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## Provincial Gazette Provinsiale Koerant

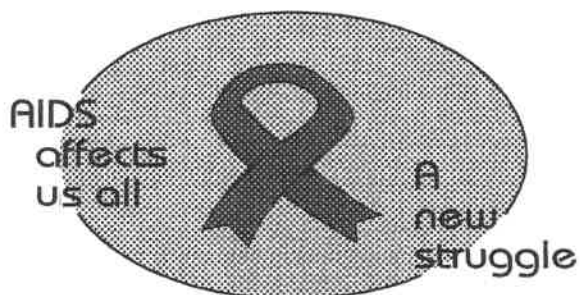
*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*

Vol. 27

NELSPRUIT  
3 APRIL 2020  
3 APRIL 2020

No. 3149

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ISSN 1682-4518



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Government Printing Works  
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**OFFICIAL NOTICES • AMPTELIKE KENNISGEWINGS**

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**OFFICIAL NOTICE 1 OF 2020****MPUMALANGA DEPARTMENT OF EDUCATION****REGULATIONS RELATING TO THE ADMISSION OF LEARNERS TO PUBLIC SCHOOLS**

I, Bonakele Amos Majuba, Member of Executive Council for Education in Mpumalanga Province, after consultation with Associations of School Governing Bodies hereby, in terms of Section 9 (1) of the Mpumalanga School Education Act N0 8 of 1995, hereby publish the regulations relating to the admission of learners to public schools in the Province.

**1. Definitions**

In these regulations, unless the context indicates otherwise "parent" means.

- (a) a biological or adoptive parent or legal guardian of the learner;
- (b) a person legally entitled to custody of a learner; or
- (c) a person who undertakes to fulfill the obligations of a person referred to in (a) or (b) towards the education of the learner

"School" means a public school;

"The Act" means the School Education Act, 1995(Mpumalanga) (Act 8 of 1995).

" School governing body "means a governing body as contemplated in terms of section 16(1) of The South African Schools Act

"Study visa" means an official document issued by the Department of Home Affairs in respect of children born of foreign nationals for the purpose of admission and enrolling at a South African public school.

"Foreign national" means a person who is not a South African citizen by birth.

"Principal" means an educator appointed or acting as the head of a school.

"Learner" means any person receiving education or obliged to receive education in terms of this Act;

"Grade" means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the Executive Council may deem to be equivalent thereto;

"Province" means a province established by section 124 of the Constitution in this context reference is made to Mpumalanga Province.

" Member of Executive council" means the executive council responsible for education.

**2. Administration of admission regulations 2019**

2.1. The Head of Department is responsible for administration and management process of admission and registration of learners to public schools.

2.2. All schools that are public schools must operate and open themselves to any learner. By this regulation, schools must admit all learners who wish to attend school education depending on the school capacity.

- a) Subject to the provisions of these regulations, the Head of Department is responsible for the administration of the admission of learners to a public school.
- b) The admission policy of a school is determined by a governing body of that school in terms of section 5(5) of the South African Schools Act.

The admission policy that has been determined by the School Governing Body may not be inconsistent with the Constitution of the Republic of South Africa, 1996 or any provision of these Regulations.

- c) The admission policy that is determined by the school governing body must first be approved by the Head of Education before its implementation at school level.
- d) The Department may determine the minimum standards for the formulation of the admissions policy for specialist schools, technical schools and education institution.
- e) The governing body of a school must make a copy of the admission policy of the school available to the Head of Department.
- f) If the admission policy of a school is consistent with the National Education Policy Act, the South African Schools Act and these Regulations, the Head of Department shall certify that admission policy within one month of its submission for certification.
- g) No admission policy of a school, or any amendment thereof, shall be of force and effect until it has been certified by the Head of Department.

### **3. Unfair discrimination**

3.1. It is the responsibility of the Head of a Department to coordinate the administration of admission of learners to public schools. It is particularly important that all eligible learners of compulsory age are accommodated in ordinary public schools.

3.2. Any admission policy of ordinary public schools and the administration of admissions by an education department must not unfairly discriminate against learners on the basis of language, race, ethnic or social origin, colour, gender, sex, disability, sexual orientation, religion, conscience, belief and culture.

3.3. A learner is 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 certificate, or otherwise victimized on the ground 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 education of the learner.

