



CHAPTER 16

# TEXTBOOKS

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## KEYWORDS

Textbooks fall into the broader category of learner teacher support materials (LTSM). The national Department of Basic Education (DBE) distinguishes between these different types of LTSM as follows:

- **Textbooks:** the textbooks provided to learners for each of their learning areas contain the content of their curriculum, and exercises and practice material to assist learners in grasping that content. The purpose of the textbook is therefore to supplement what the teacher covers during class time. Learners can then work from their textbooks to process that material, by completing the activities in separate exercise books.
- **Workbooks:** unlike textbooks, workbooks contain only exercises and activities, which are designed to test learners' knowledge of the curriculum. The exercises in the workbooks are designed to mirror what learners cover during class time, and learners complete the activities in the workbooks themselves. The workbooks can therefore only be effective if learners use them together with their prescribed textbooks, so that they have the content of the curriculum contained in their textbooks and the accompanying exercises to assist in processing, consolidating and absorbing that curriculum. Learners in Grades R to 9 receive workbooks for certain learning areas. New workbooks are provided to learners in each academic year and are theirs to keep.
- **Additional LTSM for mathematics and physical science:** in addition to textbooks and workbooks provided to learners, the national Department of Basic Education ("DBE") provides additional learning materials for physical science and mathematics. These are sometimes referred to as the 'Siyavula books'. The Siyavula books are not intended to replace textbooks and workbooks, but rather to supplement the LTSM learners receive in these particularly challenging learning areas.

LTSM also includes stationery, which is necessary for the teaching and learning process. The provision of stationery, however, is beyond the scope of this chapter.

The LTSM provided to learners is closely related to the school curriculum, and the textbooks and workbooks they receive must ensure that by the end of the academic year, they understand the content of the curriculum and are able to apply it.

The lifespan of a textbook is five years. This means that learners must return their textbooks to their schools at the end of each academic year, and the textbooks will then be provided to the incoming class in the following academic year. The provincial education departments do not provide new textbooks for each learner every year.

However, if there are not enough textbooks for each learner to have their own book for each learning area, the relevant provincial education department must deliver as many textbooks as are required. For example, if books are lost or damaged or if there is an increase in learner enrolment at a particular school, the provincial education department must deliver the number of textbooks necessary to ensure that every learner has his or her own textbook for every learning area.

The National DBE refers to these textbooks as 'top-up' textbooks, meaning that although many learners already have their prescribed LTSM, the provincial education department must deliver additional books to match the number of learners at the school.



## INTRODUCTION

The inclusion in our Constitution of the right to basic education is critical in allowing our children to unlock their full potential, and is therefore an important vehicle for the achievement of equality in our society. But what exactly is a basic education? What does the right include?

In short, there is no one catch-all aspect of basic education that renders all other components meaningless. Rather, realisation of the right to basic education requires a basketful of different elements. In this chapter, we discuss the importance of one of these key elements: textbooks.

Nic Spaull, an Associate Professor in the Economics Department at Stellenbosch University and a well-known education researcher, has described the importance of textbooks as follows:

Textbooks are a fundamental resource to both teachers and learners. Teachers

can use textbooks for lesson-planning purposes, as a source of exercises and examples, and also as a measure of curriculum coverage. Learners can use textbooks to 'read-ahead' if they have sufficiently mastered the current topic, preventing gifted learners from being held back. Textbooks can, to a certain extent, also mitigate the effect of a bad teacher since they facilitate independent learning.

He continues:

Given that the reading-performance gains to reading textbooks are only evident when learners either have their own textbook or share with not more than one other, policy should focus on ensuring that no learner

need share with more than one learner. Given the well-defined and relatively low cost of this policy option, it would seem that providing reading textbooks where they are in short supply – particularly in poor schools – is the low-hanging fruit of the South African primary education system.

The Supreme Court of Appeal has held that every learner is entitled to his or her own textbook for every learning area. The focus of this chapter is on the circumstances leading up to this finding, and on its implications. We also consider how this right may be realised for learners with visual impairments.

