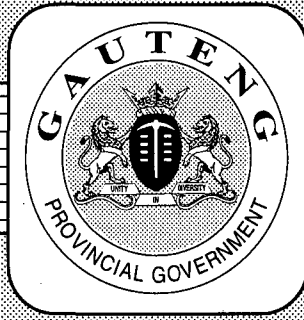


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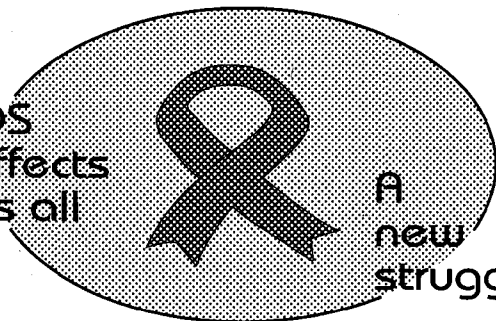
Vol. 6

PRETORIA, 2 MAY 2000
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No. 35

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 2707 OF 2000

GAUTENG DEPARTMENT OF EDUCATION
SCHOOLS EDUCATION ACT, 1995 (ACT No. 6 OF 1995)

DRAFT REGULATIONS RELATING TO THE ADMISSION OF LEARNERS TO PUBLIC SCHOOLS

The Member of the Executive Council for Education has, under the power vested in him in terms of the Schools Education Act, 1995 (Act No. 6 of 1995), made the draft regulations contained in the Schedule hereto. Members of the public are invited to send their comments on these draft regulations to:

Sally Rowney
P O Box 7710
Johannesburg
2000

on or before:

10 June 2000

**GAUTENG DEPARTMENT OF EDUCATION
SCHOOL EDUCATION ACT, 1995 (ACT No.6 OF 1995)**

**DRAFT REGULATIONS RELATING TO THE ADMISSION OF LEARNERS TO
PUBLIC SCHOOLS**

The Member of the Executive Council for Education has under section 11(1) of the School Education Act, 1995 (Act 6 of 1995), made the draft regulations contained in the Schedule hereto.

SCHEDULE

Definitions

1. (1) Subject to subregulation (2), any word that is defined in the Act will have the same meaning in these regulations.

(2) Unless the context indicates otherwise -
 - (i) "normal Grade age" means grade number plus 6 e.g. Grade 1 + 6 = age 7; Grade 9 + 6 = age 15
 - (ii) "parent" means -
 - (a) the parent or guardian of the learner;
 - (b) the person legally entitled to custody of a learner; or
 - (c) the person who undertakes to fulfil the obligations of a person referred to in (a) and (b) towards the learner's education at school.
 - (iii) "register of admission" means to place one's name, or to cause one's name to be placed, on a list of names of persons who will be admitted to a school, in accordance with these regulations;
 - (iv) "school" means a public school; and
 - (v) "the Act" means the School Education Act, 1995 (Act 6 of 1995).

Responsibility for administration of admissions

2. (1) Subject to the provisions of these regulations, the Head of Department is responsible for the administration of registration and admissions at that school. The Head of Department may delegate the responsibility for the admission of learners to a school to officials of the Department.

(2) The Head of Department may exercise such powers and must perform such duties as are contemplated in these regulations for the purpose of administering registration and admissions.

