



# WESTERN CAPE

## Education Department

Provincial Government of the Western Cape

### WCED LEARNER TRANSPORT POLICY FOR ORDINARY PUBLIC SCHOOLS

<b>Purpose</b>	The purpose of this policy is to provide clear criteria for the transportation of learners attending ordinary public schools in the Western Cape.
<b>Scope</b>	This policy shall be applicable to all ordinary public schools and learners in the Western Cape from January 2011.
<b>Legal Framework</b>	<p>The Constitution of the Republic of South Africa (Act 108 of 1996) provides in the Bill of Rights that everyone has a right to a basic education, which the state, through reasonable measures, must make progressively available and accessible.</p> <p>The National Education Policy Act (Act 27 of 1996) is directed to the advancement and protection of the fundamental right of a person to a basic education and equal access to education institutions.</p> <p>The South African Schools Act (Act 84 of 1996) provides in Section 3 (3) that the Member of the Executive Council [MEC] of a province must ensure that there are <u>enough school places</u> so that every child [of compulsory school-attendance age] in his or her province can attend school.</p> <p>Section 3 (4) provides that the MEC must take steps to remedy the lack of school places if there are not enough in the province.</p> <p>Section 5 provides that all learners have a right of access to quality education without unfair discrimination.</p>
<b>Relevant policies</b>	This policy should be read and applied in conjunction with the WCED's Learner Admission Policy.
<b>Definitions</b>	<p><b>Public transport</b> is transport, for use by the general public, provided via road and rail or water, including trains, buses, taxis, boats and ferries, and for which a fare is charged.</p> <p><b>Learner transport</b> is the transportation of learners to and from school, usually by bus, arranged and paid for by the WCED.</p> <p><b>Appropriate school</b> is a ordinary public school in which a learner should be enrolled that offers the relevant language of instruction and the level [grade] of instruction. An appropriate school is not a school that offers a learner's preferred subject or site of instruction.</p>

<b>Parental or learner choice of school</b>	<p>Where an appropriate school is available within 5km from the residence of a learner and the parents or learner choose to attend another school that is 5 kilometres or further from the residence of the learner, the parent or learner is responsible for and shall bear the cost for the transport to that school of choice.</p>
<b>Transport schemes</b>	<p>A transport scheme will be instituted only for 10 or more learners.</p> <p>Applications for learner transport shall be considered, subject to the availability of funding.</p>
<b>Qualifying areas:</b>	
<u>Rural Districts:</u>	<p>Outlying areas, which are 5 km or further from the nearest appropriate school and where no public transport is available.</p>
<u>Metropolitan Districts:</u>	<p>Outlying areas immediately adjacent to the Cape Town metropolitan area, or to a town, which are 5 km or further from the nearest appropriate school and where no public transport is available.</p>
<b>Non-qualifying areas:</b>	
<u>Rural Districts:</u>	<ul style="list-style-type: none"> <li>• All towns where public transport is readily available</li> <li>• All towns where sufficient classroom space or an appropriate school is available</li> </ul>
<u>Metropolitan Districts:</u>	<p>The Cape Town metropolitan area where public transport is available</p>
<b>Transport excluded from WCED learner transport</b>	<p>Learners attending FET Colleges are excluded from the use of WCED learner transport.</p> <p>School excursions do not qualify for WCED learner transport.</p> <p>Schools that arrange and manage their own learner transport do not qualify for WCED learner transport.</p> <p>Only learners registered as learners on the WCED CEMIS shall be transported on WCED learner transport.</p> <p>Learners who stay in another province and who travel across the border everyday to attend Western Cape schools shall not be accommodated on learner transport schemes provided by the WCED-</p>

**Criteria to qualify for learner transport**

To determine whether a learner qualifies for WCED learner transport, the following criteria shall be applied in all areas and to all cases:

1. Learner transport to public schools of the WCED shall be considered by the WCED only on condition that
    - the residence of the learner is in an area that qualifies for learner transport, **and**
    - the distance by road between the residence of the learner and the nearest appropriate public school is five kilometres or further;
- and**
- there is no public transport available that the learner can use to attend a school,
  - the learner does not receive a transport bursary or a boarding bursary.
2. In areas without sufficient classroom space or an appropriate school, transportation or subsidising of learners to attend school shall be provided temporarily and to the nearest appropriate public school, only as determined by the WCED.

Every effort should be made to provide additional classrooms in areas from where learners are transported and the learners being transported must receive preference when applying for admission to schools that have received additional classrooms.

**NOTE: Five kilometres** is measured along the shortest possible route that the learner has to walk from his or her residence to the school.