# LAW AND POLICY

The right to textbooks forms part of the broader right to basic education as guaranteed by Section 29(1)(a) of the Constitution. This broad provision does not specify exactly what the right to basic education entails, but our courts have clarified (in the judgments we discuss below) that textbooks are a core component of the right. In other words, a failure by the state to ensure that every learner has all of their prescribed textbooks is in breach of the right.

## SOUTH AFRICAN SCHOOLS ACT

The South African Schools Act 84 of 1996 sets out general obligations in the delivery of the right to education. These obligations are divided between:

- The National DBE, which sets policies
- The provincial education departments, which are responsible for the implementation of these policies
- The school principal, who is the representative of the provincial education department in each school
- The school governing body, which is akin to a mini-government in each school and is responsible for promoting and protecting the best interests of the community in which the school is situated.

We discuss the relationship between these different actors elsewhere in this book.

For the purposes of discussing textbooks, the following provisions of the Schools Act are relevant:

- Section 5A requires the national Minister of Basic Education to prescribe norms and standards for the provision of learning and

teaching support material. This includes the provision of stationery and supplies, learning material, teaching material and equipment, apparatus for science, technology, life science and mathematics, electronic equipment, and school furniture and other school equipment.

- The Member of the Executive Council responsible for education in each province is responsible for the delivery of basic education in each province within these norms and standards, among others. This includes the provision of sufficient funding to each school to cover its day-to-day expenses, including some of the materials referred to in Section 5A of the Schools Act. It also includes the obligation to procure and deliver textbooks for all learners attending public school in the province, unless that power has been conferred on the school governing body as discussed below.
- As its name suggests, the school governing body (SGB) is responsible for the governance of the school. The school governing body's powers generally extend to the adoption of

codes of conduct, an admission policy and a language policy for the school. Section 21 of the Schools Act allows the head of the provincial education department to confer additional powers on the school governing body, including the power to purchase textbooks, educational materials and equipment for the school. If the school governing body has the necessary capacity, the provincial education department will provide the necessary funds to the school governing body to arrange the procurement and delivery of textbooks rather than performing the function itself.

These roles and responsibilities are slightly different in the case of the production and provision of Braille textbooks for learners with visual impairments. To accommodate the needs of these learners, the prescribed textbooks must be converted to Braille, and the content adapted to the extent necessary. For example, a diagram or map in a textbook cannot simply be 'translated' into Braille and must instead be described in words to learners with visual impairments, to provide them

with the same level of understanding as learners using ordinary textbooks.

The production of the first copy of each Braille textbook, referred to as the 'master copy', is the responsibility of the National DBE. Once the necessary master copies are produced, each provincial education department will either procure the necessary copies of the Braille textbooks and distribute these to the learners with visual impairments, or allocate funds to schools for the blind, who then procure the necessary textbooks themselves.

## DRAFT LTSM POLICY

In 2014, the National DBE published the Draft National Policy for the Provision and Management of Learning and Teaching Support Material ("Draft LTSM Policy"). Its purpose is to guide the provision and management of all LTSM, including textbooks.

The draft policy makes a distinction between core learning materials and supplementary learning materials, defining each as follows:

- **Core LTSM** refers to the category of LTSM that is central to teaching the

entire curriculum of a subject for a Grade. Generally, this would comprise a textbook/learner book, workbook and teacher guide. For the Foundation and Intermediate Phases, this includes graded readers. In the Intermediate Phase, this includes a core reader for the teaching of literature. In the Senior Phase this includes a core reader and a novel for the teaching of literature. For Further Education and Training this includes set works. These are to be procured centrally by each provincial education department.

- **Supplementary LTSM** refers to LTSM in addition to the core LTSM, is generally used to enhance a specific part of the curriculum. Examples include a geography atlas, dictionaries, Science, Technology, Mathematics, Biology apparatus, electronic/technical equipment etc. These will be procured by individual schools.

The basis of the draft policy is 'universal provision', which it defines as one textbook per learner per subject. Inclusive education is expressly included in the objective of universal provision, and so the draft



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policy contemplates that visually impaired learners, like sighted learners, will also receive their own textbooks for every subject, but in Braille format. The draft policy therefore aims to achieve complete access to diverse and good-quality LTSM. It does so through two avenues: supply of new textbooks by the provincial education department, and retention of textbooks from year to year by individual schools.

