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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF BASIC EDUCATION

NO. 38

10 February 2021

NATIONAL EDUCATION POLICY ACT, 1996 (ACT NO. 27 OF 1996)**CALL FOR COMMENTS ON THE ADMISSION POLICY FOR ORDINARY PUBLIC SCHOOLS**

I, Angelina Matsie Motshekga, Minister of Basic Education, acting under section 3(4)(i) of the National Education Policy Act, 1996 (Act No. 27 of 1996), and after consultation with the Council of Education Ministers, hereby publish, for public comment, the Admission Policy for Ordinary Public Schools contemplated in section 12(3)(a)(i) of the South African Schools Act, 1996.

Interested persons are hereby invited to submit comments on the draft policy by 12 March 2021. Written comments must be forwarded to Adv. Charles Ledwaba.

(a) post to:

Department of Basic Education
Private Bag X895,
Pretoria,
0001;

(b) hand to:

Department of Basic Education
Sol Plaatje House,
222 Struben Street,
Pretoria;

(c) fax to:

012 323 9430

(d) by email to:

Ledwaba.C@dbe.gov.za/ Gela.n@dbe.gov.za



MRS AM MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 29 JANUARY 2021

SCHEDULE

ADMISSION POLICY FOR ORDINARY PUBLIC SCHOOLS

Interpretation

1. In this policy, any expression to which a meaning has been assigned in the National Education Policy Act, 1996 (Act No. 27 of 1996), and the South African Schools Act, 1996 (Act No. 84 of 1996), has that meaning.

Scope

2. This policy applies uniformly to all Provincial Departments of Education and all ordinary public schools.
3. The admission policy of an ordinary public school must be consistent with this policy.

Purpose

4. The purpose of this policy is to provide all Provincial Departments of Education and the governing bodies of all ordinary public schools with a framework for developing admission policies for schools.

Administration of admissions

5. The Head of Department must determine the admission period and a process of registration for admission to ordinary public schools in order to enable the admission of learners to take place in a timely and efficient manner. The Head of Department and school governing bodies should encourage parents to apply for the admission of their children before the end of the preceding school year.
6. The Head of Department is responsible for the administration of the admission of learners to an ordinary public school. The Head of Department may delegate the responsibility for the admission of learners to the district Director.

7. The admission policy of an ordinary public school is determined by the governing body of the school in terms of section 5(5) of the South African Schools Act, 1996. The admission policy of an ordinary public school must be consistent with the Constitution of the Republic of South Africa, 1996, the South African Schools Act, 1996, and applicable provincial law. The governing body of an ordinary public school must make a copy of the school's admission policy available to the Head of Department for approval.
8. The Head of Department must co-ordinate the provision of ordinary public schools and the administration of the admission of learners to ordinary public schools with governing bodies to ensure that all eligible learners are suitably accommodated in terms of the South African Schools Act, 1996. Subject to this policy, it is particularly important that all eligible learners of compulsory school going age are accommodated in ordinary public schools. Therefore, where space is limited and learners of pre-school going age have also applied for admission to an ordinary public school, preference must be given to learners of compulsory school going age.
9. The admission policy of an ordinary public school and the administration of admissions by a provincial education department must not unfairly discriminate in any way against an applicant for admission including but not limited to race, gender, sex, marital status, ethnicity or social origin, colour, sexual orientation, age, disability, HIV status, religion, conscience, belief, culture, language, birth, immigration status or nationality or any other arbitrary ground.
Furthermore, with regards to language-
 - (a) no learner may be refused admission to a public school based solely on a language policy of that public school, and
 - (b) the power to determine the language policy of the school must be exercised with due regard to the values and in particular as enshrined in section 6 and 29(2) of the Constitution of the Republic of South Africa, 1996, taking into consideration of what is fair, reasonably practicable, equity and the need to redress the results of the past discriminatory laws and practices.