Unfair discrimination

3. (1) Admission requirements for schools must not unfairly discriminate against any person in any way, and in particular -
 - (a) A school must admit learners without unfairly discriminating on grounds of race, ethnic or social origin, colour, gender, sex, disability, sexual orientation, religion, conscience, belief, culture, language or pregnancy;
 - (b) A governing body of a school may not administer any test related to the admission of a person to a school, or direct or authorise the principal or any other person to administer such test; and
 - (c) No person may be refused admission to a school or discriminated against in any way on the grounds that his or her parent -
 - (i) is unable to pay or has not paid the school fees determined by the governing body, or should the parent not pay the registration fee/deposit;
 - (ii) does not subscribe to the mission statement of the school and code of conduct of the school; or
 - (iii) has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner.
- (2) Notwithstanding the provisions of subregulation (1), a gender-specific school may refuse admission to a person on the grounds of gender.
- (3) Notwithstanding the provisions of subregulation (1), the principal of a school of the arts, or science and technology may administer an admission test on the approval of the Head of Department.
- (4) Subject to paragraph (b) of subregulation (1) (b) a test may be used, once a learner has been admitted to a school, to determine the placement of that learner in the appropriate programme or in a specific course and where it would be in the educational interest of the learner. Only the Head of Department may request such a test to be undertaken to assist a placement decision.
- (5) The Head of Department may determine guidelines which regulate the circumstances under which such admission and placement tests as contemplated in subregulation (3) and (4) may occur.
- (6) Any fee charged by a school for registration or admission must be deducted from any school fees that may be paid at a later stage by the parent of a learner.

- (7) No registration fee charged must exceed an amount equal to the monthly premium/installment of the total amount of annual school fees.

Registration and admission of learners

4. (1) A learner who is currently enrolled at a school and who intends to remain enrolled at the same school must confirm that s/he will remain at that school for the following year before the end of September of the current school year.
- (2) A person who wishes to attend a school for the first time at the beginning of any given school year must register at that school between August and the end of September of the year preceding the school year in which s/he seeks admission; provided that late registration will be allowed in special circumstances. Late registrations in special circumstances must be completed by no later than the tenth school day of the given school year, unless the permission of the district director is obtained.
- (3) A person who seeks admission to a school for a reason not contemplated in subregulations (1), and (2), must register at that school from August to the end of September of the year preceding the school year in which s/he seeks admission; provided that late registration will be allowed in special circumstances. Late registrations in special circumstances must be completed by no later than the tenth school day of the given school year, unless the permission of the district director is obtained.
- (4) A person who will be six turning seven in the grade 1 year must register at a school between August and the end of September of the preceding year.
- (5) A person who is younger than a person referred to in subregulation (4) must not be admitted to grade 1.
- (6) Where a person is three years or more above the normal Grade age, the district director must co-ordinate the establishment of "fast-track" programmes or facilities for such a learner.
- (7) A person who is sixteen years or older and who has never attended school or did not make sufficient progress must be advised to enroll at an Adult Basic Education and Training (ABET) center.

Documents necessary for admission

5. (1) An application for the registration of a learner must be made by the parent of that learner.
- (2) Any parent applying for the admission of his or her child as a learner to a school must present to the principal of the school and furnish him or her with-

- (b) a certified copy of /or proof that the child has been immunised against polio, measles, tuberculosis, diphtheria, tetanus, and hepatitis B; and
 - (c) the child's transfer card, if he or she is currently enrolled at another school; and
 - (d) the child's most recent school report, if he or she is currently enrolled at another school.
- (3) The principal must assess the authenticity of all documents and evidence presented in terms of subregulation (2).
- (4) Where required documentation as contemplated in (2) is not available, the principal must advise the parent where to obtain the necessary documentation. In such cases, the child must be admitted to the school conditionally while the parent obtains the required documentation.
- (5) Should the required documentation not be obtained within three months of the child having been conditionally admitted to the school, the School Governing Body, in consultation with the District Director must attend to the matter.

Admission of non-citizens

6. The South African Schools Act, 1999 and this policy apply equally to learners who are not citizens of the Republic of South Africa and whose parents are in possession of a permit for temporary or permanent residence issued by the Department of Home Affairs.
- (a) A learner who has entered the country on a study permit must present the study permit on admission to the public school.
 - (b) Persons classified as illegal aliens must, when applying for admission for their children or for themselves, show evidence that they have applied to the Department of Home Affairs to legalise their stay in the country in terms of the Aliens Control Act, 1991 (No.96 of 1991).
 - (c) Where required documentation as contemplated in regulation 5 (2) is not available, the principal must advise the parent where to obtain the necessary documentation. In such cases, the child must be admitted to the school conditionally while the parent obtains the required documentation.

