Lefa AI

RAPID RESEARCH · THEME 1 OF 9

AI: Policy and Regulatory Implications

What we're learning

THE QUESTIONS THIS BRIEF EXPLORES

1. What makes the South African basic education system particularly **vulnerable to unsafe, unethical and inequitable uses of AI**, and how ready are current policy and regulations to provide the guardrails needed?

2. What are the **policy and regulatory implications, and opportunities,** for the safe, ethical and equitable adoption of AI in South African basic education?



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ABOUT THIS BRIEF

Rapid Research Theme: AI and Policy and Regulatory Implications

This is one of nine rapid research themes in **Lefa AI**, exploring what AI means for South African basic education. The research brings together existing evidence and expert perspectives to inform decision-making in a rapidly changing field.

This insight brief draws on research by **Dr James Keevy**[1], with **Professor Shafika Isaacs**[2] as a critical reader.

Critical policy analysis

a review of documents and literature, including grey literature and unpublished articles, drawing on the authors' extensive work in national, continental and global education and training policy.

Key informant interviews

a small set of interviews to inform the analysis.

Throughout, we set out to **weigh the opportunities and risks fairly**, rather than advocate for or against AI.

[1] *James Keevy is the CEO of JET Education Services, www.jet.or.za*

[2] *Shafika Isaacs is the Chief of Section for Technology and AI in Education at UNESCO*

Where this conversation starts

AI is already entering South African schools, both through the free tier tools that millions of learners and teachers use on their own and through institutional programmes and commercial vendors. It arrives in a system that remains **one of the most unequal in the world**, often described as two distinct education systems.

At the same time, dedicated AI policy and regulation, particularly in education, are at best at early stages of development and **far from ready to provide the guardrails needed.** Rapid shifts in AI capability are outpacing the capacity to govern them. The combination of a need for solutions without guardrails in place puts the system at risk. The risks fall on learner safety, on teachers and school leaders, on the ethical use of AI, and on education as a public good.

Sources: Spaull, 2013; DBE, 2025a; DCDT, 2026; UNESCO, 2023a.

WHAT WE FOUND

Key findings

01 Deep inequality makes the education system particularly susceptible to ‘quick fix’ AI solutions.

South Africa remains **one of the most unequal education systems in the world.** This makes it vulnerable to the quick fix solutions that commercially driven AI vendors promise, mostly without empirical evidence of impact on learning outcomes or adaptation to the South African curriculum. There is currently **no comprehensive national data on AI adoption**, and the first evidence-based studies are still underway.

Sources: Spaull, 2013; Saal et al., 2025; Ukufunda, 2026 (unpublished).

02 AI-based systems offered without direct cost under the guise of public good can collect sensitive learner data to train proprietary models.

South Africa is susceptible to untested AI solutions that can collect personal data. Commercial use of learner data without an adequate lawful basis, transparency or safeguards is **contrary to POPIA**, which includes additional protections for children's personal information and rules on automated decision-making and cross-border transfers.

Courts globally are acting. A 2025 class action in the United States claims that Instructure, through its Canvas platform, collected personal learner data in violation of federal and state laws. In France, the collection of biometric data from students was found to be unlawful. At the time of this research (August 2026) **no reported judgments could yet be found in South Africa.**

Sources: UNESCO, 2021a; Saal et al., 2025; Leipsig, 2024; European Digital Education Hub, 2023.

03 Sustaining education as a common good requires participatory governance of AI that includes learners and teachers.

Safe, ethical and equitable AI needs **targeted, deliberative governance**, based on the participation of the learners and teachers. It calls for investment in learner and teacher AI competencies, including agency and a foundational grasp of ethics, so that **learners and teachers can take part in the governance of AI in education.**

Sources: UNESCO, 2021a; UNESCO, 2024a; UNESCO, 2024b.

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04 South Africa does not need to start from scratch: a growing number of international frameworks could be used as benchmarks.

UNESCO's Guidance for Generative AI in Education and Research offers comprehensive guidance on teacher support, assessment, data privacy and the age-appropriate use of generative AI. UNESCO's AI competency frameworks for teachers and students can guide AI training for teachers. UNICEF's Policy Guidance on AI for Children and the African Union's Continental AI Strategy add guidance on children's rights, inclusive development and digital sovereignty. **The four pillars of the DBE's proposed Basic Education AI Ethics Framework already resonate well with these international trends.**

Additional Sources: DBE, 2026 (Digital education transformation strategy. Reimagining basic education through digital technology, unpublished.); Balaji et al., 2025; Winthrop et al., 2026.

