



18 June 2010

Head of Education: Western Cape Education Department
Ms Penny Vinjevold
Grand Central Towers
Lower Parliament Street
Cape Town

Per fax: 021 467 2535

Pages: 3

Dear Madam,

RE: PROVISION OF TEXTBOOKS FOR GRADE 12 LEARNERS

1. We act on behalf of Grade 12 learners at Chris Hani Senior Secondary School and Kwamfundo Senior Secondary School, both of which are located in the Western Cape Province, their parents and Equal Education, an organization whose membership includes learners at these schools ('our clients').
2. According to our instructions, Grade 12 learners at the abovementioned schools do not have adequate access to prescribed textbooks. In certain subjects no textbooks are available at all and in others learners are required to share.
3. This is an unacceptable situation that is a direct violation of, inter alia, the South African Schools Act of 1996 and the constitutional right to a basic education.
4. Specifically, textbooks for the following Grade 12 subjects have not been adequately provided:
 - 4.1. At Chris Hani: Xhosa (sharing throughout the grade), Mathematics (sharing in two classes), Physical Science (no books), Music (no books) and Life Sciences (some classes sharing, one class no books).
 - 4.2. At Kwamfundo: Xhosa (two classes no books), English (sharing in one class), Business (no books in one class), Life Sciences (sharing in one

class), Geography (sharing in one class) and Life Orientation (sharing in one class).

5. We are advised that, following written notification on 11 May 2010, the shortage of textbooks at both these schools was brought to your personal attention on 14 May 2010 by Mr Brad Brockman of Equal Education.
6. The integral role of textbooks to a basic education is recognised by your Department. On 24 March 2010, the MEC for Education, Mr Donald Grant affirmed this in his budget speech to the provincial legislature, where he said:

*"Quality teaching can only take place in a text-rich environment. This administration is firmly of the belief that textbooks are an essential educational resource for the development of reading, writing and language skills. Providing textbooks to our learners is a **non-negotiable**, as the availability of quality texts militates against poor teaching and allow learners systematically to grasp the curriculum material."* (our emphasis)

7. The national Department of Basic Education also demands the provision of textbooks to every learner. In its newsletter 'Curriculum News: Planning for 2010 and Beyond' it is plainly stated that:

"Each learner should have a textbook for each of his/her subjects to take home, do homework, and study from or to prepare for subsequent lessons, tests and exams."

8. The policy of the national and provincial departments is therefore that the provision of textbooks in every subject for every learner is essential to a quality basic education as demanded by section 29 of the Constitution.
9. The situation of the Grade 12 learners whom we represent is particularly urgent. Half the school year has passed, matric exams are imminent, and the learners

are not able to prepare properly for the exams due to the failure of the provincial education department to ensure that they are provided with textbooks.

10. We have been instructed to demand, as we hereby do:

10.1. an undertaking from you that the textbooks referred to in paragraph 4 above will be provided on the day that the new school term begins, i.e. on 13 July 2010; and

10.2. that you provide this undertaking by no later than 25 June 2010, failing which, we are instructed to institute urgent legal proceedings against you so as to secure our clients' rights.

11. Our clients' rights remain reserved. We await your urgent reply.

Yours faithfully

S'khumbuzo Maphumulo

Attorney

cc:

MEC for Education, Western Cape
Donald Grant, MPP
Fax no: 021 425 5689 or 021 425 3616
Email: edumin@pgwc.gov.za

National Minister of Basic Education
222 Struben Street
Pretoria,
0001
Fax no. 012 323 5989
E-mail: mabua.s@doe.gov.za