To achieve the best-quality materials at the lowest cost, the draft policy supports decentralised development and centralised procurement. In other words, LTSM will be developed from a broad range of sources, to ensure a high quality of materials. However, procurement will take place centrally at provincial level – rather than through individual schools – because this would be more cost-effective. In the case of Braille textbooks, the policy of decentralised development is not practical, because of the limited number of Braille production houses able to produce master copies of textbooks

At the time of writing this chapter, the draft policy had not been finalised. It is not clear whether and when it will be made final.



## RELEVANT CASE LAW

In 2012, the DBE introduced the CAPS curriculum. CAPS stands for Curriculum and Assessment Policy Statements. It replaced the previous Revised National Curriculum Statements (RNCS).

Because the curriculum had changed, the provincial education departments were required to provide new textbooks which covered the new curriculum. In addition, the CAPS curriculum was also aimed at increasing learners' use of textbooks, so that they could rely less on teachers in circumstances of poor content knowledge, poor communication, and poor school conditions including overcrowding.

To avoid having to provide new textbooks to every learner in the country at the same time, the National DBE introduced the CAPS curriculum over a period of three years:

- It was introduced to learners in Grades R, 1, 2, 3 and 10 in 2012
- It was introduced to learners in Grades 4, 5, 6 and 11 in 2013, and
- Finally, it was introduced to learners in Grades 7, 8, 9 and 12 in 2014.

In 2012, however, learners in Limpopo were not provided with any CAPS textbooks. It emerged that for various reasons, the provincial education

department had never ordered CAPS textbooks from publishers.

Following several broken promises by both the DBE and the provincial education department to urgently procure textbooks, SECTION27, together with the principal of a secondary school in Giyani and the parents of learners at a primary school in Thohoyandou, approached the Pretoria High Court to compel the DBE and the provincial education department to deliver textbooks. They also sought the development and implementation of a catch-up plan for Grade 10 learners, which would involve extra teaching time to make up for the lost teaching time for the period during which learners did not have access to their prescribed textbooks.

The matter came before Judge Jody Kollapen in the High Court. In granting the relief sought by the applicants, Judge Kollapen held that:

[T]he provision of learner support material in the form of textbooks, as may be prescribed, is an essential component of the right to basic education and its provision is inextricably linked to the fulfilment of

the right. In fact, it is difficult to conceive, even with the best of intentions, how the right to basic education can be given effect to in the absence of textbooks.

Judge Kollapen concluded on this basis that the failure by the National DBE and the provincial education department to provide textbooks was a violation of learners' right to basic education. He ordered the DBE and the provincial education department to deliver all textbooks by no later than 15 June 2012, and to develop and implement a catch-up plan for Grade 10 learners.

Although the DBE and the provincial education department delivered some textbooks to learners in Grades 1, 2, 3 and 10, they persisted in their failure to ensure that every learner had their own textbook for every learning area. The reports of substantial textbook shortages that SECTION27 continued to receive from schools, parents and learners, however, were inconsistent with reports from the DBE that it had achieved 99 percent delivery by 28 June 2012.

To reconcile these differences, the parties appointed a verification team, led by Prof Mary Metcalfe, to assess the state of textbook delivery as of 28 June 2012. The verification team found that, out of a sample of 10 percent of the schools in Limpopo, 22.1 percent had not received all of their textbooks by 11 July 2012.

Despite demands for a thorough audit of textbook delivery across all schools in Limpopo, and urgent delivery of all outstanding textbooks, there was little to no improvement in textbook delivery following the verification report.

The applicants who had brought the first textbooks case therefore approached the Pretoria High Court again, seeking an order compelling complete delivery of all outstanding textbooks for 2012. They also sought an order compelling complete textbook delivery for 2013 (in which year the CAPS curriculum would be introduced to grades 4, 5, 6 and 11) by 15 December 2012.

The Court confirmed that every learner is entitled to his or her own textbook for every learning area. While the extent of the

non-delivery of textbooks was not clear, what was clear was that the National DBE and the provincial education departments had failed to provide each learner with all of his or her prescribed textbooks.

