

Pupils denied quality education

A way must be found for learners from poorer areas to attend well-resourced schools

COMMENT

Whitney Cele

It is not unusual for parents to lie about their place of residence to secure a better educational future for their children. The relationship between geography and racialised privilege endures, and this reality is starkly experienced every day in schools. I owe my education to the efforts of my mother, who went beyond filling out an application form to make sure I could go to one of the best schools in Durban.

This is why Equal Education was at the Constitutional Court on Thursday, May 5. We argued that school feeder zones based exclusively on proximity entrench apartheid geography and racial discrimination.

The case was sparked by a Gauteng law countering discrimination in school admissions. The law would stop schools from using information about weak academic performance or family financial difficulties, as two examples, to deny children admission. And it would enable the department to ensure a more even spread of learners by preventing schools with small class sizes or empty classrooms from declaring themselves full.

The Federation of Governing Bodies of South African Schools (Fedsas), which usually speaks for middle-class public schools, is unimpressed. It has fought the law all the way to the Constitutional Court, which was due to hand down judgment in the case today.

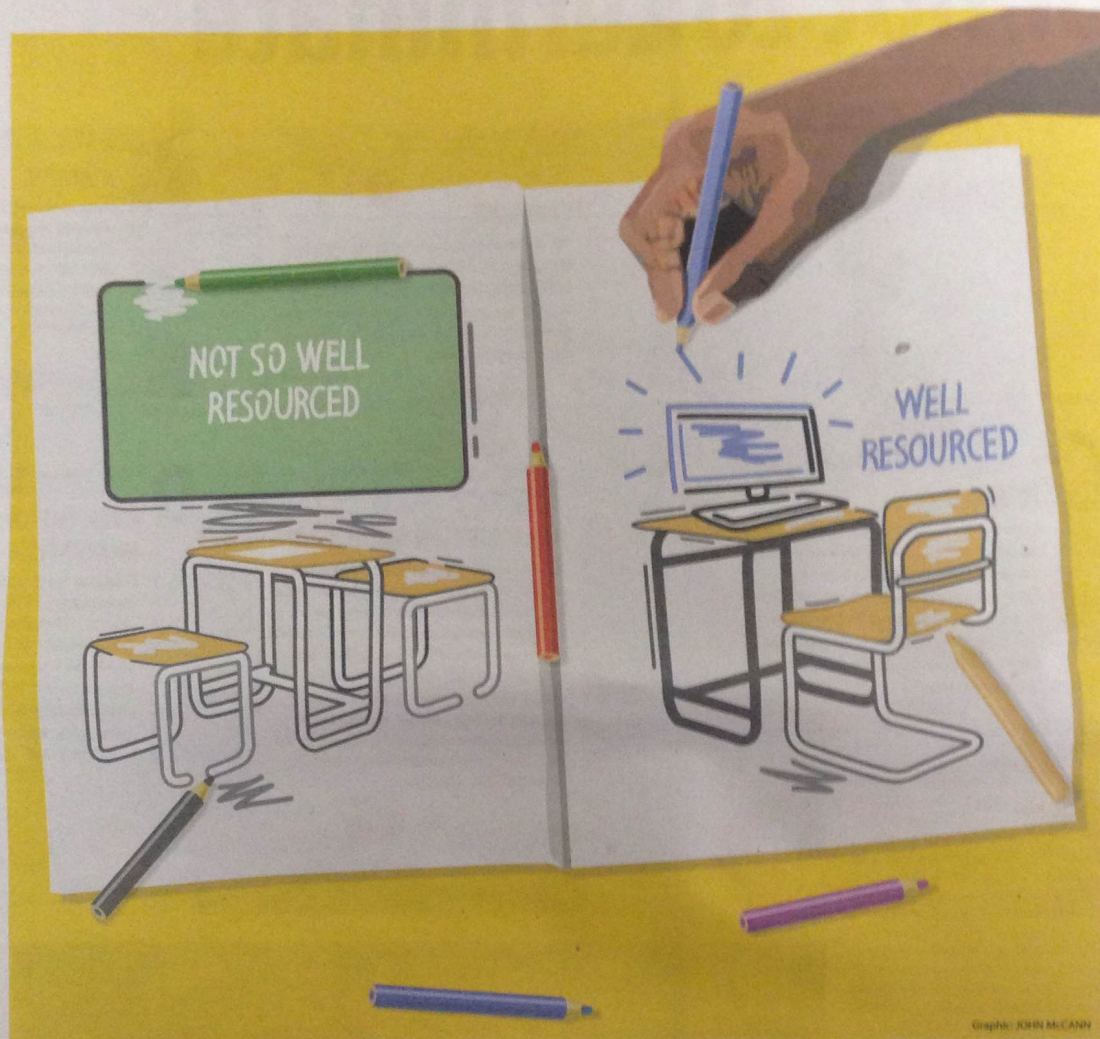
Equal Education, a social movement of high school learners and parents mainly from working-class black areas, joined the case as a friend of the court. The organisation lent support to the government's case, seeing it as necessary to prevent the abuse of public resources, because public schools are public assets and should not be used for narrow interests.

