

📞 To get this guide on WhatsApp, message "Access to education" to **064 721 0958 (tel:0647210958)**

## 📌 Know your rights

- 👉 According to the Basic Education Laws Amendment Act, 2011 (<https://www.acts.co.za/south-african-schools-act/index.html>) every child in South Africa has the right to an education. If your child has been denied access to education because they have special needs, you can challenge this.
- 👉 A public school must admit learners and serve their educational requirement without unfairly discriminating in any way: SASA Section 5 (1) ([https://www.acts.co.za/south-african-schools-act/5\\_admission\\_to\\_public\\_schools](https://www.acts.co.za/south-african-schools-act/5_admission_to_public_schools))
- 👉 In determining the placement of a learner with special education needs, the Head of Department and principal must take into account the rights and wishes of the parents of such learner: SASA Section 5 (6) ([https://www.acts.co.za/south-african-schools-act/5\\_admission\\_to\\_public\\_schools](https://www.acts.co.za/south-african-schools-act/5_admission_to_public_schools))
- 👉 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 - SASA Section 5 (9)
- 👉 Notwithstanding the provisions of any school admission policy, in the case of a learner who has not been placed at any school 30 school days after the end of the admission period, the District Director may place that learner at any school-
  - (a) which has not been declared full in terms of Regulation 8, and
  - (b) in respect of which there are no remaining unplaced learners on a waiting list.
  - Regulations on admission of learners to Public Schools 2012 – Section 5 (8)

## 1 Get a letter from the school(s) stating the reasons why admission has been declined

### 👥 Who is this for?

Read on if you and your child have **unsuccessfully applied to the school of your choice**. If you haven't applied yet you can use our school finder (</docs/wc-school-search.html>) to find a school in your area.

This step will explain how you can **get a letter with the school's reasons for rejecting your child**. If you already have that letter, move on and find out how to appeal the decision.

### 📌 What you need to know

- 👉 Schools are **not allowed to discriminate** against learners during the admission process
- 👉 A parent has the **right to choose which school** their child can attend
- 📄 **Use this draft ()** to write a request to the school, asking them for the reasons why admission has been declined
- 🎓 If you are not sure of the school's contact details, use ourschool finder (</docs/wc-school-search.html>) to get the email address and telephone number of the school you want to contact.
- 📄 In order to take this matter further you need to request a formal letter from the school stating why your child was denied access. We've created a draft letter () you can use as a starting point. Make sure to fill out all the relevant details and send it to the head of the school(s) your child was denied access from.
- 📄 The process of getting the letter often takes between 6 and 7 weeks. You can use ourhandy reminder service () to help you remember to follow up with the school in due course.
- 🎓 If the school principal rejected your application because the school is unable to cater for your child's special-needs, then the governing body might be able to intervene. For example, if your child needs wheelchair access, and the school does not cater for this, then they could deny access. In this case the governing body could adjust the school's budget to make accommodations for the work required to add wheelchair access.

## 2 Write a letter of appeal to the MEC for education

### Who is this for?

If you are unhappy with reasons provided for unsuccessful admission you can **appeal to the MEC of education for the province**

### What you need to know

MEC stands for "**Member of the Executive Council**", they are members of your province's **cabinet**, each in charge of their own portfolio. All provinces have an MEC in charge of education

Every province has an MEC in charge of education, you can find yours in this **list of MECs and their contact details** ().

In order to appeal the school's decision, you need to send a formal appeal letter to the relevant MEC. We've created a draft letter (</docs/mec-draft-letter.pdf>) you can use as a starting point. Make sure to fill out all the relevant details and send it to the your province's MEC.

Use this draft (</docs/mec-draft-letter.pdf>) to write an appeal letter to the MEC. Explain the reasons for declining admission the school has given you and why you are unhappy with them

## 3 Alternatively, write a letter of appeal to the District Director

### Who is this for?

If you are not progressing with the MEC, you can also approach the District Director for assistance

### What you need to know

The District Director must **ensure all learners are enrolled in school** after the admission period

This process often takes about **30 days**

## 4 The MEC will launch an investigation into your case

### Who is this for?

If you have followed these steps, an investigation must be launched by the MEC

### What you need to know

The MEC is responsible for **ensuring support for Barriers to learning is accessible** for learners at ordinary public schools

Should it be found that the school was wrong to decline admission, the **MEC will ensure that placement is found** and that reasonable accommodations will be made for the learner

## 5 The MEC will launch an investigation into your case

### Who is this for?

Once the investigation has taken place, a meeting will be held

### What you need to know

A meeting will be set up to discuss your child's needs