3.4. The governing body of a public school may not administer any test relating to the admission of a learner to a public school, or direct or authorize the principal of the school or any person to administer such a test.

3.5. Where placement in a specific course or programme, e.g. technical field or 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 Head of Department to undertake a suitable test to assist a placement decision.

3.6. The name of a learner must be removed from a school's admission register when a learner-

- (a) leaves the school after grade 12 or after completing the compulsory school attendance period, or is granted exemption compulsory attendance according to section (4) of the South African Schools Act;
- (b) applies for a transfer to another school and the transfer is effected;
- (c) is expelled from school;
- (d) Continuous absence without notification from parents or
- (e) Dies

3.7. If a learner of compulsory school going age fails to attend school, the Head of Department may act in terms of section 3(5) of the South African Schools Act, 1996.

#### **4. Notwithstanding the provisions of sub regulation (3.1)**

4.1. (a) gender-specific school may refuse admission to a learner on the grounds of gender; or

4.1. (b) the principal of a school of the arts, or science and technology, or sports may administer an admission test on the prior written approval of the Head of Department.

4.2. Subject to sub regulation (3.4) a test may be administered, 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.

4.3. Only the Head of Department or delegated official may approve the application and contents of the tests referred to in sub regulation (3.4).

4.4. The principal of the school must obtain the prior written approval of the Head of Department authorizing such tests to be conducted.

4.5. Every learner in the province shall exercise his /her right to basic education by applying for admission to his /her school of choice

#### **5. Registration and admission of South African learners**

5.1. A parent of a learner currently enrolled at a school must confirm in writing before the end of May of the current year, if the parent intends to retain the learner at the same school the next academic year.

5.2. The parent of a learner, who intends to enroll the learner at a public school for the first time at the beginning of any given school year, must register the learner at that school between May and the end of August of the year preceding the school year in which the learner seeks admission, but late registration will be allowed in special circumstances and late registrations must close not later than the tenth school day of the given school year, unless the permission of the Head of Department is obtained.

5.3. A learner who seeks admission to a school for a reason not referred to in sub regulations (5.1) or (5.2), must register at that school from May to the end of August of the year preceding the school year in which the learner seeks admission, but late registration will be allowed in special circumstances.

## **6. Documents required for admission of a learner**

6.1. A parent must complete an application form for admission, which should be made available to him or her by the principal of the school together with the admission policy and the code of conduct for learners of the school. The principal must ensure that parents are given whatever assistance they may require to complete the forms.

6.2. When a parent applies for admission of a learner to an ordinary public school, the parent must present an official birth certificate of the learner to the principal of the public school. If the parent is unable to submit the birth certificate, the learner may be admitted conditionally until a copy of the birth certificate is obtained from the regional office of the Department of Home Affairs. The principal must advise parents that it is an offence to make a false statement about the age of a child. The parent must ensure that the admission of the learner is finalized within three months of conditional admission.

6.3. If the parent fails to submit the birth certificate of a learner within the period stated in sub-paragraph above, the principal must refer the matter to the Head of Department concerned.

6.4. The Head of Department must co-ordinate with the nearest office of the Department of Home Affairs for assistance relating to the matter and, as soon as possible, advise the principal on the action to be taken.

6.5. If a learner is unable to obtain a copy of the birth certificate and has furnished the principal with proof of application for a birth certificate from the Department of Home Affairs and after the intervention of the Head of Department or six months has passed since the application for such certificate, the Head of the Department must consider the reasons for the delay in obtaining the birth certificate with a view to finalising the admission of the learner to a public school.

6.6. On application for admission, a parent must show proof that the learner has been immunized against the following communicable diseases, polio, measles, tuberculosis, diphtheria, tetanus and hepatitis B. If a parent is unable to show proof of immunization, the principal must advise the parent on having the learner immunized as part of the free primary health care programme.

6.7. When a learner transfers from one 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.

6.8. 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;
- (b) other equivalent documentation from the previous school; or
- (c) a written affidavit of the parent stating the reasons for not having the transfer card and the grade the learner attended at the previous school.

## **7. Admission of non-citizens**

7.1. The South African Schools Act, 1996 and these regulations apply **equally** to learners who are not citizens of the Republic of South Africa whose parents are in possession of a visa for temporary or permanent residence issued by the Department of Home Affairs.

