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## GENERAL NOTICE

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### NOTICE 6 OF 2013

#### DEPARTMENT OF BASIC EDUCATION SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)

#### CALL FOR COMMENTS ON REGULATIONS RELATING TO MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE

I, Angelina Matsie Motshekga, Minister of Basic Education, acting in terms of section 5A(1)(a) of the South Africa Schools Act, 1996, and after consultation with the Minister of Finance and the Council of Education Ministers, intend making the Regulations set out in the Schedule.

All interested persons and organisations are invited to comment on the Regulations, in writing, and to direct their comments to –

The Director-General, Private Bag X895, Pretoria, 0001, for attention: Mr C Ledwaba, tel. 012 357 3719, email [ledwaba.c@dbe.gov.za](mailto:ledwaba.c@dbe.gov.za), fax 012 323 9430.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments.

The comments must reach the Department by 15 March 2013.

  
ANGELINA MATSIE MOTSHEKGA, MP

MINISTER OF BASIC EDUCATION

DATE: 02. 01. 2013

## **SCHEDULE**

### **PREAMBLE**

WHEREAS as a result of the painful legacy of apartheid South Africa has suffered an uneven development and the disparities continue to be reflected in the provisioning of infrastructure for schools;

AND WHEREAS the state continues to provided infrastructure, water, sanitation and electricity to the majority of schools that were previously disadvantaged and all schools built after the dawn of democracy have exceeded the minimum norms and standards;

AND WHEREAS there are strides that had been made in creating conducive conditions for learning and teaching, and it is important to continue to progressively and within available resources, realise a safe and caring environment for learners;

AND WHEREAS the state developed and continues to implement plans to eradicate unsafe and unsuitable school infrastructure;

AND WHEREAS it should be appreciated that within the context of the needs, the Department of Basic Education and the Provincial Education Departments must develop plans for the long term and the short term to progressively implement these regulations and within available resources;

BE IT THEREFORE REGULATED by the Minister of Basic Education as follows –

## 1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the South African Schools Act, 1996 (Act No. 84 of 1996), has the meaning so assigned and, unless the context otherwise indicates —

**"administration spaces"** means areas in a school that are used by school management and staff for the day to day running of the school;

**"basic safety"** means creating a safe environment for learning and teaching;

**"educational spaces"** means critical teaching and learning spaces in a school, that are essential to carry out the core teaching and learning functions in a school and include classrooms;

**"educational support spaces"** means resources in some form of a library or laboratory or media centre;

**"enrichment"** means resources for a specific objective that the Minister and Member of the Executive Council may determine should be added to a school environment which complies with optimum functionality.

**"Member of the Executive Council"** means Member of the Executive Council of a province who is responsible for education in that province;

**"minimum functionality"** means the resources and basic facilities that a school has to have to enable it perform the core functions of a school at the acceptable level;

**"Minister"** means the Minister of Basic Education;

**"optimum functionality"** means facilities that enable it to function beyond the levels of basic safety and minimum functionality;

**"school"** means a public school.

## **2. Objects of the Regulations**

The objects of these Regulations are to:

(1) Provide -

- (a) Minimum uniform norms and standards for school infrastructure;
- (b) Measures of ensuring progressive realisation of the provisioning of basic school infrastructure for quality education within available resources;

(2) Address school infrastructure backlogs within available resources and over a period of time;

(3) Ensure that new school infrastructure complies with the infrastructure minimum norms and standards for infrastructure;

(4) Promote accountability and reporting on school infrastructure development; and

(5) Enhance the quality of infrastructure and services to redress deficiencies inherited from the past.

## **3. Scope and Application**

These Regulations apply to all ordinary public schools.

## **4. Provision of teaching and learning environment**

(1) A school must have an enabling teaching and learning environment for teaching and learning to take place.

(2) An enabling teaching and learning environment in a school comprises of:

- (a) educational spaces;
- (b) education support spaces; and
- (c) administration spaces.

- (3) A school must be provided with adequate sanitation facilities that promote health and hygiene standards and that comply with all applicable laws.
- (4) A school must be provided with basic water supply which complies with all relevant laws.
- (5) A school should be provided with some form of energy which complies with all relevant laws.
- (6) Where reasonably practicable, a school should be provided with some form of connectivity for purposes of communication.
- (7) Nothing in these regulations prohibits the Member of the Executive Council from providing temporary structures that are suitable and safe for use as additional spaces.
- (8) Notwithstanding the provisions of this regulation, the provision of these facilities shall be progressively realised upon availability of resources.

## **5. Provision of facilities to a school**

- (1) In order to progressively realise regulations, the member of executive council must develop a plan for providing the facilities to schools in his or her province.
- (2) The plan must take into account the following-
  - (a) learner numbers in a school;
  - (b) access and availability of such facilities within the community a school is located; and
  - (c) any other relevant factor including availability of resources and curriculum choices.

## **6. Sport and recreational facilities**

- (1) Where reasonably practicable, a school should have a sport field for soccer or rugby or another selected sport and ground or a court for netball or volleyball.

(2) A sport facility must be suitably accessible to learners with disabilities in order to ensure their meaningful use of such facility.

(3) Notwithstanding sub-regulations (1) to (2), the provision of the following facilities shall be phased in progressively within available financial resources.

(4) Where the community within which a school is located has the facilities, the provincial education department may arrange with the facilities' management for a school or group of schools to use the facilities.

(5) Nothing in these regulations precludes the provincial education department from providing a sport precinct for a cluster of schools.

## **7. Implementation of regulations**

Notwithstanding these regulations, basic minimum norms and standards contained in these regulations must be —

(a) phased into the planning and budgeting of new schools or facilities at schools that are planned or built after the commencement of these regulations;

(b) applied to education facilities which exist when these regulations take effect, in order to determine all those schools or facilities at schools that fail to meet the norms and standards for basic safety and minimum functionality contemplated in the framework, or other minimum requirements contained in these regulations.

(c) progressively implemented within available resources and attained over a period of time to improve school infrastructure.

## **8. Technical framework regarding provision of facilities**

(1) The Minister must within 18 months of the commencement of these regulations, publish a framework document.

(2) The framework contemplated in sub-regulation (1) must contain technical information regarding the facilities and must provide information including the following –

- (a) school size;
- (b) planning norms;
- (c) lighting and electrical power outlets;
- (d) alternative architectural designs; and
- (e) norms for –
  - (i) educational spaces;
  - (ii) educational support spaces; and
  - (iii) norms for administration spaces.

(3) The framework must serve as guidelines on the spaces required for new schools and where practicable for provisioning of new facilities in already existing schools.

(4) Nothing in this regulation precludes the Member of the Executive Council from developing plans to improve on the norms already determined by the Minister.

## **9. Identification of school**

A school site shall have a name board which is clearly visible to the public, indicating—

- (a) the name of the school; and
- (b) the contact details of the school.

## **10. Review of the regulations**

The Department of Basic Education must periodically review the norms and standards contained in these regulations in order to ensure that those norms and standards remain current.

**11. Short title and commencement**

These Regulations are called the Regulations Relating to Uniform Norms and Standards for Public School Infrastructure and shall commence upon publication in the *Government Gazette* by the Minister.

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