Textbooks fall into the broader category of learner teacher support materials (LTSM). The National Department of Basic Education 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 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 Department of Education 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 Department of Education does not provide new textbooks for each learner every year. However, if there are not enough textbooks for each learner to have his or her own book for each learning area, the Department of Education 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 Department of Education must deliver the number of textbooks necessary to ensure that every learner has his or her own textbook for every learning area.

The Department of Education refers to these textbooks as ‘top-up’ textbooks, meaning that although many learners already have their prescribed LTSM, the department must deliver additional books to match the number of learners at the school.

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

Nic Spaull, an economic researcher working on education and social policy, 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 effects 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 textbooks 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 discuss the relationship between these obligations are divided between:

- delivery of the right to education. These
- every learner has all of his or her prescribed textbooks is in breach of the right.

component of the right. In other words, a failure by the state to ensure that

have clarified (in the judgments we discuss below) that textbooks are a core

not specify exactly what the right to basic education entails, but our courts

guaranteed by Section 29(1)(a) of the Constitution. This broad provision does

The right to textbooks is part of the broader right to basic education, as

The national Department of Basic Education, which sets policies

• The provincial education departments,

• The school governing body, which

• As its name suggests, the school
governing body (SGB) is responsible

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

For the purposes of 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 according to 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 (PED) 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, therefore, the provincial education department will provide the necessary funds to arrange the procurement and delivery of textbooks, rather than performing the function itself.

SAOUTH AFRICAN SCHOOLS ACT

The South African Schools Act #4 of 1996 sets out general obligations in the delivery of the right to education. These obligations are divided between:

- The national Department of Basic Education, which sets policies

The basis of the draft policy is ‘universal provision’, which it defines as one textbook per learner per subject.

The right to textbooks is 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 his or her prescribed textbooks is in breach of the right.

LAW AND POLICY

The right to textbooks is 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 his or her prescribed textbooks is in breach of the right.

The right to textbooks is 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 his or her prescribed textbooks is in breach of the right.

For the purposes of 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 right to textbooks is 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 his or her prescribed textbooks is in breach of the right.

The right to textbooks is 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 his or her prescribed textbooks is in breach of the right.

The right to textbooks is 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 his or her prescribed textbooks is in breach of the right.
It emerged that, for various reasons, not provided with any CAPS textbooks.

In addition, the CAPS curriculum aimed at increasing learners’ use of textbooks, so that they would be able to 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 department 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
- learners in Grades 4, 5, 6 and 11 in 2013
- learners in Grades 7, 8, 9 and 12 in 2014

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

Because the curriculum changed, the Department of Education (DOE) was required to provide new textbooks, which covered the new curriculum. In addition, the CAPS curriculum aimed at increasing learners’ use of textbooks, so that they would be able to 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 department 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
- learners in Grades 4, 5, 6 and 11 in 2013
- 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, neither the national nor the provincial departments of education had ever ordered CAPS textbooks from publishers.

Following several broken promises by the Department of Education to procure textbooks urgently, SECTION27 – together with the principal of a secondary school in Ganyu, and the mother of learners at a primary school in Thohoyandou – approached the North Gauteng High Court to compel the 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.

Judge Kollapen concluded on this basis that the Department of Education’s failure to provide textbooks was a violation of learners’ right to basic education. He ordered the 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 Department of Education delivered some textbooks to learners in Grades 1, 2, 3 and 10, it persisted in its failure to ensure that every learner had his or her own textbook for every learning area. This was 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. The Department of Education’s non-delivery of textbooks was not clear, what was clear was that it had failed to provide each learner with all of his or her prescribed textbooks.

The 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.
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 noted the essential tools, even weapons, of free speech. It is argued by the (Department of) Education that the teacher can fulfill the functions of a textbook. It is of course true to a point. But just as the resources are complementary, so is the teacher’s task. It is an individual task, but it is not always easy for the teacher to provide every learner with his or her own textbooks, this would create a standard of perfection that would be impossible for them to meet.

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, but also set out in detail why it 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 put up with the expense of having to copy from the textbooks of other schools? Why should some learners be unable to sit exams from textbooks at home, and others not? There can be no doubt that these without textbooks are being unfairly discriminated against.

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 his 2016 state of the province address, MEC 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 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. It follows that the Department of Education is under a clear obligation to provide textbooks to learners with visual impairments in an accessible format (namely, Braille or large print). There are certain practical considerations to be taken into account in this regard:

- It takes longer to produce Braille texts than it does to produce printed texts. One of the reasons for this is that many textbooks are not available in electronic formats; they must be transcribed letter-for-letter into Braille. This is obviously very time-consuming and resource-intensive.
- There is currently no uniform strategy for providing Braille textbooks to learners (and teachers) with visual impairments. The problem must be addressed through adequate planning and resource allocation.
- Braille textbooks are also more expensive than hard-copy textbooks. However, this too is not an adequate justification for not providing them, for two reasons. Firstly, the nature of the right to basic education (discussed elsewhere in this book) is such that it is not subject to available resources. Secondly, the fact that Braille textbooks are expensive cannot justify unfairly discriminating against learners with visual impairments by denying them this core component of their right to education.

There are also some other considerations that are relevant to the provision of textbooks to learners with visual impairments. These are discussed elsewhere in this book.
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 systems allow only teachers or school principals to report shortages. This means learners must rely on the staff at their schools to secure this essential learning tool. Because teachers and principals do not always report the shortages in time or at all, the system does not always ensure that the needs of these learners are met.

Systems to report shortages must be flexible, and must take into account 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, SMS ‘textbooks’ to 44894 to report them.

The Link Between School Infrastructure and LTSM

It is clear that there is not one single component of the right to education that, without all of the other components being provided, 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 they 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 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 the 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 education departments’ existing methods for reporting textbook shortages rely on good communication infrastructure. Schools are required to fax or e-mail forms indicating their textbook 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, Professor Metcalfe found that in 2009/10, 2.7% of schools in Limpopo had an e-mail address, 23.6% had a fax machine and 28.4% 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.

Cases

Basic Education for All & Others v Minister of Basic Education & Others 2014 (4) SA 274 (GP), 2014 ZAGPHC 351.

Source Material and Further Reading

TF Hodgson & S Khumalo ‘Left In The Dark: Failure to provide access to quality education to blind and partially sighted learners in South Africa, 2015.


The Presidency of the Republic of South Africa ‘Report of the Provincial Task Team Established to Investigate the Non-Delivery and/or Delays in the Delivery of Learner Teacher Support Material (LTSM) in Limpopo Schools’ (2012).