



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 722

6

August
Augustus 2025

No. 53119

N.B. The Government Printing Works will
not be held responsible for the quality of
“Hard Copies” or “Electronic Files”
submitted for publication purposes

ISSN 1682-5845



9 771682 584003



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>	GENERAL NOTICES • ALGEMENE KENNISGEWINGS	<i>Gazette No.</i>	<i>Page No.</i>
Basic Education, Department of / Basiese Onderwys, Departement van			
3415	South African Schools Act, 1996 (Act No. 84 of 1996): Admission of Learners to Public Schools Regulations.....	53119	3

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF BASIC EDUCATION**NOTICE 3415 OF 2025****SOUTH AFRICAN SCHOOLS ACT, 1996****ADMISSION OF LEARNERS TO PUBLIC SCHOOLS REGULATIONS**

The Minister of Basic Education, intends, in terms of section 61(1)(aB) of the South African Schools Act, 1996 (Act No. 84 of 1996), to make the regulations set out in the Schedule hereto.

Any person who wishes to submit written comments on the draft Regulations is hereby invited to do so within 30 days from the date of publication hereof by—

- (a) posting such comments to the following address:
Private Bag X895
PRETORIA
0001;
- (b) delivering such comments by hand at the following address:
The Department of Basic Education
222 Struben Street
Pretoria
0001; or
- (c) e-mailing such comments to the following address:
AdmissionRegz@dbe.gov.za.

Comments must be addressed to the Director: Legal Services and marked for the attention of Adv Zukile Ntshwanti. Comments received after the closing date will not be considered.



SIVIWE GWARUBE, MP

MINISTER OF BASIC EDUCATION

SCHEDULE**Table of Contents**

1. Definitions	4
2. Scope	4
3. Purpose.....	4
4. Coordination and Administration of Learner Admissions.....	5
5. Admission Policies of Public Schools	6
6. Authority to Admit Learners by the HOD.....	6
7. Review of Admission Policies	7
8. Re-enrolment of learners	7
9. Refusal of learner admission	8
10. Mandatory admission of learners to public schools	8
11. Register of admissions	8
12. Removal of learner from the register of admissions	9
13. Documents required for admission of a learner.....	9
14. Proof of immunisation	11
15. School communication with parents/learners regarding the status of admission ..	13
16. Admission of learners who are not South African citizens	13
17. Admission of undocumented learners	15
18. Learners with special education needs	15
19. Criteria for admission of a learner to a public school at age lower than admission age for grade R	16
20. Admission of learners at age above age requirements	16
21. School zoning	17
22. Rights and obligations of parents.....	18
23. Right of appeal	18
24. Short title	19

Definitions

1. In these Regulations, a word or expression to which a meaning has been assigned in the National Education Policy Act, 1996 (Act No. 27 of 1996), or the South African Schools Act, 1996 (Act No. 84 of 1996), bears that meaning and, unless the context indicates otherwise—

“admission period” means the period during which applications for admission of entry grade learners to public schools must be submitted and processed, as determined by the HOD;

“compulsory school-going age” means the age at which a learner is obliged to attend school in terms of section 3(1) of the Act;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Department” means the department responsible for matters related to education in the relevant province;

“entry grade learner” means a learner requiring enrolment at a public school in Grade R, Grade 1 or Grade 8;

“HOD” means a Head of Department as defined in the Act;

“register of admissions” means a list of names of learners who will be admitted to a school in accordance with these Regulations;

“the Act” means the South African Schools Act, 1996 (Act No. 84 of 1996);

“total school programme” means all curriculum, sporting, cultural and social activities offered officially by a public school, and all reporting that forms part of such activities.

Scope

2.(a) These Regulations apply uniformly to all Departments and all public schools.

(b) Where a provincial directive on learner admissions is inconsistent with these Regulations, the provisions of these Regulations take precedence.

(c) A public school’s admission policy, as determined by the governing body, must be consistent with the Constitution, the Act and these Regulations.

Purpose

3. The purpose of these Regulations is to provide all Departments and the governing bodies of all public schools with regulatory provisions to manage learner admissions in public schools.