This judgment was therefore an important step in defining the right to textbooks as a right that accrues to each individual learner. This was an important stepping-stone for what followed.

### BASIC EDUCATION FOR ALL & OTHERS V MINISTER OF BASIC EDUCATION & OTHERS

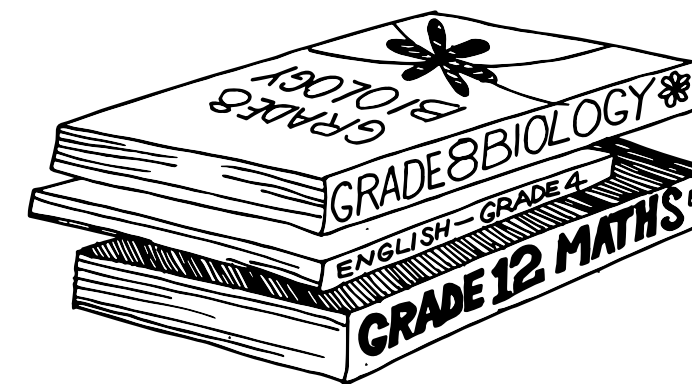
By 2014, the problems with textbook procurement and delivery had still not been resolved. Although textbook delivery had improved, there were still widespread reports of significant shortages across Limpopo. Although the schools concerned had reported their shortages to the National DBE and the provincial education department, no remedial action had been taken.

Basic Education for All (BEFA), a community-based organisation that

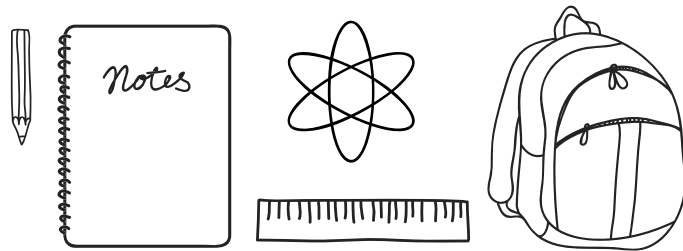
had formed in response to the 2012 textbooks crisis, together with 18 schools that had not received all of their textbooks, therefore approached the Pretoria High Court once more to compel textbook delivery.

There were textbook shortages across all grades – all of which, at that stage, had started the CAPS curriculum. What this means is that the shortages arose from a failure to deliver all of the required textbooks in 2012, 2013 and 2014.

The National DBE and the provincial education department raised two primary defences: first, that they had insufficient funds to purchase all of the required textbooks; and second, that the principals of schools in Limpopo had failed to follow the prescribed procedures for reporting shortages. Even though they knew about the shortages, therefore, the departments argued that the principals' failure to report them in line with the rigid processes for reporting excused them from acting on these reports and delivering the outstanding textbooks.







The Court held that the question of whether there was a violation of rights 'does not really seem to me to be controversial any more'. The starting point of the judgment was therefore that 'the Constitution requires that every learner have every textbook that he or she requires before the teacher begins with that part of the curriculum to which the textbook relates. That usually, if not always, means that all the textbooks must be available to all the learners on the first day of the academic year'.

On the importance of textbooks in the realisation of the right to education, the Court held that "[b]ooks are the essential tools, even weapons, of free people". The Court continued:

It is argued by the [department of education] that the teacher can fulfil the functions of a textbook. This is of course true up to a point. But again the resources are complementary. What a teacher tells her class is ephemeral and subject to the perceptions, preconceptions and world view of the individual teacher. An inattentive pupil may miss entirely what the teacher is saying, with no way of retrieving the information being imparted. Notes prepared by teachers will vary in quality from one individual to another. The absence of textbooks places an additional workload on the teacher. And there is evidence before me that in some schools in Limpopo, there are no copying facilities.

Turning to the individual right of every learner to all of his or her textbooks, the Court held as follows:

The delivery of textbooks to certain learners but not others cannot constitute fulfilment of the right. Section 29(1)(a) confers the right of a basic education to everyone. If there is one learner who is not timeously provided with her textbooks, her right has been infringed. It is of no moment at this level of the enquiry that all the other learners have been given their books.