But we also wanted to push the Gauteng government further, to convince it and the court that curing inequitable access to good schools, which the government said the new law was designed to achieve, required changing the way school feeder zones work. The new law is a response to a feeder zone system that grants children access to schools based on the school's proximity to where they live.

Equal Education's submissions refocused the debate, shifting the day's arguments from technical legal points to the substantive question of enduring unequal distribution of resources in the public education system.

Where people live is still based on racial segregation and its legacy of extreme inequality. To restrict children to schools close to home is to give the Group Areas Act a reawakening in a democratic state, and to deny the possibility that our public schools become places for nation-building and social cohesion.

For example, the school closest to my home was not an option for my mother because she understood the importance of attending a well-resourced school. The apartheid legacy of geographical separation and



Graphic: JOHN MCCANN

Bantu education is evident in the facilities and opportunities afforded learners who attend former Model-C schools versus those who attend schools in townships. In a newly democratic state working towards inclusivity and equality, we had to change our residential address on the application form to secure my place at the school of our choice. This is indicative of the injustice of the social positions and class we were born into.

Counsel for the Gauteng education department argued that there are not enough well-resourced schools, and that a remedial initiative to provide wider access to those that have resources will not remedy the inferior quality of education provision in poorer areas. Equal Education is acutely aware that the most urgent priority is to raise standards in township and rural schools.

But today, two decades into democracy, that is not happening. And so the question of who gets to attend a well-resourced school is fundamental. Why shouldn't it be my siblings and me? It is understood that in a growing black middle class, there is an "adequate" number of black learners in prominent public schools. But just as racial distinctions in a new South Africa are not grounds for exclusion, geographic spacing and inherent class distinctions should not dictate admission into schools.

Education alone cannot solve

South Africa's social problems, particularly its stark racialised inequality. Public officials and intellectuals express this hope, but we understand that equal education rests upon a more equal and integrated social foundation. That is why Equal Education is supporting a campaign for affordable housing in Cape Town, and has called for better public transport and a wealth tax. But recognising that school policy shouldn't be made to remedy every injustice does not excuse it from playing a major role.

All over the world innovative policies for integrating schools are being attempted despite the sometimes fierce resistance of the privileged. Those who deny this radical shift on school admissions are arguing against redistribution and the right of the poor to go to better schools, and are hoping that piecemeal interventions will address the ever-changing rate of privilege breeding more privilege.

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The education department argued that there is no alternative to feeder zones determined purely on proximity. This is unimaginative. One possibility is to retain proximity as the primary criterion, but prescribe an equity component of each intake that would open places for children living in black areas. In India, the 2009 Right to Education Act goes much further than this, requiring private schools to have 25% of disadvantaged learners. In the United States and the United Kingdom, busing has been used with partial success, despite being subject to relentless resegregation campaigns.

In any event, a law that discriminates falls foul of the Constitution and perpetuating it is irrational. This isn't changed by the pessimistic, unproven claim that no alternative exists.

The Gauteng education department was clear in acknowledging that feeder zones based only on proximity would, in a big city like Johannesburg, entrench inequality.

A few hours after the Constitutional Court hearing, Gauteng education MEC Panyaza Lesufi made an admirable concession when he tweeted: "I fully concur with EE on this one unfortunately." In court, though, his legal team claimed that this would be temporary. The law, they argued, enables more equitable feeder zones to be custom-designed at a later date. Unfortunately the law contains no timeframe in which this

should happen, meaning that what is "temporary" and unjust may well become permanent.

How then can we be sure schools that opened up their classrooms to learners outside their feeder zones in the past do not revert to accepting only learners who reside within 5km of the school after a certain period of time?

Equality should not be a half-hearted attempt to appease a frustrated social group; it should be a concerted effort towards an equitable and balanced society that gives access to all its members, irrespective of race or class.

We have not asked the court to impose an equitable feeder zone model on the education department. The design of a system that is equitable and just will require public participation and discussions with parents and learners, including those at high-performing public schools. To prevent flight into private schools, middle-class parents must be won over by a vision of a high-quality and fair public system. But, as the court has repeatedly made clear, our Constitution holds the needs of the most vulnerable as its highest priority.

It is an immense challenge, containing all the complexity we must navigate as a society. We cannot look away from it.

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