Coordination and administration of learner admissions

- 4.(1) The HOD is responsible for coordinating learner admissions in public schools in collaboration with school governing bodies, with the aim of ensuring that all eligible learners are accommodated timeously and effectively in terms of the Act.
- (2) The HOD must determine the annual admission period and establish a clear process for handling applications for learner placement. This process must be finalised by no later than May in the year preceding the intended school year.
- (3) An annual admissions management plan must be issued before the start of the admission period and made available to schools and the public in an accessible format.
- (4) The admissions management plan must provide clear timelines and guidance on at least the following:
- (a) The admission period;
 - (b) the period during which learners other than entry grade learners enrolled in public schools, are progressed to the next grade; and
 - (c) strategies to encourage early applications, including support and advocacy initiatives.
- (5) Applications for admission into entry grades must be submitted either online or at schools in accordance with the process determined by the HOD.
- (6) Applications for other grades must be in accordance with the method determined by the HOD.
- (7) All public schools must align their admissions processes and practices with the official procedures and timelines communicated by the HOD.
- (8) Principals must ensure that parents receive reasonable assistance when completing application forms.
- (9) Subject to section 5(5)(b) of the Act and regulation 6, the principal of a public school is responsible for the admission of learners to the school in accordance with admission policy determined by the governing body of the school and under the delegated authority of the HOD.
- (10) No eligible learner may be denied access to a public school unless it is in accordance with the Act or these Regulations.
- (11) All learners of compulsory school-going age must be accommodated as a priority. Where space is limited, preference must be given to these learners.
- (12) When implementing these provisions, all officials of Departments, school principals, governing bodies and parents must work together in good faith, prioritise the best interests of learners, make every effort to avoid disputes, and respect the legal framework provided under section 3(7) of the Act.

Admission policies of public schools

5.(1) When drafting or amending an admission policy, the governing body must ensure that the policy is rational, fair and takes into account the following:

- (a) The best interests of learners, particularly the importance of equitable access and the removal of barriers to participation;
 - (b) the demographics and education needs of the surrounding community, including language preferences and the number of compulsory school-age learners;
 - (c) the availability and capacity of nearby schools;
 - (d) the resources and infrastructure available at the school;
 - (e) the school's capacity as determined in accordance with applicable capacity regulations and norms and standards;
 - (f) any departmental plans for school development or expansion in the area; and
 - (g) any other relevant factors that support fair and inclusive admissions.
- (2) Single-sex schools may continue to restrict enrolment in line with their designated gender focus.
- (3) A public school's admission policy must be made available to parents and to the Department upon request.

Authority to admit learners by HOD

6.(1) The HOD has final authority to admit a learner to a public school, after consultation with the governing body of the school but such authority does not override any appeal decision taken by the Member of the Executive Council in terms of section 5(9) of the Act.

- (2) Before exercising the authority to admit a learner to a public school, the HOD must inform the governing body of the public school in writing of his or her intention to exercise this authority and provide a reasonable opportunity for the governing body to respond.
- (3) The written notice to the governing body of the public school must include the reasons and key factors that informed the HOD's decision.
- (4) In making a final admission decision, the HOD must consider–
 - (a) the best interests and specific needs of the learner, including the learner's age and education support needs;

- (b) the resources available at the public school and within the Department to accommodate the learner;
 - (c) the public school's capacity and space availability in line with applicable capacity regulations and norms and standards;
 - (d) the public school's admission policy and its compliance with the law;
 - (e) the availability of capacity in neighbouring schools;
 - (f) the broader needs of the community and access to alternative schools;
 - (g) any plans for school development or expansion in the area;
 - (h) all representations made by the governing body; and
 - (i) any other relevant considerations.
- (5) The HOD may only place a learner in a public school if—
- (a) the school has space to accommodate the learner;
 - (b) the school can meet the learner's education needs;
 - (c) the necessary resources are available or can be provided; and
 - (d) there is no pending appeal by the parent or learner under section 5(9) of the Act.
- (6) Once a decision is made, the HOD must notify the governing body of the public school in writing, providing reasons and informing the governing body of its right to appeal the decision under section 5(11) of the Act.

Review of admission policy

7.(1) If the HOD believes that a public school's admission policy does not comply with the Act or these Regulations, the governing body must be requested in writing to review and amend the policy.

(2) The written request to the governing body must clearly explain the reasons for the review and the areas of concern.

(3) Upon receipt of such a request, the governing body must review and revise the admission policy within a reasonable period not exceeding ninety days.