The effect of this judgment is that as long there is even one learner without all the prescribed textbooks, the state is in breach of its constitutional obligations.

The National DBE and the provincial education department appealed to the Supreme Court of Appeal. Their argument on appeal was that even if they did not provide every learner with each of their prescribed textbooks for each academic year, this would not be in breach of the right to basic education. In other words, they argued that if the court imposed on them a legal obligation to provide every learner with their own textbooks, this would create a standard of perfection that would be impossible for them to meet. The National DBE and the provincial education department argued that they were doing their best to ensure complete textbook delivery, and that circumstances beyond their control had rendered this impossible.

The Supreme Court of Appeal rejected the argument made by the National DBE and the provincial education department that they could not be expected to deliver a complete set of

prescribed textbooks to every learner before the start of the academic year. In doing so the Court stated the following:

The truth is that the DBE's management plan was inadequate and its logistical ability woeful. One would have expected proper planning before the implementation of the new curriculum. This does not appear to have occurred. The DBE also had a three-year implementation period during which it could have conducted proper budgetary planning, perfected its database, and ensured accuracy in procurement and efficiency in delivery. It achieved exactly the opposite and blamed all and sundry.

The Court confirmed that the failure to provide textbooks was a violation of the right to education, particularly in the case of vulnerable children living in rural areas. The Court also set out in detail why this failure constitutes unfair discrimination:

Clearly, learners who do not have textbooks are adversely affected. Why should they suffer the indignity of having to borrow from neighbouring schools or copy from a blackboard, which cannot, in any event, be used to write the totality of the content of the relevant part of the textbook? Why should [poverty-stricken] schools and learners have to be put to the expense of having to photocopy from the books of other schools? Why should some learners be able to work from textbooks at home and others not? There can be no doubt that those without textbooks are being unlawfully discriminated against.

These decisions have made it clear that every learner is entitled to a

textbook for every learning area. To the extent that the state does not meet this obligation, it is in breach of the right to basic education, as well as the right against unfair discrimination.

#### LITIGATION TO COMPEL THE PRODUCTION AND DELIVERY OF BRAILLE TEXTBOOKS

Although the decisions discussed above led to improvements in the delivery of textbooks, particularly in Limpopo, learners with visual impairments remained, for the most part, without any Braille textbooks to support their learning.

The Supreme Court of Appeal confirmed in its November 2015 judgment that every learner is entitled to his or her own textbook for every learning area. A failure by the National DBE and the provincial education departments to provide textbooks in line with this standard is therefore a violation of the right to education.

Section 9 of the Constitution further prohibits unfair discrimination on the grounds of disability, and requires the state to take positive steps to promote the achievement of equality through steps designed to advance persons (or groups of persons) disadvantaged by unfair discrimination. This includes people with disabilities.

In 2017, therefore, the South African National Council for the Blind, the South

African Braille Authority and three schools for the blind launched an application out of the Pretoria High Court for an order compelling the production and delivery of Braille textbooks to all visually impaired learners. The respondents in the application were the National DBE and all of the provincial education departments.

The parties settled the matter out of court, on the basis of their agreement that all visually impaired learners are entitled to their own textbooks for every learning area at the start of the academic year, in line with their rights to basic education, equality and dignity. The terms agreed by the parties included the following:

- An audit by the respondents of schools for the blind and full-service schools to establish the number of learners requiring Braille textbooks, the Braille textbooks required and the extent to which the required textbooks were available to learners. The audit also included an audit of the Braille production facilities available to each school for the purpose of printing class notes and worksheets.
- The immediate production and delivery of Braille textbooks in respect of which master copies already existed.
- The production of master copies of textbooks in English and Afrikaans within six months of signature of the settlement agreement, and the delivery of copies of these textbooks to learners within three months thereafter.

- The production of master copies of textbooks in African languages within eighteen months of signature of the settlement agreement, and the delivery of copies of these textbooks to learners within three months thereafter. This longer time period for master copies of textbooks in African languages was based on limited capacity to produce these textbooks, as well as the high volume of textbooks that was to be produced.
- Ongoing engagement by the state with all stakeholders through a Braille Advisory Committee to ensure that the educational needs of learners with visual impairments, including the availability of Braille textbooks, could be appropriately identified and addressed.