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05 Human oversight of AI only works when the people involved have the capacity and support to exercise it.

The DBE's proposed ethics framework requires that **AI augment, not replace, the professional judgement of educators.** This assumes conditions that do not always exist in Global South countries, shifting responsibility to people and institutions that may lack the capacity or training to take it on. **Meaningful oversight needs competence, authority and institutional support** to exercise context-sensitive judgement.

Sources: DBE, 2026 (Digital education transformation strategy. Reimagining basic education through digital technology, unpublished.); Balaji et al., 2025.

WHAT THIS MEANS

Key considerations for the adoption of AI in the South African basic education system

The unbridled adoption of AI risks reproducing stereotypes, deepening exclusion and the deprofessionalisation of teachers. **The regulatory gap does not necessarily call for a single AI statute.** Regulation should instead target gaps in responsibility and review: who is answerable for AI-assisted decisions, whether those decisions can be explained and challenged, and whether human oversight is real.

Sources: UNESCO, 2021b; UNESCO, 2023a.

01 Need for alignment with government-led digital public infrastructure

The DBE's draft Digital Education Transformation Strategy does not yet align sufficiently with MyMzansi (South Africa's unified digital government services initiative), the draft National AI Policy, or the DBE's Three Stream Model. Alignment would help AI solutions contribute to an integrated, secure and citizen-centred digital ecosystem rather than isolated, vendor-specific platforms. It would also give learners and parents greater control over their data and create a line of sight to the labour market.

Sources: Keevy et al., 2026; UNESCO-UNICEF-ITU, 2026; DCDT, 2026; DBE, 2023.

02 Opportunities that AI offers for teacher professional development

UNESCO's AI competency frameworks for teachers and for students provide a good foundation for teacher professionalisation. They could offer a useful reference point for SACE and the DBE as the Professional Teaching Standards are operationalised, the Professional Development Framework for Digital Learning is reviewed, and MRTEQ (the minimum requirements for teacher education qualifications) is revised.

Sources: UNESCO, 2024a; UNESCO, 2024b; SACE, 2018; DBE, 2018; DHET, 2026.

