



To: Ms Angie Motshekga
Minister of Basic Education
National Department of Basic Education
By email: Mabua.S@dbe.gov.za

And: Ms Reginah Mhaule
Deputy Minister of Basic Education
National Department of Basic Education
By email: Sattar.Z@dbe.gov.za

And: Mr Mathanzima Mveli
Director General
National Department of Basic Education
By email: Mveli.M@dbe.gov.za; Tom.N@dbe.gov.za

**RE: MAKING CLEAR AND COMPREHENSIVE PLANS BY THE DEPARTMENT OF BASIC EDUCATION
PUBLICLY AVAILABLE**

12 May 2020

Dear Minister Motshekga

1. Equal Education (EE), Equal Education Law Centre (EELC) and SECTION27 welcome the Department of Basic Education's (DBE) [announcement](#) that final plans on the phased reopening of schools will be presented publicly on Thursday 14 May.
2. Unfortunately over the last two weeks inconsistent and contradictory information has been communicated by the DBE leading to anxiety and confusion. Your scheduled briefing on 14 May 2020 presents an opportunity to clarify and provide detail on what teachers, parents and learners should expect in preparation for the resumption of schooling, as well as the implications of learners possibly being at home for an indefinite period of time.
3. It is imperative that beyond the media briefing, these plans and documents are made publicly available on the DBE's website. In addition, parents, teachers and learners must be informed, regularly, about these plans through the use of broadcast media.
4. Whilst we appreciate the urgent and extraordinary circumstances occasioned by the national state of disaster, and the particular challenges posed by the Covid-19 pandemic, we have been concerned by the evident gaps in the draft plans presented by your officials to date.
5. It bears emphasis that it has been over seven weeks since schools have been closed. Whilst there can be no doubt that the limitation on the right to basic education may be necessitated to some extent by the current national disaster and that urgent measures have been required, the DBE is required to ensure that such limitation is reasonable and justifiable in terms of the Constitution.
6. In our view, a core aspect of the DBE's constitutional obligations is to ensure that clear and comprehensive plans impacting on the rights of children are made available for public engagement and scrutiny in a timely manner.
7. Moreover, the plans presented by the DBE must at least address the following key issues, failing which the DBE's plans would be constitutionally deficient:

- 7.1. Full details of the impact of the phased reopening of schools on the National School Nutrition Program (NSNP), both for learners returning to school and learners who may have to remain at home. In this regard, it bears emphasis that undocumented learners do not currently benefit from the child support grant. The suspension of the NSNP is a regressive measure that must be fully justified.
- 7.2. The impact of the phased reopening of schools on learners with disabilities, including (a) details on the resources and support that will be provided both to learners with disabilities returning to school and learners who may have to remain at home, and (b) detailed plans regarding special school hostels.
- 7.3. Clear and time-bound plans and budget information detailing the identified need and provision of the following resources to schools, learners and educators:
 - 7.3.1. Protective Personal Equipment;
 - 7.3.2. Adequate water and sanitation facilities at schools;
 - 7.3.3. Scholar transport;
 - 7.3.4. Additional classroom space and teachers;
 - 7.3.5. Psycho-social support.
- 7.4. Clear plans detailing the implications of and measures that will be put in place to support parents, teachers and learners in circumstances where the DBE's "non-negotiables" for a school re-opening has not been met. We note that some provincial education departments have reportedly indicated that they will not have received PPE by 1 June, the provisional date for schools to reopen.
- 7.5. Clear plans detailing the resources that will be provided to learners at home (and their educators) to support teaching and learning, taking into account the prolonged impact of school closures on the right to education.

- 7.6. Clear plans detailing the implications and alternatives to be implemented in circumstances where there is a change in alert levels within or between provinces or districts on the phased reopening of schools.
- 7.7. Full details of the scientific evidence on which the DBE has relied to inform its decision-making and planning.
8. In summary, we urge the DBE to ensure that comprehensive plans for all school stakeholders are made publicly available and that those plans address the key issues raised herein in order to withstand constitutional scrutiny, and to ensure a level of confidence amongst parents, learners and teachers as to the safety of the school environment when schools reopen.

Yours sincerely,

Noncedo Madubedube

Equal Education

noncedo@equaleducation.org.za

Nurina Ally

Equal Education Law Centre

nurina@eelawcentre.org.za

Faranaaz Veriava

SECTION27

veriava@section27.org.za