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10. A learner must be admitted to the total school programme and may not be suspended from classes, denied access to cultural, sporting or social activities of the school, denied a school report or transfer certificates, or otherwise victimised on the grounds that his or her parent—
- (a) is unable to pay or has not paid the required school fees;
 - (b) does not subscribe to the mission statement and code of conduct of the school; or
 - (c) 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.
11. The governing body of an ordinary public school may not administer any test relating to the admission of a learner to an ordinary public school, or direct or authorise the principal of the school or any person to administer such a test. Where placement in a specific course or programme, e.g. technical field of study, dance or music, is required and where it would be in the educational interest of a learner, he or she may be requested by the governing body to undertake a suitable test to assist in a placement decision.
12. The name of a learner must be removed from a school's admission register when the learner—
- (a) leaves the school after grade 12 or after completion of the highest grade offered or after completing the compulsory school attendance period, or is granted exemption from compulsory attendance according to section 4 of the South African Schools Act, 1996;
 - (b) applies for a transfer to another school and the transfer is effected;
 - (c) is expelled from school;
 - (d) is registered for home education;
 - (e) is continuously absent as contemplated in the Policy on Learner Attendance published in General Notice No. 361 in Government *Gazette* No.33150 of 4 May 2010;
 - (f) does not return to the school and the parent has notified the school that the learner would not return to the school; or
 - (g) is deceased.

13. If a learner of compulsory school going age is not enrolled or fails to attend school, the Head of Department may in terms of section 3(5) and (6) of the South African Schools Act, 1996, investigate the circumstances of the learner's absence from school and take appropriate measures to remedy the situation.

Documents required for admission of a learner

14. A parent must complete an application form for admission, which should be made available to him or her by the principal of the school. The school must make the admission policy and the code of conduct for learners of the school available to a parent at the written or oral request of such parent. The principal must ensure that parents are given whatever assistance they may require to complete the application form.
15. When a parent applies for admission of a learner to an ordinary public school, the parent must present an official birth certificate (with an identity number) of the learner or a written affirmation or sworn written statement (in the form of an Affidavit) about the age of a learner to the principal of the school.
 - 15.1. If the parent is unable to submit the birth certificate or has only submitted a written affirmation or sworn written statement about the age of a learner, the learner must be admitted.
 - 15.2. The principal must advise the parents that section 31 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) makes it an offence to make a false statement or cause a false statement to be made about the age of a child.
 - 15.3. If the parent fails to submit the birth certificate of a learner, the principal must admit the learner and refer the matter to the Head of Department concerned. The Head of Department must hold the parents accountable to acquire birth certificates for their children. The Head of Department may liaise with the nearest office of the Department of Home Affairs for assistance relating to the matter. It remains the primary responsibility of parents to acquire birth certificates for their children.
 - 15.4. In the case of abandoned or orphaned children, who are in Child and Youth Care Centres, a court placement order would be required.

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- (a) The care giver or social worker concerned for the abandoned or orphaned learner, must endeavour to obtain required documents mentioned in 15.1 above.
16. On application for admission, a parent must show proof that the learner has been immunised against the following communicable diseases: polio, measles, tuberculosis, diphtheria, tetanus and hepatitis B. If a parent is unable to show proof of immunisation, the principal must immediately advise the parent in writing to have the learner immunised as part of the free primary health care programme. If the parent refuses or fails, within seven days from the date of the written communication referred to above, to submit proof of immunisation, the principal must not admit the learner to the school and must refer the matter to the Head of Department for further direction. It is in the best interest of other learners that a learner without proof of immunisation must not be allowed on the school premises during the seven days' period referred to above.
17. When a learner transfers from one ordinary public school to another, the principal must complete a transfer card and hand it to the parent, or forward it to the principal of the receiving school. The learner's transfer card must be attached to the application form for admission to the receiving school.
18. If the transfer card is not available the principal of the receiving school may admit the learner and place the learner in a grade on the basis of the following documentation:
- (a) The last report card issued by the previous school; or
 - (b) A written affirmation or sworn written statement (in the form of an Affidavit) of the parent stating the reason for not having the transfer card and the grade the learner attended at the previous school.
19. If an application for admission of a learner is refused, the school must inform the learner and parent in writing of such refusal, the reason therefor and the right to lodge an appeal.

Admission of learners who are not South African citizens

20. The South African Schools Act, 1996, and this policy apply equally to learners who are not citizens of the Republic of South Africa. In terms of the applicable legislation, non-South African citizens are categorised as either foreigners who are in possession of a temporary residence visa, permanent residence permit or any other special dispensation residence document issued by the Department of Home Affairs in terms of the Immigration Act, 2002 (Act No. 13 of 2002), or as foreigners who are in possession of an asylum seeker's visa or refugee's visa issued, respectively, in accordance with sections 22 and 24 of the Refugees Act, 1998 (Act No. 130 of 1998). These visas and permits are issued by the Department of Home Affairs.

