

KZN Notice No. 74 of 1998 dated 5 March 1998

REGULATIONS

RELATING TO THE ADMISSION OF LEARNERS TO PUBLIC SCHOOLS (EXCLUDING INDUSTRIAL AND REFORM SCHOOLS)

KWAZULU-NATAL SCHOOL EDUCATION ACT, 1996 (KZN Act 3 of 1996)

The Minister of Education and Culture for KwaZulu-Natal has under section 72 of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the same meaning unless the context otherwise indicates:
 - "Act" means the Kwazulu-Natal School Education Act, 1996 (Act No. 3 of 1996);
 - "child" includes pupil or learner;
 - "governing body" means any management council, managing body or a governing body referred to in the Act;
 - "school" means a public school.

Requirements for the admission of learners to schools

2. (1) The parent of a learner must make application to the Secretary for the admission of his or her child to a school.
- (2) The Secretary must not admit a learner to a school unless he or she is satisfied that -
 - (a) the learner complies with the age requirements for admission to the school concerned referred to in sections 50 and 59 of the Act (as the case may be);
 - (b) the learner is of the same gender as the learners who are admitted to the school concerned;
 - (c) the medium of instruction required for or by the learner, is a language of instruction in the school concerned;
 - (d) the necessary classroom accommodation is available according to norms determined by the Secretary;
 - (e) in the case of an application for admission to a school providing education from a level other than level one, the learner successfully passed at a registered educational institution the grade below the grade at which education commences at the school concerned; and
 - (f) the application is in accordance with the admissions policy determined by the governing body of the school concerned: provided that the admissions policy may not call for an admission test.
- (3) If -
 - (a) a learner is refused admission to a school, the Secretary must forthwith notify the parent of such pupil in writing-
 - (i) of the withdrawal or refusal of the admission of the learner: and
 - (ii) the reasons, therefor.

[Editor's note. There was no para(b) to this subsection published in the gazette notice]

- (4) The Secretary must prescribe the form to be used for an application for the admission of a learner to a school. This provision will not prevent the use of an application form determined by the principal, as long as this form incorporates all the information called for in the form prescribed by the Secretary.
- (5) The parent of every learner must produce the learner's birth certificate to the Secretary on the admission of the learner to the school.
- (6) The Secretary must make sure that the details of the birth certificate are recorded in the school admission register.
- (7) If there are good reasons why it is not possible to produce the birth certificate of the learner, the Secretary may accept, at his or her discretion, in its place, any other document recording the details of the birth of the learner.
- (8) The Secretary may determine additional documentation which must be submitted on the enrolment of a learner.
- (9) If the parent is not able to produce the documents referred to in this regulation when the learner is to be enrolled, the Secretary may provisionally enrol the learner concerned for a period not exceeding three months, during which period the parent is obliged to submit the required document to the Secretary.

Areas for admission of learners to particular schools

3. The Secretary may determine a feeder area for the admission of learners to a particular school in consultation with the governing body of the school concerned.

Refusal to admit a learner to a school

4. (1) Despite the provisions of subregulation 2(2)(f) the Secretary may direct a principal to admit to his or her school a learner who was previously expelled from another school.
- (2) No learner may be refused admission to a school on the grounds that his or her parent-
 - (a) has not paid the school fees determined by the governing body;
 - (b) does not subscribe to the mission statement of the school; or
 - (c) has refused to enter into a contract with the school, the State or the owner of private property on which the school is situated in terms of which the parent waives any claim for damages against the school. the State or such owner for any damages arising out of the education of the learner.
- (3) The Secretary must ensure the recording of the following particulars:
 - (a) the date of the application;
 - (b) the name and address of the applicant;
 - (c) the name of the learner concerned; and
 - (d) the reason for the refusal of the application,in respect of each application for the admission of a learner which was refused.
- (4) Any parent feeling aggrieved by a decision of the Secretary refusing the admission of his or her child, may, within 30 days after he or she has been notified of the Secretary's decision, appeal in writing to the Minister. The notice of appeal must state the reasons for the appeal.

Register of admission and registers of daily school attendance

5. (1) The principal must ensure that all admissions of learners to a school are recorded in a register of admission, containing particulars determined by the Secretary.
- (2) A principal shall ensure that a daily school attendance register is kept up to date for each class.
- (3) A principal shall report cases of irregular school attendance to the parent of the learner concerned and the school attendance officer (if any).
- (4) School attendance officers are entitled to access to school attendance and admission registers.

Official enrolment

6. (1) The Secretary must determine a day or days for the enrolment of learners.
- (2) The Secretary may only enrol learners who are actually present at a school on enrolment day or days.
- (3) If a learner is absent on the day or days of enrolment for a valid reason, the Secretary may enrol him or her after the official enrolment day or days.
- (4) Despite subregulation (2), the Secretary may include learners who were enrolled at a school the previous year and who have not attended school on the enrolment day or days if he or she is in possession of written proof that they will return to the school concerned.

Part-time learners

7. No part-time learners must be admitted to a school.

Transfers

8. (1) When any learner transfers from one school to another, the parent must -
 - (a) inform the principal of the school which the learner attends of the impending transfer; and
 - (b) inform the principal of the name of the school to which the learner is to be transferred.
- (2) The principal of a school where a learner enrolls after leaving one school, must immediately inform the principal of the school where the learner was previously enrolled of that fact.
- (3) The principal of the school previously attended by the learner concerned must thereupon send a transfer form and all additional relevant information pertaining to the learner concerned, to the principal of the school where the learner is currently enrolled. Should it transpire that the learner has not enrolled at the new school, the principal of the previous school must inform the Secretary.
- (4) If the principal of the school previously attended by a departing learner does not receive a request for transfer documents in respect of the learner concerned within one month of his or her expected date of enrolment at the new school, he or she shall make enquiries to determine if the learner enrolled at the school identified by the parent as the school where he or she would be enrolled.

Compulsory school attendance

9. Every parent must cause his or her child to attend a school from the first day of the year in which such child reaches the age of seven years until the last day of the year in which such child reaches the age of 15 year or the ninth grade, whichever occurs sooner.

Delegation of powers

10. The Secretary has authority to delegate the powers bestowed on him or her in terms of these Regulations, except the power to hear an appeal in terms of regulation 4(4) to an educator or official in the employ of the department.

Repeal of regulations

11. The regulations governing the admission of persons to public schools set out in the Schedule hereto are hereby repealed.

SCHEDULE

Name of the act	Regulation	Date	Repealed portion
Education and Training Act, No. 90 of 1979	R 1143	1981-05-29	Regulations 2, 3, 4 and 5.
Coloured Persons Education Act, No. 47 of 1963	R 1898	1963-11-21	Chapters SI to S13 in so far as they apply to schools.
Education Affairs Act (House of Assembly), No. 70 of 1988	R 703	1990-03-30	The whole.
Indians Education Act, No. 61 of 1965	R 2753	1990-11-30	Regulations 2, 3, 4 and 5.
KwaZulu Education Act, No. 7 of 1978	GN 830	1988-12-02	Regulations 2, 3 and 4 in so far as they apply to schools.