**Grade R learners**

Grade R learners who qualify for transport and who live in an area that qualifies for learner transport shall be accommodated on WCED transport **if**

- the Gr R learners are part of the enrolment of the public school, **and**
- a learner transport scheme to, or going past the relevant school is in operation.

**Agricultural, Dinaledi & FET Focus School learners**

A learner attending an FET focus school, a Dinaledi school, or an agricultural or technical school and who resides **more than 5 km** from the school may be transported **only if** a transport scheme going to or past the school is already in operation.

**Learners with barriers to learning**

Learners with barriers to learning who attend an ordinary public school and who reside **less than 5 km** from the school, may be transported **if**

- it can be proved that such a learner cannot be accompanied on his or her way to school by an adult,
- would be in danger when going to school by himself or herself **and**
- a transport scheme to the school is already in operation.

**Physically disabled learners** A physically disabled learner who attends a public ordinary school and who resides **less than** 5 km from the school may be transported **if** a transport scheme to the school is already in operation and it is practicable, i.e. if assistance for the learner to get on and off the bus is arranged and the bus has sufficient space to accommodate the learner's support equipment (wheelchair, crutches, etc).

**Exceptional circumstances** The provision of transport to, or applications from learners who under ordinary circumstances would not qualify for transport or a subsidy may be considered in exceptional circumstances at the discretion of the HoD.

**Dangerous conditions** Consideration will be given to transporting learners or to providing learners with a subsidy if the safety of the learner can be proven to be at risk. The onus rests on the learner or parent or guardian to provide proof that a situation exists that would seriously endanger the life of the learner. The HoD may request that confirmation from a relevant authority is presented of such an unsafe situation or condition. A relevant authority would, for example, be a traffic official or roads engineer.


The following dangerous conditions may be considered IF there is no public transport available and IF the condition is continuous:

- The crossing of a very busy main road or railway line where there is no traffic control or adult supervision available
- The crossing of a deep or very swift flowing river where there is not a bridge
- Having to pass through areas inhabited by dangerous animals and where no alternative route exists
- Having to pass through areas frequented by individuals with criminal intent and where no alternative route exists

## Transport and subsidy options


### Transport:

The mode of transport may include the following:


-  Transport by **bus** for groups of more than 10 learners per route, who live 5 km and further from the nearest appropriate school.

### Subsidies:

The WCED, at the discretion of the HoD, may consider subsidised support to a learner instead of learner transport

-  by means of a **transport subsidy** payable to the school. The school or parents shall be responsible for the transport [or mode of transport] of such learners.

(Please also see School-managed transport schemes.)

-  by means of a **boarding subsidy** for **private boarding**, payable to the school. The school and parents shall be responsible for payment to the person providing boarding for the learner.

**NOTE:** The age, vulnerability and travel circumstances of a learner, especially learners in Grades R – 2, must be considered before a transport or boarding subsidy is recommended or allocated.

<b>School-managed transport schemes</b>	All <u>schools</u> that transport learners themselves, or organise any type of learner transport, must ensure that all the required transport regulations are complied with consistently. Vehicles must also be checked regularly [at least every six months] for roadworthiness and safety. A vehicle checklist may be obtained from the Vehicle Inspector at Metro East Education District Office.
<b>Responsibility of schools</b>	<p>Schools must ensure that their learners get on and off the bus in a controlled manner by</p> <ul style="list-style-type: none"> <li>• arranging supervision when learners get on and off the bus at the school</li> <li>• appointing a senior learner as a bus prefect to supervise learners on the bus</li> <li>• providing learners using WCED learner transport with a code of conduct, and</li> <li>• providing supervision for learners who have to wait for the bus in the afternoon.</li> </ul>
<b>District responsibility</b>	<p>Districts have to monitor the WCED learner transport in their district regularly with regard to</p> <ul style="list-style-type: none"> <li>• the safety and roadworthiness of buses</li> <li>• compliance with the contract by the bus company [and school]</li> <li>• determining the effectiveness of routes</li> <li>• the number of learners per bus as per contract, and</li> <li>• buses arriving and departing on time.</li> </ul>
<b>Appeal procedures</b>	Where a learner or his or her parents or guardians do not agree with the decision by the HoD, the learner or his or her parent(s) or guardian(s) may appeal in writing against the decision of the HoD to the Member of the Executive Council [MEC] within 21 days of receiving notice of the HoD's decision.
<b>Compliance</b>	Where a learner, parent or guardian provides false information on an application form for learner transportation, the learner shall forfeit all privileges for current and future learner transport and subsidised support. Where a principal is aware of a fraudulent situation or non-compliance with the policy, the principal must immediately take steps to correct the situation and inform the relevant district office. Where a school does not comply with this policy, the circuit team manager must ensure that the school is supported and assisted towards compliance.