- (a) A foreign learner in possession of a permanent residence permit must submit:
 - (i) a birth certificate issued by the relevant authority from his or her country of origin;
 - (ii) where the learner was born in the Republic, such a learner must submit a copy of a birth certificate issued by his or her country of origin or a handwritten birth certificate issued by the Department of Home Affairs in accordance with the Births and Deaths Registration Act, 1992;
 - (iii) a copy of his or her permanent residence certificate; or
 - (iv) a copy of his or her identity document from his or her country of origin, if he or she is 16 years and above, or a passport; and
 - (v) the documents contemplated in paragraphs 14, 16 to 18 of this policy.

- (b) A foreign learner in possession of a temporary residence visa must submit:
 - (i) a birth certificate issued by the relevant authority from his or her country of origin; or
 - (ii) where the learner was born in the Republic, such a learner must submit a copy of a birth certificate issued by his or her country of origin or a handwritten confirmation of birth issued by the

- Department of Home Affairs in accordance with the Births and Deaths Registration Act, 1992; or
- (iii) a copy of his or her identity document from his or her country of origin, if he or she is 16 years and above, or a passport;
 - (iv) a copy of his or her study visa; and
 - (v) the documents contemplated in paragraphs 14, 16 to 18 of this policy.
- (c) A foreign learner in possession of an asylum seeker visa or refugee visa must, together with the documents required for admission of a learner to an ordinary public school referred to in paragraphs 14, 16 to 18 of this policy, where such documents are available, submit:
- (i) a copy of his or her birth certificate from his or her country of origin;
 - (ii) a copy of his or her asylum seeker visa issued in terms of section 22 of the Refugees Act, 1998;
 - (iii) a copy of his or her a refugee permit issued to him or her in terms of section 24 of the Refugees Act, 1998; or
 - (iv) a copy of his or her identity document from his or her country of origin, if he or she is 16 years and above or a passport.
21. If a parent of a foreign learner applies to an ordinary public school for the admission of a learner and the name of the learner does not appear as a dependant of the parent concerned on the above-mentioned documents required for that particular learner, a school must admit the learner on the basis of such documents. The same applies if it cannot easily be established whether the parent is the legal guardian of the learner, or if it is not clear what the parental relationship between the parent and the learner is. In such cases, the parties concerned should be referred to the Department of Justice and Correctional Services and the Department of Social Development to obtain the required confirmatory documentation.
22. Where reasonable doubt exists regarding the authenticity of the submitted information, it is imperative for schools to verify the authenticity of the information submitted together with the applications for admission, with the

Department of Home Affairs at its nearest office, while the learner concerned receive education in a school.

Admission of undocumented learners

23. The right to education extends to everyone within the boundaries of South Africa, the nationality and immigration status is immaterial. All schools are advised to admit learners and serve their education requirements irrespective of whether the learner or parent of a learner does not produce documents listed in paragraph 15, 17 to 20 of this policy.
24. The Head of Department must hold the parents of undocumented learners accountable for acquiring birth certificates for their children. The Head of Department may offer assistance to the parents of undocumented learners which includes liaising with the nearest office of the Department of Home Affairs to ensure undocumented learners admitted in schools are documented while the learners receive education.

Learners with special education needs

25. Public ordinary schools may admit learners with special education needs, where this is reasonably practical. Schools are encouraged to make the necessary arrangements, as far as practically possible, to make their facilities accessible to such learners.
26. Where the necessary support, which would facilitate the integration of a learner in a public school, cannot be provided, the principal of the school must refer the application for admission to the Head of Department to have the learner admitted to a suitable public school in that province or to a school in another province.
27. Before the Head of Department refers a learner as contemplated in paragraph 26, the Head of Department must arrange for consultation with parents,

educators and District Official. These consultations must form part of the assessment of the learner before the learner is referred to another suitable public school. This process should be handled as a matter of urgency to facilitate the admission of a learner as soon as possible to ensure that the learner is not prejudiced in receiving appropriate education.