Re-enrolment of learners

8. Learners already admitted at a school do not have to re-apply for admission at the end of each phase at that school.

Refusal of learner admission

9. A learner may not be refused admission on grounds that constitute unfair discrimination, including grounds such as race, ethnic or social origin, nationality, colour, gender, sex, age, disability, sexual orientation, religion, conscience, belief, culture, language, pregnancy, HIV and AIDS status, or any other illness.

Mandatory admission of learners to public schools

10. A learner must be admitted to the total school programme on or after admission and may not be suspended from classes, denied access to cultural, sporting or social activities of the school, denied the right to write examinations, denied a school report or transfer certificate, or otherwise discriminated against on the grounds that his or her parent—

- (a) is unable to pay school fees or has not paid the required school fees or has been exempted from payment of school fees in terms of the Regulations Relating to the Exemption of Parents from Payment of School Fees in Public Schools;
- (b) does not subscribe to the mission statement of the school on or after admission due to cultural beliefs, religious observances, medical circumstances or any other reasonable grounds submitted by the learner or parents of the learner; 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.

Register of admissions

11.(1) In order to monitor and support compliance with the Act and these Regulations, the principal of a public school must keep a register of admissions in which all learners admitted to the school must be recorded.

(2) The register of admissions 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.

(3) Entries in the register of admissions must be verified against the learner's documents listed in regulations 13, 14, 16 and 17.

(4) Officials of the Department must have access to the register of admissions.

Removal of learner from register of admissions

12. The name of a learner must be removed from a school's register of admissions 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 in terms of section 4 of the Act;
- (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.

Documents required for admission of learner

13.(1) An application for admission must be considered even if a parent is unable to submit the birth certificate or has only submitted a written affirmation or sworn written statement confirming the age of a learner.

(2) The principal of a public school 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.

(3) If a parent fails to submit the birth certificate of a learner as part of an application for admission to a public school, the principal of the public school must admit the learner where the learner otherwise qualifies for admission, advise the learner's parent to acquire the birth certificate, and refer the matter to the HOD concerned for further action.

(4) The HOD or a person duly authorised by him or her must hold parents accountable to acquire birth certificates for learners for whom they are responsible and may liaise with the nearest office of the Department of Home Affairs for assistance relating to the matter: Provided that it remains the primary responsibility of parents to acquire birth certificates for learners for whom they are responsible.

(5) In the case of a child in need of care and protection, as contemplated in section 150 of the Children's Act, 2005 (Act No. 38 of 2005)—

- (a) who is in a child and youth care centre, a court placement order is required as part of the application for admission of the child to a public school; or
 - (b) who is under the care of family members, a sworn affidavit by a responsible family member confirming the details of the care arrangement is required as part of the application for admission of the child to a public school: Provided that the caregiver or social worker responsible for the child must make reasonable efforts to obtain the child's identity documents and, if any of the required documents cannot be obtained, the care giver or social worker responsible for the child must submit a written motivation report detailing the circumstances, which will be subject to further assessment by the relevant authorities.
- (6) Valid proof of the parent's residential or work address must be submitted as part of an application for admission of a learner to a public school to authenticate the distance from a parent's residential address or work address to a school in accordance with the admissions criteria set out in the school's admission policy.
- (7) The following documents may be accepted as proof of a parent's home or work address:
- (a) A municipal utility bill (water, electricity, or rates) in respect of the residential address not older than three months;
 - (b) a signed lease agreement in respect of the residential address;
 - (c) a sworn affidavit confirming the residential address, supported by additional documentation such as a bank statement or a letter from the property owner;
 - (d) a letter from the parent's employer, on an official letterhead, confirming the parent's work address, if admission is based on workplace proximity; or
 - (e) any other official documentation as determined by the HOD:
- Provided that the public school receiving such documentation may verify the documentation provided and, where necessary, request additional documentation for verification purposes.
- (8) The submission of false or misleading information or documentation by a parent as part of an application for admission of a learner to a public school may result in the rejection of the admission application or the cancellation of admission.
- (9) Where applicable, the last report card issued by a learner's previous school or education institution must be submitted as part of an application for admission of the learner to a public school to determine the grade in which the learner must be placed.
- (10) When a learner transfers from one public school to another, the principal of the transferring school must complete a transfer card and hand it to the parent of the learner or forward it to the principal of the receiving school.