School Zoning

7. (1) The Head of Department, after consultation with representatives of school governing bodies, may determine feeder zones for ordinary public schools, in order to control the learner numbers of schools and co-ordinate parental

preferences. Such feeder zones need not be geographically adjacent to the school or each other.

(2) If a feeder zone is created –

- (a) preference must be given to a learner who lives in the feeder zone of a school, or whose parents work address is in the feeder zone;
- (b) a learner who lives outside the feeder zone is not precluded from seeking admission at whichever school he or she chooses. However, access to a chosen school cannot be guaranteed;
- (c) a learner who lives within the feeder zone of a school A must be referred to the neighbouring school B, if school A is oversubscribed. If school B is oversubscribed, the Head of Department must find an alternative school within a reasonable distance. If that is not possible, school A must admit the learner;
- (d) the preference order of admission is:-
 - (i) learners whose parents live in the feeder zones, in their own domicile or their employer's domicile;
 - (ii) learners whose parents work address is in the feeder zone; or
 - (iii) other learners: first come first served

(3). A school with a specific field of study e.g. a technical school, schools of the arts must have much larger feeder zones to accommodate learners with specific aptitudes, interests or needs.

Specialised education needs

8. (1) Subject to regulations 3, 4, 5 and 6, a principal of a school must admit a learner with specialised education needs, unless the need for the admission of that learner to a school for specialised education has been established under sections 75, 76 or 79 of the Act.
- (2) If the need for the admission of a learner contemplated in subregulation (1) to a school for specialised education has been established under sections 75, 76 or 79 of the Act, the relevant procedures contemplated in sections 77, 78, 80 and 81 of the Act must be followed.

Repetition

9. (1) A learner who has repeated one or more years at school in terms of these regulations is exempt from the age grade norm, except that, if a learner is three years older than the norm age per grade, the Head of Department must determine whether the learner will be admitted to that grade.
- (2) In principle, learners should progress with their age cohort. Repetition of grades seldom results in significant increases in learning attainment and frequently has

the opposite result. The norm for repetition is one year per school phase where necessary. Multiple repetition in one grade is not permissible.

- (3) The norm is not to be construed as promoting the practice of automatic promotion. A learner's needs must be attended to through the efforts of the learner, and his or her teachers, with the support from the learner's family and peers.

Fast track programmes

10. (1) A district director must establish fast track programmes in his or her district to accommodate learners whom -
- (a) have been out of school for such periods as are likely to have impaired their learning opportunities;
 - (b) have had no schooling; or
 - (c) are three years or more above the normal Grade age.
- (2) A learner contemplated in subregulation (1) must be accommodated in such a fast track programme until he or she -
- (a) has completed the fast track programme he or she is following; or
 - (b) is, in the opinion of the district director, ready to leave the fast track programme.

Register of admissions

11. (1) The principal of a school must keep a register of admission to the school. All admissions of learners to the school must be recorded in the register of admission. The register must contain the name, date of birth, age, identity number, if applicable, and the address of the learner as well as the names of the learner's parents as defined in the South African Schools Act, 1996, and their address and telephone numbers, where applicable.
- (2) Entries into the register of admission must be verified against the birth certificate or identity document of the learner concerned.
- (3) Officials of the Department must have access to the register of admission.

Rights and obligations of parents

12. (1) The governing body of a school must inform all parents of learners admitted to a school of their rights and obligations in terms of the South African Schools Act, 1996, and any applicable provincial law. Parents must specifically be informed about their rights and obligations in respect to the governance and affairs of the school, including the process of deciding the school budget, any decision of a parent meeting relating to school fees, and the Code of Conduct for Learners.

- (2) Parents have an obligation to support their children to attend school regularly.

Refusal of admission

13. (1) If a principal, acting on behalf of the Head of Department, refuses to admit a learner to a school, the principal must provide reasons in writing for his or her decision to the district director, and to the parent.
- (2) If a principal refuses to admit a person to a school, the principal must provide a copy of regulation --- to the parent and the address of the Member of the Executive Council (MEC).