28. Assessment and consultation relating to a change of placement must be carried out by a team based at the school in consultation with parents, educators and District Official. The Head of Department of the province concerned must approve the placement.

Age requirements for the admission of a learner to an ordinary public school

29. The admission age of a learner to a public school to—
 - (i) Grade R is age four turning five by 30 June in the year of admission; and
 - (ii) Grade 1 is age five turning six by 30 June in the year of admission.
30. If a learner has been admitted to an ordinary public school at an age above the age requirements provided in paragraph 29 such learner must, as far as possible, be placed in a fast track facility, or with his or her peer group, unless it is not in the educational interest of the learner. In the latter case, the learner must be placed in a suitable lower grade, and an accelerated programme must be worked out for the learner to enable him or her to catch up with the peer group as soon as possible.
31. A learner who is 16 years of age or older and who has never attended school and who is seeking admission for the first time or did not make sufficient progress with his or her peer group, must be advised to enrol at an Adult Education and Training (AET) centre.

Repetition

32. 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 repetitions in one grade are not permissible.

33. 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 support from the learner's family and peers.

School zoning

34. A Head of Department may, after consultation with the governing bodies, 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.
35. When considering the feeder zones, the Head of the Department must consider all the relevant information, including but not limited to:
- (a) the capacity of the school and schools in the area to accommodate learners;
 - (b) the language and curricula offered at the school and the schools in the vicinity;
 - (c) information and projections regarding area population density, learner population density and learner enrolment; and
 - d) the need for geographical and spatial transformation.
36. Feeder zones should be reviewed from time to time as the circumstances dictate.
37. The Head of the Department may exclude certain categories of schools, such as Special Schools and Focus Schools from the feeder determination based on the school's circumstances.
38. If a feeder zone is created, the following principles must be applied:

- (a) Preference must be given to a learner who lives in the feeder zone of a school or has a sibling in the school or whose parent's work address is in the feeder of the school;
 - (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 school A must be referred to the neighbouring school B if school A is oversubscribed. If school B is oversubscribed, an alternative school within a reasonable distance must be found by the Head of Department. If that is not possible, school A must admit the learner; and
 - (d) Preference with regard to the order of admission is as follows:
 - (i) Learners whose parent lives in the feeder zone of the school;
 - (ii) Learners who have a sibling in the school in the year for which admission is sought;
 - (ii) Learners whose parent's work address is in the feeder area; or
 - (iii) Other learners: first come, first served.
39. A school with a specific field of study, e.g. a technical school, must have a much larger feeder zone to accommodate learners with specific aptitudes, interests or needs.

Register of admission

40. The principal of an ordinary public school must keep a register of admission. All learners admitted to the school must be recorded in the register of admission. The register of admission must contain the name, date of birth, age, identity number (if available), passport number, visa or permit number, asylum seeker visa number, refugee visa number (if applicable and available), and the address of the learner as well as the names of the learner's parents, their addresses and telephone numbers, where applicable.
41. Entries in the register of admission must be verified against the birth certificate, passport, asylum seeker visa, refugee visa, identity or any form of alternative document listed in paragraph 15, 17-20 of the learner concerned.

42. Officials of the provincial education department must have access to the register of admission.

Rights and obligations of parents

43. The governing body of a school must inform all parents of learners admitted to the school of their rights and obligations in terms of the South African Schools Act, 1996, and in terms of any applicable provincial law. Parents must specifically be informed about their rights and obligations with regard to the governance and affairs of the school, including the process of deciding the school budget, procedure for applying for exemption from payment of school fees, appeal procedure for exemption from payment of school fees, any decision of a parent meeting relating to school fees, and the Code of Conduct for Learners.
44. Parents have an obligation to-
- (a) support their children in their education; and
 - (b) to ensure that their children –
 - (i) attend school regularly; and
 - (ii) possess valid birth certificate, visa, permit or document referred in paragraph 15, 17 -20, at all times.

Right of appeal

45. Any learner or parent of a learner who has been refused admission to a public school may appeal against the decision to the Member of the Executive Council in terms of section 5(9) of the South African Schools Act, 1996.

Withdrawal

46. The Admission Policy for Ordinary Public Schools published in General Notice No. 2432 in Government *Gazette* No. 19377 of 19 October 1998 is hereby withdrawn.