

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 1483.

DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 28/03/2025

INTERNAL QUESTION PAPER: 13/2025

1483. Ms S Gcilishe (EFF) to ask the Minister of Basic Education: to ask the Minister of Basic Education:

Considering the ongoing debate on the Basic Education Laws Amendment Act, Act 32 of 2024, what specific strategies has her department established to ensure the Act's implementation directly tackles educational disparities, especially in historically marginalised schools?

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 1483.

Response

The President has, in terms of section 54 of the Basic Education Laws Amendment Act, 2024 (Act No. 32 of 2024) (BELA Act), proclaimed 24 December 2024 as the commencement date of the BELA Act (Proclamation Notice 237 of 2024 in Government Gazette 51836). Consequently, all amendments to the South African Schools Act and the Employment of Educators Act introduced by the BELA Act have come into full legal effect and must be implemented accordingly.

To ensure that the amendments to the South African Schools Act and the Employment of Educators Act introduced by the BELA Act contribute meaningfully toward addressing educational disparities — particularly in historically marginalised schools — the Department of Basic Education (DBE) has prioritised a strategic implementation approach guided by equity, consistency and the best interests of all learners.

Key strategies include:

1. Capacity-Building and Training

In the 2024 school year, the DBE completed targeted training of officials in Provincial Education Departments (PEDs) and education districts whose work is directly impacted by the amendments. These trained officials have, since the start of the 2025 school year, been supporting school principals and School Governing Bodies (SGBs) to ensure that the amendments are applied consistently across the country, including in under-resourced and rural areas.

2. Targeted Coordination Across All Levels

The DBE has structured implementation responsibilities across relevant units at both provincial and district levels. Each unit is aligned with specific aspects of the amended legislation that are relevant to its operational mandate, with a focus on improving oversight, compliance and support in the most disadvantaged areas. This ensures that implementation efforts consider local realities and the existing disparities between schools.

3. Development of National Regulations, Norms and Standards and Policies

To further ensure that the South African Schools Act and the Employment of Educators Act, both as amended by the BELA Act, are implemented properly in the best interests of learners, the DBE has embarked on an ambitious drive to develop and introduce national policy, national norms and standards and national regulations that will enable and empower all partners in basic education – including the National Government, Provincial Education

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 1483.

Departments and public schools represented through their School Governing Bodies – to give meaningful effect to this important piece of legislation. These are being developed with a clear focus on ensuring equity in resourcing, governance and compliance. The DBE is on track to publish these documents for public comment by the end of June 2025.

It must be noted, however, that the development and introduction of the required national regulations, norms and standards and policy does not in any way delay implementation of the amendments to the South African Schools Act and the Employment of Educators Act introduced by the BELA Act (which amendments came into force and effect on 24 December 2024).

Introducing a new suite of regulations, norms and standards and policy for implementation should as far as possible be undertaken at the beginning of a school year so as not to disrupt existing operations at a provincial level and at a school level during a school year. Therefore, the introduction of the national regulations, norms and standards and policy required to support implementation of the South African Schools Act and the Employment of Educators Act, both as amended by the BELA Act, will not occur during the 2025 school year. The DBE will, however, work tirelessly towards these being introduced in time for the start of the 2026 school year.

4. Interim Guidelines for Timeous, Consistent and Lawful Implementation

It must be appreciated that requiring the immediate implementation of a new but wide-reaching piece of legislation like the BELA Act (which, as indicated, amends the South African Schools Act and the Employment of Educators Act) days before the start of a new school year requires all key stakeholders in the basic education sector to have clarity on what is expected of them to give practical and meaningful effect to that legislation.

To this end, various stakeholders have expressed an urgent need for interim guidance on how to give effect to certain amendments to the South African Schools Act and the Employment of Educators Act introduced by the BELA Act pending the development and introduction of national regulations, norms and standards and policy. This need has been expressed by various stakeholders in different ways, including via correspondence, in the media, at statutory meetings, through parliamentary engagements and as part of public dialogues and campaigns.

Pending the development of the required national regulations, norms and standards and policy, it is therefore necessary to develop and issue non-binding

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 1483.

guidelines to support education departments, public schools and parents in giving meaningful and consistent effect to the amendments to the South African Schools Act and the Employment of Educators Act introduced by the BELA Act.

In response to stakeholder requests for clarity and in anticipation of national regulations, the Ministry of Basic Education, with support from the DBE and in line with inputs from the sector and the Office of the Chief State Law Advisor, has developed a set of non-binding guidelines that offer interim guidance on how to give immediate effect to certain of the amendments meaningfully, consistently and in line with applicable constitutional values and applicable basic education and administrative laws. These guidelines have been developed with a clear focus on ensuring equity in resourcing, governance and compliance and will be made available for use by the sector in due course.

5. Infrastructure and Resourcing Support

In support of public school in historically marginalised communities, the DBE is aligning implementation of the amendments to the South African Schools Act with its broader infrastructure and equity strategies, including:

- Monitoring and support of PEDs in ensuring greater access to quality public school infrastructure;
- The review of the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure, to include stronger accountability provisions;
- Completing implementation of the Sanitation Appropriate for Education (SAFE) programme; and
- A budget bid through the Budget Facility for Infrastructure (BFI) to support provinces in eradicating backlogs related to overcrowding, sanitation and unsafe school environments, particularly in disadvantaged communities.

6. Monitoring and Support

The DBE continues to monitor implementation of the amendments to the South African Schools Act and the Employment of Educators Act introduced by the BELA Act by all relevant stakeholders and will provide support where actions threaten to undermine the equitable application of, or contravene, these Acts.

7. Compulsory Grade R

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 1483.

The South African Schools Act, as amended by the BELA Act, requires the roll-out of Grade R as compulsory part of basic education, ensuring that all children begin their formal education earlier. This aims to provide a strong educational foundation, especially benefiting learners in underprivileged areas by enhancing early learning and readiness for subsequent schooling.

The implementation of the amendments to the South African Schools Act and the Employment of Educators Act introduced by the BELA Act must always have the best interests of all 13.5 million learners at its centre.