(11) 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 one of the following:

- (a) The last report card issued by the previous school;
- (b) a sworn affirmation of the parent stating the reason for not having the transfer card and the grade the learner attended at the previous school; or
- (c) where the learner is registered for home education, a report issued by a competent assessor stating the last grade.

(12) If the supporting documentation submitted in terms of subregulation (9) or (11) is incomplete, inconclusive or raises concerns about the accuracy of the learner's academic level, the principal of the receiving school may require the learner to undergo a formal assessment conducted by the receiving school to determine the grade in which the learner should be placed.

(13) If the receiving school is unable to conduct the assessment, or if further verification is required, the Department may conduct or facilitate an independent assessment to determine the appropriate grade placement of the learner.

(14) While awaiting the outcome of an assessment contemplated in subregulation (12) or (13), the learner may be placed in a grade provisionally.

(15) A decision regarding the grade placement of a learner and reasons therefor must be communicated by the principal of the receiving school in writing to the parent of the learner.

Proof of immunisation

14.(1) Subject to subregulation (2), on application for admission of a learner to a public school, the parent of the learner must show proof that the learner has been immunised against—

- (a) polio;
- (b) measles;
- (c) tuberculosis;
- (d) diphtheria;
- (e) tetanus; and
- (f) hepatitis B.

(2) A parent of a learner may apply in writing to the HOD for exemption of that learner from being immunised: Provided that the medical diagnoses of the learner is supported by a motivation

from a healthcare practitioner registered with the Health Professions Council of South Africa who is suitably qualified to determine that the learner should be exempted.

(3) The motivation referred to in subregulation (2) must clearly state the medical diagnosis, risks, and reasons why the learner should not receive immunisation and if necessary, the HOD may request further medical assessments before deciding.

(4) If the motivation for exemption from immunisation is based on cultural or religious observances, the motivation must be supported by proof of past conduct in support of the cultural or religious practice which proof may include—

- (a) a sworn affidavit;
 - (b) confirmation from a recognised religious or cultural leader; or
 - (c) historical medical records showing prior exemptions based on religious or cultural beliefs.
- (5) Upon receipt of an exemption application the HOD must—

- (a) acknowledge receipt of the application within seven working days of receiving the application;
- (b) conduct an initial assessment to verify completeness and request any missing information within fourteen working days of receiving the application;
- (c) consider and decide on the application within thirty working days of receiving a complete application;
- (d) if the application is granted, provide the parent with written confirmation of the exemption; and
- (e) if the application is declined, provide the parent with the decision in writing together with reasons.

(6) If a parent is unable to show proof that the learner has been immunised or proof of exemption from immunisation by the HOD, the principal of the public school must immediately advise the parent that—

- (a) the learner must be immunised as part of the free primary health care programme within thirty days; and
- (b) in the best interests of other learners at the school, the learner will not be permitted on school premises or admitted to the school while he or she has not been immunised or exempted from immunisation.

(7) If the parent refuses or fails, within thirty days from the date of the written communication referred to in subregulation (6), to submit proof of immunisation or exemption from immunisation, the principal of the public school must, in the best interest of other learners at the school, not admit the learner to the school.

School communication with parents regarding the status of admission

15.(1) If an application for admission of a learner to a public school is granted, the public school must inform the parent of the learner in writing or in a manner determined by the HOD within 14 days of such decision.

(2) If an application for admission of a learner is refused, the public school must inform the parent of the learner in writing or in a manner determined by the HOD within 14 days—

- (a) of the reasons for such refusal; and
- (b) of the right to appeal against the refusal.

Admission of learners who are not South African citizens

16.(1) The Act and these Regulations apply equally to learners who are not citizens of the Republic of South Africa.

(2) In terms of the applicable legislation, non-South African citizens are categorised as—

- (a) 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
- (b) foreigners who are in possession of an asylum seeker visa or refugee visa issued by the Department of Home Affairs in accordance with sections 22 and 24 of the Refugees Act, 1998 (Act No. 130 of 1998), respectively.

