12 November 2026

Media alert: Three years, a court order, and still no school capacity norms: Equal Education and Equal Education Law Centre to launch Shadow School Capacity Norms on 17 November

On 10 October 2023, the Gauteng High Court ordered, following an intervention by Equal Education (EE) and the Equal Education Law Centre (EELC), the Department of Basic Education (DBE) to promulgate School Capacity Norms within three years. The deadline passed on 10 October 2026. Yet, despite the court order, the DBE has failed to put these critical norms in place.

Without School Capacity Norms, there is no uniform, enforceable standard governing how many learners a school can safely and reasonably admit. This leaves schools to determine their own capacity, with vastly different interpretations of what it means to be "oversubscribed". At mostly poor, under-resourced schools, this means classes of 60 or more learners, while well-resourced schools may have classes of only 20 learners.

The consequences are severe. Learners are turned away from schools with no guarantee of placement elsewhere, while others are packed into overcrowded classrooms that cannot adequately accommodate them. As another school year approaches, the absence of these norms leaves learners vulnerable to the same recurring admissions crisis, with no consistent national standards to protect their right to basic education. Learners cannot wait any longer with #NoSpaceForUs.

On 17 November, EE and the EELC will launch Shadow School Capacity Norms - our own version of the Regulations on Minimum Uniform Norms and Standards for Capacity of Ordinary Public Schools. Developed alongside learners and school communities in Ekurhuleni, Gauteng, the Shadow Capacity Norms are the result of extensive consultation, research, and engagement with school communities.

The DBE's existing draft norms fall short of what is needed to address overcrowding in schools. They were developed with limited engagement and input from under-resourced schools and communities grappling with overcrowded classrooms, and fail to address several important questions. The Shadow Norms seek to fill these gaps by answering three questions:

- What constitutes overcrowding?
- How should a school's capacity be accurately calculated, taking into account the specific learning needs of the learners at that school, rather than merely relying on a headcount?
- How should the norms be implemented, and who is accountable when they are not?

Our Shadow School Capacity Norms seek to address these gaps by offering a practical proposal that centres learners' experiences and needs. Strong, enforceable norms are essential to ensure schools have adequate classroom space, enough teachers and appropriate learning facilities so that every learner can access quality education.

Our demand is simple. Promulgate the School Capacity Norms now, and get them right. They must be enforceable, robust and adequately respond to the growing overcrowding crisis. Anything less would be a disservice to the learners, teachers and broader school communities who need these norms the most. The DBE has had three years. Learners should not have to start another school year waiting.

#NoSpaceForUs

[END]

For media enquiries:

- Sesethu August (EE Communications Officer) sesethu@equaleducation.org.za or 063 221 7983
- Jay-Dee Booysen (Equal Education Law Centre Media and Communications Specialist) jay-dee@eelawcentre.org.za or 082 924 1352