

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5039.

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5039. Ms N R Mashabela (EFF) to ask the Minister of Basic Education:

(a) What steps has her department taken to ensure the effective implementation of the regulations of the Basic Education Laws Amendment Act, Act 32 of 2024, (b) how will progress and challenges be reported back to Parliament, (c) what safeguards will prevent infringement on school autonomy while upholding national education priorities, (d) how were (i) concerns and (ii) feedback from school governing bodies (SGBs) and organisations and institutions (details furnished) addressed, (e) what measures will ensure that (i) the members of SGBs and (ii) schools are capacitated to carry out governance, compliance and oversight responsibilities and (f) what measures (details furnished) have been set to support equitable implementation across both well-resourced and under-resourced schools, including in relation to language and admission policies?

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Response

(a) The Department of Basic Education (DBE) has put in place a comprehensive programme to implement the Basic Education Laws Amendment Act, 2024 (BELA Act). Training has been conducted with national, provincial and district officials to ensure a uniform understanding of the new provisions. Schools and School Governing Bodies (SGBs) are being supported to review or adopt the policies required by the BELA Act, with technical guidance provided where new obligations apply.

Further to the above, the development of regulations to support implementation of the BELA Act are at an advanced stage and will continue to be prioritised by the DBE. To date, two sets of draft regulations have been published for public comment, namely the regulations on admissions and capacity. It must be noted that the BELA Act commenced in full on 24 December 2024 and its implementation is not contingent upon regulations.

(b) Progress and challenges will continue to be reported to Parliament primarily through the Portfolio Committee on Basic Education on a regular basis or as and when ad hoc parliamentary requests are received.

(c) The BELA Act itself, read with the Promotion of Administrative Justice Act (PAJA), provides safeguards that balance administrative powers and functions and school autonomy with national education priorities. These Acts set out parameters for the interaction between the DBE, Provincial Education Departments and schools. The BELA Act, read with the PAJA, incorporates consultative, appeal and dispute-resolution mechanisms required to facilitate fair, reasonable, rational and transparent processes.

To support the sector to give meaningful effect to the BELA Act, read with the PAJA, pending the development of regulations, the Minister issued non-binding guidelines that provide clarity on how various sections of the BELA Act should be implemented in a manner that is consistent with the administrative justice requirements set out in section 33 of the Constitution of the Republic of South Africa and the PAJA.

(d) Concerns and feedback from SGBs, education stakeholders, and community organisations were addressed primarily through provincial and district engagements. These processes allowed for school-specific concerns to be managed directly at the

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local level, with support provided to ensure that the feedback was incorporated into implementation measures where appropriate.

(e) To ensure that SGB members and schools are capacitated to fulfil their governance, compliance and oversight responsibilities, Provincial Education Departments have developed training programmes focusing on the content and requirements of the BELA Act. District officials are responsible for monitoring the implementation of these programmes, providing ongoing support, and ensuring compliance. Cases of non-compliance will be addressed progressively, starting with direct engagement with affected schools and escalating, where necessary, to intervention by the Head of Department, as provided for in the BELA Act.

(f) To support equitable implementation across schools with different resource levels, targeted assistance is being provided to under-resourced public schools, including guidance on revising language and admission policies. While some public schools will require minimal adjustments, others are receiving direct consultation and structured support to ensure compliance. The DBE's approach emphasises equity, fairness and consistency, with the best interests of learners at the centre of implementation.