Appeals

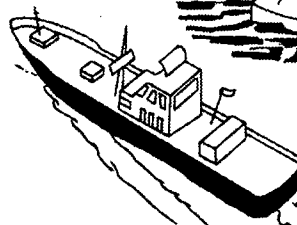
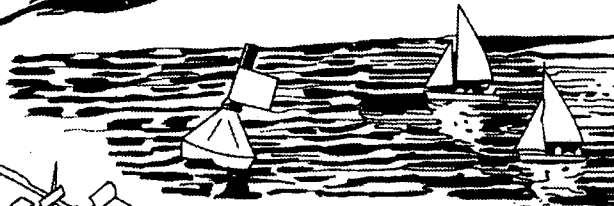
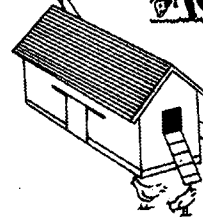
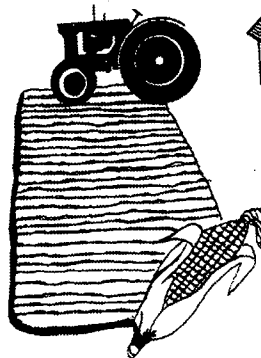
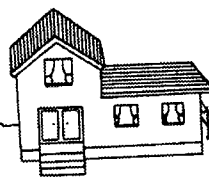
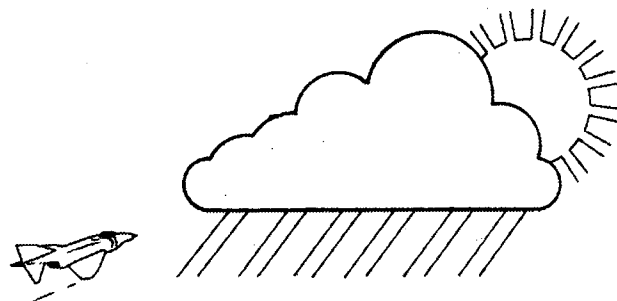
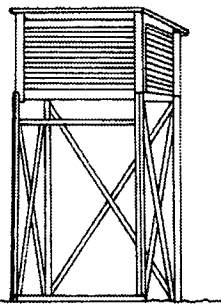
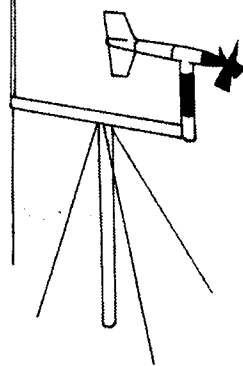
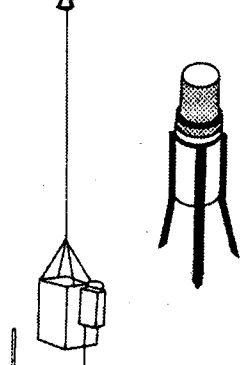
14. (1) A parent or learner who is dissatisfied with the decision referred to in 13 (1) may appeal in writing against the decision of the Head of Department within 15 days after receipt of the notification of the refusal of admission.
- (2) The appellant must furnish the MEC with all relevant information pertaining to the appeal
- (3) The MEC, must, within 15 days of receiving an appeal contemplated in subregulation (1), consider that appeal and must confirm, or set aside the relevant decision.

Repeal of Regulations

15. The *Regulations Relating to the Admission of Learners to Public Schools* Notice 61 of 1998 published on 7 January 1998, is hereby repealed.

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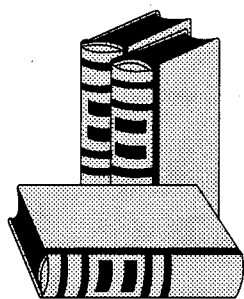
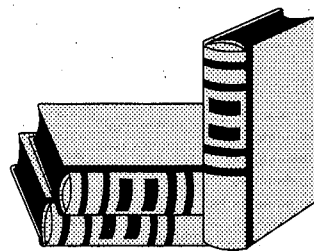
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