03 Managing AI bias and resisting general bias

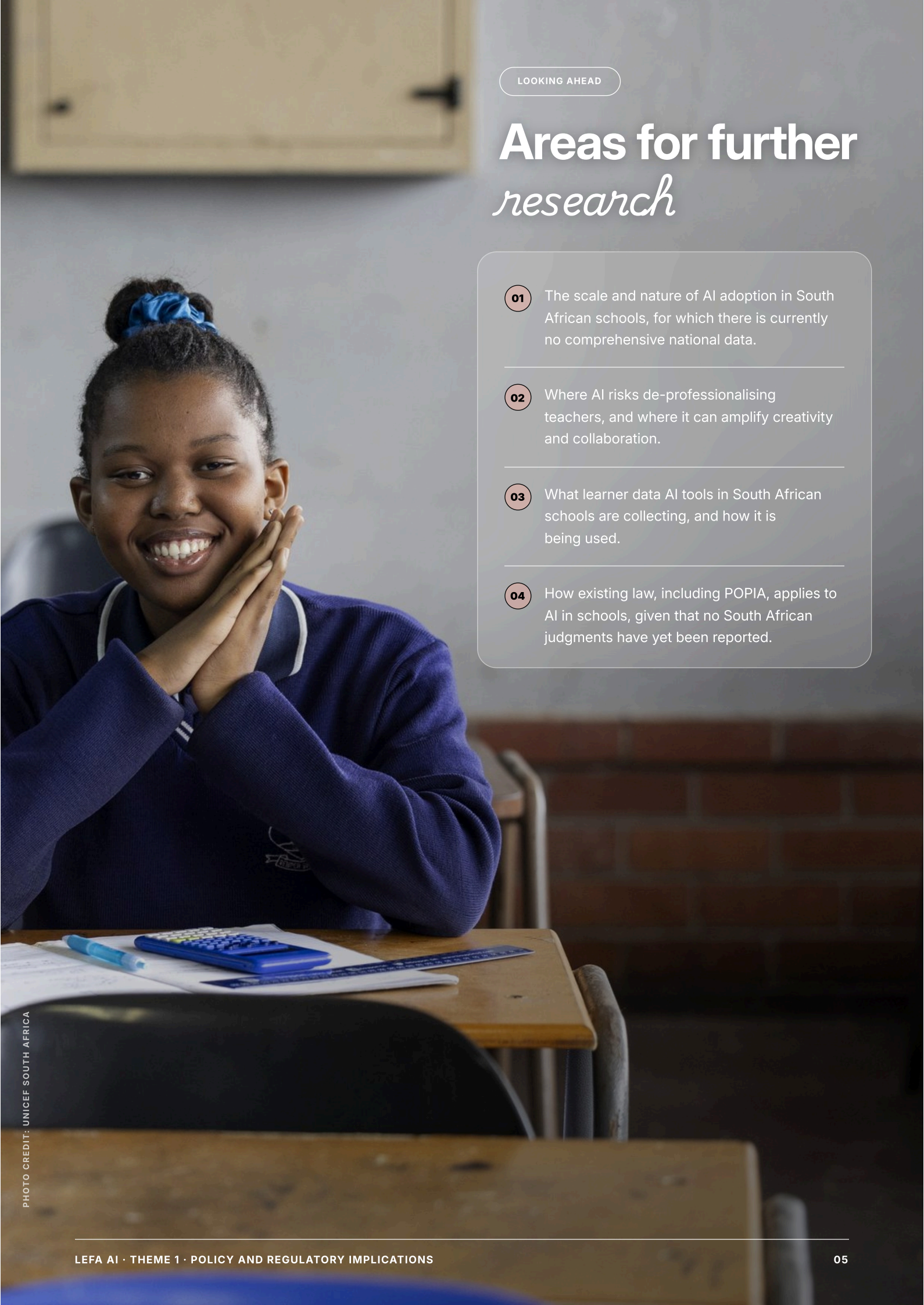
Bias in AI systems, such as privileging English over African languages, calls for ongoing monitoring and auditing. Looking beyond quick fixes could mean building moments of reflective inquiry into AI adoption: testing evidence and assumptions, hearing from those affected, recording the reasons for decisions, and keeping them open to review, with a workable route to reverse them. Regulation could turn this into a formal requirement before AI systems are approved or scaled, as the EU AI Act will do for high-risk systems, including in education, from December 2027.

Sources: Ferrer et al., 2021; Hofmann, 2025

04 Opportunities for regional, continental and international collaborations

South Africa is well positioned to contribute to and learn from international developments in AI in basic education. On the continent, examples include the collaboration between the South African Council for Educators (SACE), the Africa Federation of Teaching Regulatory Authorities (AFTRA) and the International Institute for Capacity Building in Africa (IICBA). They also include the South African Qualifications Authority's (SAQA) work with the African Union Commission and member states on the African Continental Qualifications Framework (ACQF) and its Qualifications and Credentials Platform. Internationally, the Commonwealth of Learning's work on frugal AI includes the Gaborone to New Delhi Compact: Teacher-Led, Localised and Frugal AI for Equitable Education. Closer involvement in such initiatives, including by the DBE, could help AI policy in basic education take account of its professional, employment and qualifications dimensions.

Sources: COL, n.d.; COL, 2026.



LOOKING AHEAD

Areas for further *research*

01 The scale and nature of AI adoption in South African schools, for which there is currently no comprehensive national data.

02 Where AI risks de-professionalising teachers, and where it can amplify creativity and collaboration.

03 What learner data AI tools in South African schools are collecting, and how it is being used.

04 How existing law, including POPIA, applies to AI in schools, given that no South African judgments have yet been reported.

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Lefa AI

"AI is arriving *faster* than the policies to govern it.

South African basic education needs guardrails to facilitate and guide the use of AI, that are interconnected with the wider government digital public infrastructure and includes learners and teachers."

NOTES

SCOPE

Critical policy analysis: a review of documents and literature, including grey literature and unpublished articles, drawing on the authors' extensive work in national, continental and global education and training policy.

Key informant interviews: a small set of interviews to inform the analysis.

LIMITATIONS

There is currently no comprehensive national data on AI adoption in South African schools, and several of the first local evidence-based studies were still underway at the time of writing.

The policy landscape is moving quickly. Key documents, including the draft National AI Policy Framework and the DBE's Digital Education Transformation Strategy, were still in draft and may change.

The review of how other countries govern AI in education was a brief desktop search of a selection of countries, rather than a full comparative study.

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For corrections or to request the underlying source list, contact the Lefa AI programme team at connect@humanstudios.org.

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