Although this settlement agreement has led to substantial improvements in the production, procurement and delivery of Braille textbooks, the production of master copies of Braille textbooks, specifically those in African languages, is extremely slow. One of the reasons for this is that there is very limited capacity to produce these master copies. The state, however, is obliged in terms of the rights to basic education, equality and dignity to develop this capacity and to ensure that all textbooks required by learners are made available to them. This is therefore an area that requires ongoing monitoring.

# LEGAL AND PHILOSOPHICAL DEBATES

## ELECTRONIC RESOURCES AND THE RIGHT TO EDUCATION

Some provincial education departments have started to introduce electronic resources – such as laptops and tablets – into schools. For example, in 2015, the MEC for Education in Gauteng, Panyaza Lesufi, piloted the use of tablets in seven township schools in Gauteng.

In the 2016 State of the Province Address, Lesufi confirmed his commitment to ensuring increased access to electronic resources in Gauteng.

While it is important to keep up with technological advances, electronic resources cannot be seen as a replacement for more traditional LTSM, particularly given the following considerations:

- Many schools do not have reliable and uninterrupted access to electricity, particularly in the rural areas
- Even fewer schools have reliable access to the internet
- There is a misconception that electronic resources can replace hard-copy textbooks and workbooks for learners and teachers with visual impairments. However, the experts on education for visually impaired learners agree that these cannot effectively replace Braille materials. Learners must be provided with Braille materials over and above any electronic resources.
- Adequate teacher training, so that teachers can use these resources effectively, must accompany the use of technology.

While the use of technology is a positive move, it cannot on its own improve the quality of basic education. These additional considerations must be addressed as well.

This debate has become particularly pertinent in the context of the COVID-19 pandemic, which has forced learners to attend lessons online rather than in class due to school closures to manage the spread of COVID-19. While on the surface this appears to be a positive move towards mitigating any interruptions in teaching and learning, the reality is that an estimated 70 percent of learners do not have access to the tools and infrastructure necessary for online learning. The implementation of online learning must ensure that all learners have access to a working laptop or tablet, as well as a reliable electricity supply and internet connection.

As a result, while online learning may be intended to improve both access to and the quality of basic education, the move to online learning – without additional support and resources made available to learners who do not have the necessary tools and infrastructure – may well have the effect of further entrenching the marginalisation of poor learners in rural areas. In other words, unless positive steps are taken to ensure that learners have equal and sufficient access to the resources and support that they need for online learning, the inequalities that exist in access to and the quality of basic education will only worsen.

## INTELLECTUAL PROPERTY RIGHTS AND ACCESS TO TEXTBOOKS

The Copyright Act 98 of 1978 confers on copyright holders a near-exclusive right to control the production, publication, performance, broadcast, transmission and adaptation of their works. As a result, those with visual impairments who require accessible versions of books – such as Braille, large-print or audio copies of these books – require authorisation from the authors of such books to gain such access. This restriction applies to all books, including textbooks.

The effect of the Copyright Act as it stands therefore is that people with visual impairments cannot access the same reading materials as those who are able to access the print versions of these materials. This deepens the discrimination against an already marginalised and vulnerable group. The effect on visually impaired learners in particular is that it becomes even more difficult for them to access their prescribed textbooks, despite a clear entitlement to these textbooks as discussed above. It is also inconsistent with the South African Government's international obligations arising from the United Nations Convention on the Rights of People with Disabilities, which requires that the government take positive steps to remove barriers for people with disabilities. In addition, the Marrakesh Treaty to Facilitate Access to Published Works to Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled

("Marrakesh Treaty") obliges state parties to facilitate access to printed works for visually impaired persons. While the South African Government has not yet signed the Marrakesh Treaty at the time of publication of this book, it has indicated its intention to do so.