7.2. A learner who entered the country on a study visa must present the study visa on admission to the public school.

7.3. Person(s) classified as foreign immigrant must, when they apply for admission for their children or for themselves, show evidence that they have applied at Department of Home Affairs to legalize their stay in the country in terms of the Immigration Act No. 13 of 2002.

## **8. Learners with special education needs**

8.1. The rights and wishes of learners with special education needs must be taken into account at the admission of the learners to an ordinary public school.

The South African Schools Act, 1996 requires ordinary public schools to admit learners with special education needs, where this is reasonably practical. Schools are encouraged to make the necessary arrangements, as far as practical possible, to make their facilities accessible to such learners.

8.2. Where the necessary support which would facilitate the integration of a learner in a particular educational context, 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.

8.3. Before the Head of Department refers a learner as contemplated in sub-regulation (8.2), the Head of Department must arrange for consultation with parents, educators and other support personnel concerned. These consultations must form part of the assessment of the learner before the learner is referred to another 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.

8.4. 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 other relevant personnel. The Head of Department of the province concerned must approve the placement.

## **9. Age requirements for the admission of a learner to an ordinary public school or different grades of a school**

9.1. Learners are to be admitted to public schools and placed in different grades in the school according to the age

9.2. A learner who will be six (6) turning seven (7) in the grade 1 year must register at a school between May and the end of August of the preceding year.

9.3. If a learner has been admitted to a public school at an age above the age norm for a grade, such learner must, as far as possible, be placed in a fast tract 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 program must be worked out for the learner to enable him or her to catch up with the peer group as soon as possible.

9.4. Learner who is 16 years or older who has never attended school and who is seeking admission for the first time or did not made sufficient progress with his or her peer group, must be advised to enroll at an Adult Education and Training (AET) center.

9.5. Subject to this regulations, 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.

## **10. Repetition**

10.1. A learner who has repeated one or more years at school in terms of this regulation is exempted from 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.

10.2. In principle, learners should progress with their age cohort. Repetition of grades seldom results in significant increases in learning attainment and frequently has opposite results. The norm for repetition is one year per school phase where necessary. Multiple repetitions in one grade is not permissible.

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

## **11. School zoning**

11.1. The feeder zone for admission of learners in ordinary public schools shall be 25km radius in order to control the learner numbers and coordination parents.

11.2. Feeder zone created by a school must be consistent with paragraph 11.1: -



- (a) preference must be given to a learner who lives in the feeder zone of a school or who resides with his or her parents at an employer's home in the feeder zone;
- (b) a learner who lives within 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 neighboring 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 the Department. If that is not possible, school A must admit the learner.
- (d) The preference order of admission is-
  - (i) learner whose parents live in the feeder zone, in their own domicile or their employer's domicile;
  - (ii) learners whose parent's work address is in the feeder zone area; or
  - (iii) other learners: First come first served.

11.3. A school with a specific field of study, e.g. technical school, must have much larger feeder zones to accommodate learners with special aptitudes interests or needs.

## **12. Register of admissions**

12.1. The principal of a school must keep a register of admissions 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 and their address and telephone numbers, where applicable.

12.2. Entries into the register of admission must be verified against the birth certificate or identity document of the learner concerned.

12.3. Officials of the Department must have access to the register of admission.

## **13. Rights and obligations of parents**

13.1. 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 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.

13.2. Parents have an obligation to support their children to attend school regularly and monitor their progress in liaison with the relevant school.

#### **14. Refusal of admission**

14.1. If a principal, acting on behalf of the Head of Department, refuses to admit a learner to a school, he or she must provide -

- (a) reasons in writing for his or her decision to the Head of Department and the parent
- (b) a copy of these regulations to the parent and the address of the Member of the Executive Council

#### **15. Appeals**

15.1. 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 or his/her delegate in terms of section 5(9) of the South African Schools Act.

15.2. Compulsory attendance of learners in the province.

15.3. The Head of Department or his/her delegate may-

- (a) investigate the circumstances of the learner's absence from school;
- (b) take appropriate measures to remedy the situation; and
- (c) failing such a remedy, issue a written notice to the parent of the learner requiring compliance if such a child or a learner is subject to compulsory attendance is not enrolled at or fails to attend a school.