

**PRESENTATION TO THE PORTFOLIO COMMITTEE ON BASIC EDUCATION**

**EELC REPORT ON THE STATE OF EDUCATION 2014 - 2019**

**22 October 2019**

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| **PRESENTATION TO PORTFOLIO COMMITTEE ON BASIC EDUCATION** | |
| **Funding and Spending Trends** | |
| **Issues** | **Recommendation(s) to the Committee** |
| **Failure to meet per learner minimum thresholds**  This Committee has previously considered the question of the implementation of the National Norms and Standards for School Funding. It noted that whilst there has been improvement in meeting minimum thresholds, budget cuts have resulted in these thresholds becoming “moving targets.”  Every year, the DBE determines national targets which must guide Provincial Education Departments (PEDs) when funding learners in schools. Despite these guidelines, provinces are empowered to determine their own levels of spending. In 2017/18 alone, the Eastern Cape, KwaZulu-Natal, Limpopo and Mpumalanga allocated funds below the national threshold across all five quintiles. | The Committee is urged to request that DBE provide a detailed, time-bound plan to address the failure of PEDs to meet minimum per learner thresholds. |
| **Review of equitable share formula**  The Equal Education Law Centre (EELC), with Equal Education (EE), have advocated for reforms to the equitable share formula. We have made presentations and submissions to the Standing Committee on Appropriations, highlighting, amongst other things, the current failure of the equitable share formula to cater for the higher costs of delivering education in rural provinces, and to adequately account for such factors as small population densities, historical disadvantage, age demographics and the effects of rural poverty.  EE and the EELC made recommendations on how the equitable share formula could potentially be remodelled and encouraged National Treasury to publish timelines by which a review and engagement on this issue would take place. | We recommend that the Committee requests that the Department of Basic Education (DBE) provide details relating to its engagement with National Treasury and other stakeholders on this issue, for instance, when these engagements have taken place or are scheduled to take place, and the content of the discussions. We also recommend that the Committee request timelines for review of the equitable share formula. |
| **Early Childhood Development** | |
| **Issues** | **Recommendation(s) to the Committee** |
| **Requirements for ECD function migration plans**  The early childhood development (ECD) sector is currently focused on the migration of the ECD function from the Department of Social Development (DSD) to DBE, and the introduction of two compulsory years of ECD. Our engagements with the DBE clarified some of the DBE’s plans to operationalise the function shift.  We were informed that the DBE’s plans include development of:   * a concept note and implementation protocol which set out the transitional arrangements between DBE, DSD and other role-players; * an overall framework, which has been presented to the National Macro-Organisation of Government (NMOG); * a detailed, costed plan, to be finalised by March 2020.   We are further informed that the DBE will facilitate a census, audit and construct case studies in order to scope the ECD sector and will develop an Early Learning Development Index in order to assess how many children under 5 years are developmentally on track.  In order to implement these plans, the DBE has established various work streams.  We are encouraged by the DBE’s preliminary plans to facilitate the migration and recognise the complexity of the issues which must be considered and addressed by these plans. Some of these issues include:   * ensuring effective **leadership and coordination**, including in respect of determining effective **financing arrangements**; * designing and implementing effective **data collection and processing systems**; and * considering **legislative and policy** implications and costing implementation.   Importantly, all levels of government, including provincial and local government, civil society, non-governmental organisations and private centre owners must be adequately **consulted and engaged** in the development and finalisation of these plans. | In light of the issues identified, we recommend that the Committee requests information regarding:   * The **timeframes** within which DBE’s writtenconcept note,implementation protocol and framework will be finalised. The implementation protocol, which is aimed at ensuring and strengthening **coordination and collaboration,** must provide specificity on the **roles and responsibilities** of all relevant parties and must indicate clear timeframes for execution of these roles and responsibilities. * DBE’s plans (including timeframes) to address questions around **ECD funding**, including how the sector will continue to be funded (for instance, which department will be responsible for administering the ECD conditional grant?). * DBE’s ongoing plans to **improve data systems** relating to ECD. This includes monitoring the DBE’s progress on carrying out its planned census, audit and case studies. * DBE’s plans (including timeframes) to assess and report on the policy and legislative implications of the migration, including what **legislative and policy amendments** will be required and how implementation of revised policies and legislation will be costed. This includes enquiring about the finalisation of the relevant Presidential Proclamations. * DBE’s plans for **consultation and engagement** with all stakeholders, including all levels of government, civil society, NGOs and private centre owners in order to ensure that the optimum migration scenario is adopted, including its plans to establish the Provincial Macro-Organisation of Government (PMOG). |
| **Learner Transport** | |
| **Issues** | **Recommendation(s) to the Committee** |
| **Consistent implementation of Learner Transport Programme across provinces**  EE members have been campaigning around the issue of learner transport since 2004. Through our work with EE in KwaZulu-Natal, we have observed failures to adequately prioritise and provision learner transport, and to accommodate learners with disabilities in transport system design. These failures appear to result from, amongst other things:   * **poor data** collectionsystems – a reassessment of need by the KwaZulu-Natal Department of Education, in compliance with an order granted by consent following litigation initiated by EE, represented by the EELC, determined that around 370 000 learners qualified for learner transport, as opposed to the 90 000 initially recorded.      * the application of **inconsistent criteria** to evaluate need - some provinces use a 3km radius to measure qualification, while others apply a radius of 5kms or more. Beneficiaries of learner transport are therefore identified in an inequitable manner and the total number of learners qualifying for learner transport across the country cannot be properly determined.   **These inconsistencies and challenges appear to exist across provinces, where varied learner transport policies and provisioning criteria are applied (often incongruent with the National Learner Transport Policy), or in some provinces, where no learner transport policy exists or are not being effectively implemented.**  The failure to prioritise and adequately provision in turn results in under-funding of the learner transport programme. Accordingly, the EELC has supported EE in its numerous attempts to secure a **conditional grant** for learner transport. Despite Minister Motshekga’s announcement in 2016 that a conditional grant for learner transport will be allocated, this has not happened. In response to recommendations made to the Standing Committee on Appropriations, in light of EE and the EELC’s engagement with that committee, National Treasury advised that structuring a conditional grant is complicated by the fact that the **learner transport function is not carried out by a single department in each province**. The conditional grant would therefore to have to be administered to DBE in some provinces and to the Department of Transport (DoT) in others.  **Again, the lack of consistent provincial practices, and lack of adequate inter-departmental coordination presents a challenge to adequate provisioning and financing of learner transport.**  The EELC is aware, and it is reported in the DBE’s 2019/20 Annual Performance Plan (APP), that the DBE, together with the DoT and Department of Planning, Monitoring and Evaluation is in the process of evaluating the implementation of the Learner Transport Programme, to be completed in 2019. The evaluation involves providing insight on how the transport service can be improved to ensure more learners attend school regularly, safely and on-time. The evaluation also seeks to provide clarity in terms of where the learner transport function lies, and potential funding mechanisms for the programme. The DBE’s Annual Report 2018/19 states that a report on the findings of the evaluation was submitted on 11 December 2008 and presented to the Steering Committee on 31 January 2019.  The EELC only received a draft version of the report in November 2018 and has not had sight of the finalised evaluation report, despite various attempts to obtain the report. The draft report contained some considerable gaps and inadequacies.  It is unclear whether the finalised report adequately addresses issues relating to **inadequate data**, **consistent evaluation of need and eligibility for learner transport**, or **the coordination of multiple departments** in discharging the learner transport function. | The EELC recommends that the Committee requests information regarding the status of the evaluation report, including when it will be publicly released, and what DBE’s plans are to coordinate public participation processes on the report.  We also recommend that the Committee requests details of:   * DBE’s plans to clarify and confirm the **roles and responsibilities** of governmental departments in administering the learner transport function, and provide **timelines** for addressing this issue; * The status of DBE’s steps to impose standardised criteria on provinces, including by determining and reporting on:   + the status of learner transport policies in each province; that is, whether a policy exists, and if so whether it is being implemented, and according to which eligibility criteria; and   + the progress made by provinces to incorporate service design processes that accommodate the needs of learners with disabilities. |