In 2021, Blind SA, represented by SECTION27, approached the Pretoria High Court for an order declaring the Copyright Act unconstitutional to the extent that it limits and/or prevents persons with visual and print disabilities from accessing works under copyright that persons without such disabilities are able to access, and to the extent that it does not include provisions designed to ensure that visually impaired persons are able to access works under copyright in the manner contemplated by the Marrakesh Treaty. This hearing entailed requiring that persons with visual and print disabilities are exempted from the copyright protections in the relevant copyright legislation. Nonetheless, Blind SA and SECTION27 together with a host of other organisations are therefore simultaneously advocating for the passing of the Copyright Amendment Bill (CAB), which seeks to give effect to the Marrakesh Treaty. Thus far there have been several delays in the passing of the CAB, due to objections in respect of the CAB from the publishing industry lobby.

However, a significant victory was achieved in the *Blind SA v Minister of Trade and Industry and Competition* case whereby the High Court declared the Copyright Act invalid and unconstitutional for violating the rights of people who are blind or visually impaired. Further, the ruling requires that section 19D of the CAB

be read in the current Act so that people with disabilities are granted an exception to copyright so that they can convert published works into accessible formats. This court order will have a significant impact on equal access to books and other reading materials, including textbooks, for learners with visual impairments, and signals an important step towards the CAB being passed. Blind SA has approached the Constitutional Court to have the High Court order confirmed. At the time of publication of this book, this application had not yet been heard.

## SYSTEMS FOR REPORTING TEXTBOOK SHORTAGES

While many of the provincial education departments have systems in place for reporting textbook shortages, these systems are often inadequate. They prescribe rigid procedures that are difficult to follow.

For example, many provinces rely on reports sent via fax or e-mail. Access to these resources is extremely limited, particularly in the rural areas. In addition, the system allows only teachers or school principals to report shortages. This means learners have to rely on the staff at their schools to secure this essential learning tool, and are unable to report these shortages themselves. This is insufficient for ensuring that the needs of these learners are met.

Systems to report shortages must be flexible, and must take account of the schools' actual access to resources. In addition, there must be a way for learners to report textbook shortages directly.

## HOW TO REPORT TEXTBOOK SHORTAGES

If you have textbook shortages at your school, report them to SECTION27 by calling 011 356 4100. You can also call, or send an sms or a WhatsApp to 060 754 0751 or 067 419 6841. Alternatively, you can send an email to [adviceoffice@section27.org.za](mailto:adviceoffice@section27.org.za).



### THE LINK BETWEEN SCHOOL INFRASTRUCTURE AND LTSM

It is clear that there is not one single component of the right to education – without all of the other components being provided – that will ensure that learners receive a quality basic education. Each and every part of basic education discussed in this book is critical to ensuring that learners' rights to basic education are realised.

There is a close relationship between school infrastructure and access to textbooks. School infrastructure affects textbook procurement, delivery and storage. Consider the following examples:

- A number of rural schools are located in areas that are difficult to access by road. Where the roads are not tarred, or are in poor condition, they become even more difficult to use during heavy rains. Trucks delivering textbooks may not be able to get to all of these schools. This also means

that officials from the district and circuit offices of the department of education cannot easily access schools to communicate with them, monitor textbook delivery, and address any problems that may arise.

- Where schools have not been provided with appropriate infrastructure, they often use makeshift structures for classrooms and storage to protect them from the elements, such as rain, sun and wind. But these don't always provide appropriate storage space. At the end of 2012, while there was an improvement in textbook delivery for the 2013 school year, many schools did not have appropriate spaces to store their textbooks during the rainy holiday season. A large number of books were destroyed after floods in Limpopo, because of the inadequate infrastructure at these schools.
- The methods adopted by the provincial education departments for

reporting textbook shortages rely on good communication infrastructure. Schools are required to fax or e-mail forms indicating their shortages, or to phone a hotline to record their book shortages. The reality, however, is that the communication infrastructure at schools may render this impossible. During her verification process, Metcalfe found that in 2009/10, 2.7 percent of schools in Limpopo had an e-mail address, 23.6 percent had a fax machine, and 28.4 percent had a landline. In other words, only a very small number of schools would be able to report their textbook shortages through the prescribed methods.

This illustrates the close relationship between all of the elements of basic education. Until all of these elements are provided, the state will not have met its obligations under Section 29 of the Constitution.

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### CASES

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### INTERNATIONAL AND REGIONAL INSTRUMENTS

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### FURTHER READING

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