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PROPOSED AMENDMENTS TO REGULATIONS ON MINIMUM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE

The Minister of Basic Education on 10 June 2022 published, for comment, amendments to the Regulations on the Minimum Norms and Standards for Public School Infrastructure.

On an important matter like this, one would have expected the Minister to specifically seek the inputs of NAPTOSA and the other role-players in education. The proposed amendments, which could have significant impact on the provisioning of school infrastructure were, however, published in the Government Gazette without so much as an indication to NAPTOSA, or the other role-players, that it had been done. In fact, the Department did not even have the decency to publish the proposals on its own website.

This is clearly not the way to build and maintain a stakeholder relationship. When the Department wishes to obtain NAPTOSA's buy-in on a matter (e.g., the vaccination roll-out process) they are quick to liaise with us, but when they foresee that we might have different views on a matter, they remain mum.

Fortunately, NAPTOSA timeously became aware of the publication of the proposed amendments which appear to attempt to free the DBE and provincial education departments from some of the obligations that they had imposed on themselves (albeit under pressure from stakeholders) through the 2013 Regulations and in terms of which they could be held accountable.

Probably because the DBE and some of the provincial education departments have had a number of judgements delivered against them for failure to adhere to the Regulations, the Department, through the proposed amendments, now attempt to rid the Regulations of the specific timeframes for performance (the Regulations carry three-, seven- and ten-year timeframes). The proposal is to replace the timeframes with a vague and open-ended provision in terms of which all the norms and standards must be planned, prioritised and phased in, in line with the National Development Plan (NDP).

While we acknowledge that the National Development Plan is a commendable document, reference to the Plan does not, in our view, assist or enhance the Regulations. Which aspects of the NDP must be taken into account? On school infrastructure the Plan *inter alia* says the following:

- *Ensure that all schools meet minimum standards for infrastructure and commit to progressively upgrading each school's infrastructure to meet optimum standards.*
- *Target no-fee schools when planning infrastructure to compensate for resource deficits in communities. There should be well-equipped libraries, laboratories, computer and media centres to ensure that learners in no-fee schools have access to similar learning resources to their counterparts in less poor communities.*
- *Take learner safety into account when planning infrastructure.*

It is clear that these objectives lack specific timeframes, whereas under "Goals for Basic Education" the NDP indicates that infrastructure backlogs should be eliminated so that all schools meet the minimum standards by

2016, while by 2030, all schools should have high quality infrastructure. How is this going to be helpful in terms of the Regulations if we are almost 7 years past the envisaged date for meeting minimum standards, or does the proposed amendment only see the open-ended provisions of the NDP as the ones to be adhered to?

Another aspect of the Regulations that the proposed amendments seek to change, concerns the reporting mechanism for provincial education departments. The current Regulations identify specific areas that provincial departments need to annually report on as far as school infrastructure is concerned. The proposed amendment removes this and replaces it with a provision requiring provincial departments to annually give a detailed report on plans and progress on the implementation of the norms. Without specifics to be addressed in such a report it could become nothing more than an overview in general terms, hiding what is actually transpiring.

NAPTOSA believes that all urgency to redress school infrastructure will dissipate if the DBE is allowed to push through its proposed amendments to the Regulations, while pinning down accountability will become problematic. We will therefore raise our objections to the department's intended amendments as far as it will influence these aspects.

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EXECUTIVE DIRECTOR