver driving a state owned vehicle shall comply with the provisions of the KZN Provincial Parking Policy and the KZN DOE Transport Policy.

SECTION 3: GENERAL PROVISIONS APPLICABLE TO ALL LEARNERS

22. INTERNAL APPEAL

1. Should any learner feel aggrieved by a decision of the Head: KZN DOE, the learner, assisted by his/her parent or guardian if necessary, shall lodge a written appeal with the MEC for Education: KZN within thirty (30) days of notification of the decision.
2. The MEC for Education: KZN shall consider and decide the appeal within thirty (30) days of receipt of the appeal.
3. The MEC shall within ten (10) days thereafter inform the Appellant in writing of his/her decision and the reasons for such decision. A copy of the decision shall be forwarded to the school principal.

23. CIRCULARS, DIRECTIVES, IMPLEMENTATION PROCEDURE AND STANDARD OPERATING PROCEDURES

1. The Heads: KZN DOE and KZN DOT shall issue such circulars, directives, implementation procedures and/or standard operating procedures from time to time on any matter within their mandate in connection with the KZN Learner Transport Policy.
2. All circulars or directives issued by the Heads: KZN DOE and KZN DOT prior to the effective date shall remain valid and binding but only to the extent that they do not conflict with the KZN Learner Transport Policy or the National Policy.

24. PROGRAMME MANAGEMENT COMMITTEE

1. A Programme Management Committee shall be appointed jointly by the Heads: KZN DOE and KZN DOT and shall:

(a) comprise at least ten (10) members from both Departments and shall include:

- i. the KZN DOT, Deputy Director-General: Transportation Services;
- ii. Chief Financial Officers KZN DOE and KZN DOT;
- iii. the Chief Directors KZN DOE and KZN DOT responsible for the learner transport programmes;
- iv. the Responsibility Manager: KZN DOT: Public Transport Services;
- v. the Responsibility Manager: KZN DOE: Learner Transport Directorate;
- vi. KZN DOE: Director: Inclusive Education; and
- vii. one official from each Department; and

(b) be chaired by the KZN DOT, DDG: Transportation Services.

2. The Programme Management Committee shall *inter alia*:

- (a) discuss all matters related to the planning, management, and implementation of the learner transport programmes. It shall focus on a needs-driven budget for learner transport and other related financial and budgetary issues in compliance with provisions of the Public Finance Management Act, 1999, and the provisions of the Division of Revenue Act, 2009;
- (b) formulate the budget including projected expenditure in all areas of the provision of the services, monitoring, emergency services/variations and any other need that might arise; and
- (c) conduct quarterly meetings.

25. MONTHLY PROJECT MEETINGS

1. Monthly project meetings shall be convened by the monitoring firm for the purposes of *inter alia*:
 - (a) assessing the quality of service delivery;
 - (b) ensuring compliance with contractual obligations;
 - (c) assessing the need for any variations to routes or operators and making any recommendations in respect thereof;
 - (d) assessing the need for maintenance of vehicles transporting learners to public special schools and making recommendations in respect thereof;
 - (e) evaluating the need for procurement of additional vehicles for public special schools and making recommendations in respect thereof; and
 - (f) making recommendations to the Programme Management Committee in respect of any matter related to learner transport in general.

2. The meetings shall be attended by representatives of the transport monitoring firm, the operators, the KZN DOE: Learner Transport Directorate and the KZN DOT: Transportation Services.

26. REPORTING

1. The implementing departments shall compile quarterly implementation reports for the DOT and the Department of Basic Education. The reports shall be signed off by the Heads: KZN DOE and KZN DOT before it is submitted to the National Departments.
2. Officials from the implementing departments shall report to the quarterly meetings of the National Learner Transport Steering Committee on all matters relating to learner transport including matters concerning learners at public special schools and learners transported in state vehicles.

27. COMPLAINTS

1. Written complaints from learners and parents in connection with learner transport shall be resolved by the school principals wherever possible and in appropriate circumstances, school principals shall forward the complaints to the District Director for resolution.
2. The District Director shall attend to the complaints and if necessary escalate the matter in writing to Head Office.

28. PLANNING

1. The National Policy emphasizes the need for the Province to ensure adequate planning to meet its objectives.
2. The KZN DOE and KZN DOT shall prepare implementation plans in accordance with such framework as may be provided by the DOT.
3. In the absence of such framework the KZN Learner Transport Policy shall prevail.
4. If a national framework is provided by the DOT then those provisions shall supersede the provisions of the KZN Learner Transport Policy.
5. The plans for the implementation of the Province's learner transport programmes shall specify how the Province intends to meet the needs of all learners who are eligible for learner transport.

6. The KZN DOE and KZN DOT shall review the state of learner transport at least every three years and introduce further plans for intervals of five years at a time.

29. IMPLEMENTATION DATE, REVIEW AND REVISIONS

1. Notwithstanding the date of approval by the Head: KZN DOE, the KZN Learner Transport Policy shall come into effect on the effective date.
2. The KZN Learner Transport Policy shall supersede the KZN Learner Transport Policy of March 2013 from the effective date.
3. The KZN Learner Transport Policy shall be reviewed by the KZN DOE at least every three (3) years from the effective date or earlier if necessary.

Approved:



Head: KZN Department of Education

Dr Enoch Vusumuzi Nzama

Date: *1 July 2021*

This policy is effective from:

1 July 2021