



‘CATCH-UP PLAN’: A VIOLATION OF THE COURT ORDER AND SETTLEMENT AGREEMENT BETWEEN SECTION27 AND THE MINISTER OF BASIC EDUCATION.

31 July 2012

Yesterday SECTION27 received the Department of Basic Education’s (DBE) progress report on the implementation of the catch-up plan (this and the catch-up plan are attached). While we are still studying and seeking expert input on the catch-up plan, we believe that it is inadequate and a clear violation of both the 17 May order of court and the settlement agreement between SECTION27 and the DBE which was made an order of court on 26 June.

The progress report on the catch-up plan falls short of the requirements set out by Judge Kollapen which ordered the DBE to:

- a) *“Identify the gaps in the curriculum for Grade 10 learners in terms of what should have been covered as opposed to what has been covered;*
- b) *Identify the extent to which the quality of teaching in the areas where it occurred was prejudiced or compromised as a result of the non-availability of textbooks;*
- c) *Identify the remedial measures that are contemplated in addressing both the matters identified in (a) and (b) above, the role of the various role players in this regard including the respondents, schools, educators and learners;*
- d) *Provide a timeframe in respect of which the plan is to be implemented as well as the monitoring mechanisms which will be put in place to monitor the implementation of the plan;*
- e) *Ensure that it is comprehensive to the extent that it covers all affected Grade 10 learners, recognising of course that the nature of the interventions may differ from school to school;*
- f) *To the extent that the plan will invariably involve the provision of extra classes and lessons, indicate when these will happen;*
- g) *Indicate a focal point for responsibility for the plan at both National and Provincial Departments of Education.”*

The DBE has also not complied with the terms of the settlement agreement.

From the report it seems that the DBE’s only plan for catch-up is the distribution of ‘learner subject guides’ by the end of August – that is three and a half months after the court order. However, there is no guarantee that these guides – like the text books – will be delivered on

time. The catch-up plan appears to be wholly dependent on the delivery of these learner guides.

In this light we are troubled by a statement issued by the DBE on 25 July stating again that “the difference between the National Curriculum Statement and the National Curriculum Statement CAPS is minimal”; “that schools were able to cover a substantial amount of work using the old NCS Grades 10 to 12 textbooks” and that an “analysis of the information from schools showed the main issues were not around lost time because of late delivery of textbooks.” This is being used as justification for the lack of a plan for extra tuition. But if it is the case that learners were not disadvantaged why the outcry? Why the apologies? Why the investigations? We remain firm in saying that an adequate catch-up plan should include more than only the distribution of study guides.

Finally we would like to express two further concerns:

1. The DBE has stopped reporting on the progress of textbooks delivery despite the Metcalfe report stating that the delivery was not fully completed;
2. Despite the DBE having welcomed and accepted the recommendations set out in the Metcalfe report, it appears to have done little to implement them.

In view of the above SECTION27 is consulting its legal team, parents, principals, teachers and learners to decide how to proceed.

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