(3) Where the parents of a learner are foreign nationals and hold permanent or temporary residence permits, the following documentation must be submitted as part of an application for admission of the learner to a public school:

- (a) A certified copy of the learner's birth certificate issued by the relevant authority from his or her country of origin;
- (b) where the learner was born in the Republic of South Africa, a certified copy of the learner's birth certificate issued by the relevant authority from his or her country of origin or the learner's birth certificate issued by the Department of Home Affairs in accordance with the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- (c) a certified copy of the learner's study visa or permanent or temporary residence permit (as applicable);
- (d) a certified copy of the learner's identity document from his or her country of origin if he or she is 16 years and above, or a certified copy of the learner's passport;

- (e) certified copies of the parents' passports;
 - (f) certified copies of the parents' permanent or temporary residence permits (as applicable); and
 - (g) the applicable documents contemplated in regulations 13 and 14.
- (4) Where the parents of a learner are refugees or asylum seekers, the following documentation must be submitted as part of an application for admission of the learner to a public school:
- (a) A certified copy of the learner's birth certificate issued by the relevant authority from his or her country of origin; or
 - (b) where the learner was born in the Republic of South Africa, a certified copy of the learner's birth certificate issued by the relevant authority from his or her country of origin or the learner's birth certificate issued by the Department of Home Affairs in accordance with the Births and Deaths Registration Act, 1992;
 - (c) a certified copy of the refugee permit issued in terms of section 24 of the Refugees Act, 1998 or asylum seeker visa issued in terms of section 22 of the Refugees Act, 1998, as applicable;
 - (d) certified copies of the parents' refugee permit issued in terms of section 24 of the Refugees Act, 1998 or asylum seeker visa issued in terms of section 22 of the Refugees Act, 1998, as applicable; and
 - (e) the applicable documents contemplated in regulations 13 and 14.
- (5) If a parent of a foreign learner applies to a public school for the admission of that learner and the name of the learner does not appear as a dependant of the parent concerned on the documents required in terms of these Regulations for that particular learner, the public school must admit the learner on the basis of the available documents required in terms of these Regulations where the learner is eligible for admission.
- (6) Subregulation (5) applies if it cannot reasonably be established whether the parent is the legal guardian of the learner, or if it is not clear what the relationship between the parent and the learner is, provided that in such cases, and to prevent human trafficking, the parties concerned must be referred to the Department of Justice, the Department of Correctional Services and the Department of Social Development to obtain the required confirmatory documentation.
- (7) Where reasonable doubt exists regarding the authenticity of information and documentation submitted in terms of this regulation, the principal of the public school must submit all documents and information received, together with the application for admission of the learner,

to the nearest office of the Department of Home Affairs for authentication while the learner concerned receives education in the school.

Admission of undocumented learners

17.(1) The right to basic education extends to everyone within the boundaries of South Africa, regardless of their nationality and immigration status.

(2) Learners without valid documentation are equally entitled to admission to public schools as documented learners: Provided that their parents submit, within the time frames contemplated in regulation 13, their admission applications in the ordinary course, together with all the required documents that are available to them or a sworn affidavit explaining why they are unable to provide such documents.

(3) The principal of a public school must within seven working days of admission report to the HOD or the designated education district official any instance where a learner is admitted without valid documentation.

(4) The HOD or a person duly authorised by him or her must, while the undocumented learner receives education—

- (a) hold the parents of such learner accountable for acquiring a birth certificate for such learner; and
- (b) offer such parents assistance, which may include liaising with the nearest office of the Department of Home Affairs for assistance, to ensure that an undocumented learner admitted to a public school is documented.

Learners with special education needs

18.(1) An ordinary public school must admit learners with special physical education needs, where this is reasonably practicable.

(2) The HOD must make the necessary arrangements, where reasonably practicable, to ensure that facilities and support at ordinary public schools are accessible to learners with special education needs.

(3) Where the necessary facilities and support required to facilitate the integration of a learner with special education needs in an ordinary public school cannot be provided by the Department, the principal of the ordinary public school must refer the application for admission to the HOD to arrange for the learner to be admitted to a suitable public school in the relevant province.

(4) Before the HOD seeks admission of the learner in a suitable public school in the province as contemplated in subregulation (3), the HOD or a person duly authorised by him or her must arrange for consultation with the parents of the learners, School Management Team and appropriate educators of the ordinary public school that received an admission application for the learner and the relevant District Officials to assess the learner's special education needs and identify appropriate education options for the learner.

(5) The HOD must approve, in writing, the admission of a learner to a suitable public school in the relevant province after the assessment and consultation required in subregulation (4) have been undertaken and the parents of the learner have agreed to the admission of the learner to the identified suitable public school.