| **Exclusionary Admissions Practices** | |
| **Issues** | **Recommendation(s) to the Committee** |
| **Implementation of the SIAS policy**  In its 2019/20 APP, the DBE undertakes to monitor and support the implementation of the National Strategy on Screening, Identification, Assessment and Support (SIAS) policy as a mechanism for early identification of barriers to learning and intervention. Notwithstanding this, the EELC has observed clear challenges with the implementation of this policy.  We have noted through our walk-in cases that learners with learning difficulties or disabilities are consistently not being admitted into ordinary schools and are not being reasonably accommodated. Where accommodations are made parents are being forced to pay for them.  Once learners are placed in special schools, we have also observed that they are not receiving the adequate level of educational support necessary to facilitate their development. | The EELC recommends that the Committee requests information on the manner in which DBE will monitor and support the implementation of the SIAS policy, including the metrics used to assess whether effective implementation has taken place, beyond simply reporting on the number of teachers receiving high-level training on the policy. |
| **Undocumented learners**  Section 29(1)(a) of the Constitution clearly recognises that everyone has the right to basic education. Notwithstanding this clear right, undocumented learners in South Africa, including South African nationals, foreign nationals and stateless persons, face significant challenges in accessing basic education at the point of admission into schools.  The EELC notes the case of *Centre for Child Law, The School Governing Body of Phakamisa High School & Others//Minister of Basic Education & Other*s that was heard in the High Court, Grahamstown recently. As part of the DBE’s supplementary affidavit, DBE released a circular, pending the promulgation of the new admissions policy. As an interim solution to the admission of undocumented learners, the circular instructs schools to conditionally admit undocumented learners for a period of 6 months, whilst they obtain the necessary documentation, thereby extending the former 3-month conditional admission period. | The EELC recommends that the Committee urgently requests information regarding DBE’s steps to widely circulate the circular to all public schools and what monitoring tools have been put in place to ensure schools compliance with the circular. |
| **Infrastructure and sanitation** | |
| **Issues** | **Recommendation(s) to the Committee** |
| **Declining funding towards public school infrastructure**  EELC notes the downward trend in the allocations to school infrastructure grants. With particular reference to the terms of the School Infrastructure Backlog Grant (SIBG), we note a decrease in allocations between 2018/2019 and 2019/2020 financial years (15,2% decrease in real terms, when taking inflation into consideration).    The completion of infrastructure projects within the Accelerated Schools Infrastructure Delivery Initiative (ASIDI) has been slow. In response to this, the DBE indicated in its 2017/2018 Annual Report that “target setting will be revised to be more realistic with effect from the 2019/20 APP.” The DBE’s 2019/20 APP provides that 40 schools, 134 sanitation projects, and 225 water projects are meant to be completed within the 2019/2020 financial year. | We urge the Committee to monitor the DBE’s progress concerning their completion of the revised targets for the 2019/2020 financial year. |
| **SAFE initiative**  EELC has been advised by the DBE that monies allocated to the recently announced Sanitation Appropriate for Education (SAFE) initiative are included in the ASIDI allocation. It is important for monitoring purposes that allocations and spending on SAFE be disaggregated from total ASIDI allocations and spending. Moreover, transparency regarding SAFE targets, as distinct from ASIDI targets, is also required. | EELC recommends that the Committee request that DBE provide information about allocations, spending and targets within SAFE, as distinct from ASIDI. |
| **The status of the “Infrastructure Unit”**  The DBE informed the EELC that an “Infrastructure Unit” would be created, focusing on issues relating to school infrastructure. However, the operational status of this Unit is not yet known. | EELC urges the Committee to request information regarding the status of the Infrastructure Unit, and its precise functions and responsibilities. |