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Dear Adv Misser,

SUBMISSION ON DRAFT AMENDED DIRECTIONS FOR BASIC EDUCATION: PROVISION AND COLLECTION OF PRINTED LEARNING AND TEACHING SUPPORT MATERIALS (LTSM).

1. Pursuant to the meeting on 18 January 2021 with stakeholders and the Legal and Legislative Services division of the Department of Basic Education (“DBE”), SECTION27, Equal Education and the Equal Education Law Centre are grateful for the opportunity to make submissions on the Amendment of Directions issued in terms of Regulation 4(3) of the Regulations made under the Disaster Management Act, 2002 (Act No. 57 of 2002) (“Draft Amended Directions”).
2. As confirmed by the Draft Amended Directions, the 2021 academic year is due to commence on 15 February 2021 for most learners. Our submission herein urges the DBE to make sure that all learners have access to adequate and appropriate printed learning and teaching support materials (“LTSM”) to facilitate learning from home in the event that not all grades of learners can return to schools on the adjusted date of 15 February 2021, or if there is a further postponement of school reopening or if learners are phased-in incrementally, as occurred last year during lockdown level three. As highlighted in the Draft Amended Directions, learners in secondary school will use a differentiated timetable model once schools commence on 15 February, which therefore requires the provision of LTSM to facilitate remote learning.
3. While the school closure announced in March 2020 was a necessary step to prepare schools for the ‘new normal’, it took many weeks for the Department to develop systems that ensured learners’ right to a basic education was fulfilled in this unprecedented

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period. Unfortunately, this delay resulted in the infringement of this right and we wish to ensure that this is not repeated. It is therefore important to learn from the experiences of the first wave of COVID-19 and be prepared and adaptable for current and upcoming challenges.

4. The closure of schools in March 2020 and subsequent move towards learning facilitated through lessons on broadcast media (radio and television), as well as Information and Communication Technology services (“ICTs”) mediums [contributed](#) to deepened inequality in the basic education system. Learners attending privileged schools were, in many ways, able to continue learning from home in ways in which their counterparts at disadvantaged schools could not. With [vast disparities](#) in access to internet, data and mobile devices in South Africa, many of the country’s most vulnerable learners – and their caregivers – were left in the lurch and unable to access the interim support measures offered by the DBE to allow for the continuation of some form of learning, at home.
5. While printed LTSM - such as workbooks and worksheets - were supposed to be distributed to learners in all grades prior to school closures last year, the Minister [acknowledged](#) that this may not have taken place effectively.
6. Anecdotal [reports](#) from SECTION27’s monitoring process with schools in Limpopo illustrated that not all learners were provided with textbooks for each subject due to insufficient numbers of available textbooks. Additionally, [evidence](#) from teacher unions conducted in August 2020 illustrates that the lack of sufficient numbers of textbooks and other LTSM is not limited to Limpopo, but that the scope of the problem was national. Furthermore, of the nearly 400 Equalisers (EE’s high school going members) interviewed during the initial lockdown last year, only [44%](#) said they were provided with workbooks or textbooks to take home during this period.
7. The Draft Amended Directions state that all primary school learners will return on 15 February 2021, while secondary schools “must continue with the differentiated timetabling model.”
 - 7.1. This implies that not all grades of secondary school learners will be able to return to school on 15 February 2021.
 - 7.2. These learners may not have updated LTSM for their new grades – leaving those without access to internet or broadcast learning materials at a disadvantage and unable to learn from home.

RECOMMENDATIONS

8. We therefore urge the DBE to amend the Draft Amended Directions to provide for the provision and collection of LTSM for all learners, including secondary school learners who will be required to learn from home even after schools reopen on 15 February 2021.
9. We propose the following amendments to the wording of Section 5C(7)(a) and (b) of the Draft Amended Directions:

“(a) The principal, the school management team including Education Assistants and General Assistants (Basic Education Employment Initiative) and non-teaching staff must:

- Prepare for the return of all educators and learners;
- ensure compliance with the health, safety and social distancing requirements;
- assist with the preparation, distribution **and safe collection** of learning materials **for all learners who are unable to return to school, including all secondary school learners attending school as per the differentiated timetabling models**; and
- Assist with the implementation of the national school nutrition programme for all qualifying learners from 27 January 2021.”

(b) All educators must:

- Prepare for the return of all learners;
- ensure compliance with the health, safety and social distancing requirements;
- assist with the preparation, distribution **and safe collection** of learning materials **for all learners who are unable to return to school, including all secondary school learners attending school as per the differentiated timetabling models**; and
- assist with the roll out of the daily school feeding programme for all qualifying learners.

10. The DBE must develop detailed plans – in accordance with health guidelines – to allow all learners to collect printed LTSM from schools between 2 February and 15 February 2021, even if their grades are not scheduled to return to classrooms on 15 February.

11. The DBE, provinces, districts and schools must clearly communicate plans pertaining to the distribution and collection of learning materials for all learners by all available communication channels, including the media.

12. We urge the DBE to elaborate on plans for the distribution and safe collection of LTSM for all learners, including secondary school learners whose grades will remain at home as per differentiated timetabling models, in these Draft Amended Directions to fulfil learners’ rights to basic education and equality.

Yours sincerely,

SECTION27

EQUAL EDUCATION

EQUAL EDUCATION LAW CENTRE