(6) The process referred to in subregulations (3) to (5) must be handled as a matter of urgency to facilitate the admission of the learner as soon as reasonably possible to ensure that the learner is not prejudiced in receiving appropriate education.

Criteria for admission of learner to public school at age lower than admission age for grade R

19. A learner may be admitted to a public school at an age lower than the admission age for grade R if he or she, to the satisfaction of the HOD—

- (a) demonstrates cognitive, emotional, social and physical development appropriate for participation in Grade R, as confirmed by a formal assessment by the school; and
- (b) is supported in his or her development by—
 - (i) parents who understand and accept the implications of early admission to school; and
 - (ii) the educators and staff at the school to which the learner is to be admitted without detriment to the education of other learners.

Admission of learner at age above age requirements

20.(1) If a learner has been admitted to a public school at an age above the age requirements provided for in the Act, such learner must, as far as reasonably possible, be placed in a fast track facility, or with his or her peer group, unless it is not in the best educational interest of the learner.

(2) If a learner contemplated in subregulation (1) cannot be placed with his or her peer group, the learner must be placed in a suitable lower grade, and an accelerated programme must be

implemented for the learner to enable him or her to catch up with the peer group as soon as reasonably possible.

(3) 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 centre.

School zoning

21.(1) A HOD may, after consultation with the governing bodies, determine feeder zones for public schools, in order to control the learner numbers of schools and co-ordinate parental preferences.

(2) Such feeder zones need not be geographically adjacent to the school or each other.

(3) When considering the feeder zones, the HOD 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;
- (d) the need for geographical and spatial transformation; and
- (e) whether the school has boarding facilities and, if so, the need to ensure the school is accessible to learners requiring placement in such facilities.

(4) Feeder zones must be reviewed from time to time as the circumstances dictate.

(5) The HOD may exclude certain categories of schools, such as Special Schools and Focus Schools, from the feeder zone determination based on those schools' circumstances.

(6) If a feeder zone is created, the following principles must be applied:

- (a) Preference must be given to a learner—
 - (i) whose parent lives in the feeder zone of the school, closest to the school;
 - (ii) who has a sibling in the school in the year for which admission is sought;
 - (iii) whose parent's work address is in the feeder area;
- (b) a learner who lives outside the feeder zone is not precluded from seeking admission at whichever school he or she chooses;
- (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 HOD or a person duly authorised by him or her. If that is not possible, school A must admit the learner.

- (7) A school with a specific field of specialisation, such as a technical school, must have a much larger feeder zone to accommodate learners with specific aptitudes, interests or needs.

Rights and obligations of parents

22. The governing body of a public school must, from the time of learners' admission and at appropriate intervals, inform all parents in a clear and accessible manner of their rights and responsibilities under the Act and relevant provincial legislation, which information must include, at a minimum—

- (a) the requirement for learners to attend school regularly;
- (b) the need to provide valid documentation as required under regulations 13, 14, 16 and 17, where applicable; and
- (c) the key aspects of the school's governance and operations, including—
 - (i) how the school budget is determined;
 - (ii) the process for applying for school fee exemptions;
 - (iii) how to appeal decisions on fee exemption applications;
 - (iv) resolutions taken by parent meetings about school fees; and
 - (v) the code of conduct for learners and any available exemptions.

Right of appeal

23.(1) An appeal lodged with the Member of the Executive Council in terms of section 5(9) or (11) of the Act must, where relevant, identify and explain the specific provisions of the public school's admission policy that form the basis of the appeal.

(2) When the Member of the Executive Council receives an appeal in terms of section 5(9) of the Act, he or she must—

- (a) furnish the principal and governing body of the public school concerned with a copy of the appeal and invite them to submit written representations on the merits of the appeal within a period not exceeding five days; and
- (b) take into account all relevant factors, including, at a minimum, the school's admission policy, the contents of the appeal, and any representations submitted.

(3) When the Member of the Executive Council receives an appeal in terms of section 5(11) of the Act, he or she must—

- (a) provide the HOD with a copy of the appeal and invite the HOD to make written representations on the merits of the appeal within a period not exceeding five days; and
- (b) consider all relevant factors, including, at a minimum, the contents of the appeal, any representations received from the HOD, and all factors that the HOD was required to consider under section 5(5)(b) of the Act and regulation 5.

Short title

24. These Regulations are called the Admission of Learners to Public Schools Regulations, 2025.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065