

🗣️ Support

This guide was developed with support from Inclusive Education South Africa (<http://www.included.org.za/>).



🔍 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)
- 👉 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)
- 👉 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) (https://www.acts.co.za/south-african-schools-act/5_admission_to_public_schools)
- 👉 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: SASA Section 5 (8) (https://www.acts.co.za/south-african-schools-act/5_admission_to_public_schools)

1 Apply to a School of Skills

👥 Who is this for?

If an older learner is transitioning from primary school to secondary school and you are unsure of what to do this is a useful first step

📌 What you need to know

- Go to the learner's current primary school and ask them about applying to a School of Skills. If your child is a suitable candidate, request that the school applies.
- In a School of Skills learners are supported to acquire knowledge and skills to become self-sufficient in society. These learners are offered an opportunity to create an alternative career path by developing vocational skills.
- Application for School of skills must be made by the primary school in the year the child turns 14. The principal of the current primary school that the learner is in should consult the parents on this matter.

Apply to three ordinary public Secondary schools

Who is this for?

If you are the parent or guardian of an older learner who is transitioning from primary to secondary school and you have not applied to any schools yet then this information may be useful to you

What you need to know

- Apply to three ordinary public Secondary schools. If there is a full service Secondary school in your local area, include this school in your application process.
- It is compulsory for ALL children between the ages of 7 and 15 to be in school.
- Section 2 (3) of the South African Schools Act (<https://www.gdeadmissions.gov.za/Content/Files/SchoolsAct.pdf>) (SASA) states that:

Every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such a learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.

- Tool for finding a list of secondary schools in the Western Cape (<http://wcedemis.pgwc.gov.za/wced/findaschool.html>)
- Excel spreadsheet containing list of schools (https://docs.google.com/spreadsheets/d/18juJWcSr3bsVBwAL6GsCpQGna-jDoMpERvC_jPbd9RE/edit#gid=161951462)

3 Appeal an application rejection

Who is this for?

If you are the parent or guardian of an older learner who has applied to a secondary school and your application has been rejected, this information may be useful to you

What you need to know

- If the application that you have made to an ordinary school has been declined, ask the school(s) for a letter stating the reasons why admission has been declined.
- A public school may not discriminate against any learner with regards to the admission process at school.
- A parent has the right to choose which school their child can attend.
- Section 5 (1) of the South African Schools Act (<https://www.gov.za/sites/www.gov.za/files/Act84of1996.pdf>) (SASA) states that:

A public school must admit learners and serve their educational requirements without unfairly discriminating in any way.

Section 5 (6) of SASA (<https://www.gov.za/sites/www.gov.za/files/Act84of1996.pdf>) states that:

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.

4 Write a letter of appeal to the MEC of Education

Who is this for?

If you have inquired with the respective school(s) about the rejection of the learner's admission application and you are not satisfied with the explanation given by the school, then this is a step that you can take to get resolution

What you need to know

- Write a letter of appeal to the MEC of education in the Western Cape if you are not happy with the reasons given by the school for admission being declined.

Contact the MEC of Education

Debbie Schafer

WC Education Ministry

Tel: 021 483 6574 (tel:0214836574)

Email: edumin.edumin@westerncape.gov.za (mailto:edumin.edumin@westerncape.gov.za)

Street Address: 2nd Floor, Vunani Chambers, 33 Church Street, Cape Town, 8001

Postal Address: Private Bag X9161, Cape Town, 8001

- Section 5 (9) of the South African Schools Act (<https://www.gov.za/sites/www.gov.za/files/Act84of1996.pdf>) (SASA) states that:

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."

5 Approach the District Director for assistance

Who is this for?

If you have inquired with the respective school(s) about the rejection of the learners admission application and are not satisfied with the explanation then this is a step you can take to get resolution

What you need to know

- As an alternative to writing a letter to the MEC of education you may approach the District Director of Education in your district.
- The District Director of Education must ensure that all learners are enrolled in school after the admission period.
- Section 5 (8) of the Regulations on admission of learners to Public Schools 2012, states that:

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.

The District Director of Education for all districts in the Western Cape:

Chief Director: Districts

Alan Meyer

PA: Nandipha Sikhweyiya

Tel: 021 467 2089 (tel:0214672089)

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E-mail: nandipha.sikhweyiya@westerncape.gov.za (mailto:nandipha.sikhweyiya@westerncape.gov.za)

Postal Address: Private Bag 9114, Cape Town 8000

Director: Metro Central Education District

Sanette Nowers

PA: Dori-Anne Petersen

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Postal Address: Metro Central Education District, Private Bag X4, Mowbray 7705

Street Address: Gate House 2, Alexandra Provincial Office Precinct, Haven Road, Garden Village, Maitland

Director: Metro East Education District

Benjamin Schereka

PA: Zainunissa Meyer

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Postal Address: Metro East Education District, Private Bag X23, Kuilsriver 7579

Street Address: Belhar Road off Nooiensfontein Road, Kuilsriver

Director: Metro North Education District

David Millar

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Postal Address: Metro North Education District Private Bag X45, Parow, 7500

Street Address: Timmerman Street, Parow

Director: Metro South Education District

Glen van Harte

PA: Noleen Luanne Nefdt

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Postal Address: Metro South Education District, Private Bag X2, Mitchell's Plain 7785

Street Address: Lenteguur Hospital, AZ Berman Drive, Lenteguur, Mitchell's Plain

Director: Cape Winelands Education District

Juan Benjamin

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Street Address: 9 Durban Street, Worcester

Director: Eden & Central Karoo Education District

Desmond Maarman

PA: Heather Maarman

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Postal Address: Eden & Central Karoo Education District, Private Bag X6510, George 6530

Street Address: Rentzburg Court, 42 Courtenay Street, George

Director: Overberg Education District

Betram Loriston

PA: Nenanda Dramat

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Heather van Ster

PA: Cecile Louw

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Postal Address: West Coast Education District, Private Bag X3026, Paarl 7620

Street Address: 6 Hospital Street, Paarl

Click here (<https://wcedonline.westerncape.gov.za/branchIDC/Districts/Districts.html>) for a map of each district.

6 MEC launches an investigation

Who is this for?

A meeting is set between the parent(s)/guardian, members of the department of education and the school

What you need to know

- If you have written a letter to the MEC of Education and are wondering about what should happen next then this information may be useful.

A meeting is set between the parent(s)/guardian, members of the department of education and the school

Who is this for?

If you are the parent or guardian of an older learner transitioning from primary to secondary school and you have gone through all of the previous steps in this guide then this information is for you

What you need to know

- o Ideally, a meeting must be set up between parents, the Head of Inclusive Education Directorate from the district as well members of the District Based Support team and school representatives. The purpose of this meeting is to determine support needs, identify the reasonable accommodations the school is required to make and to put this into an individual support plan. At this meeting it is important to take with all supporting documentation such as school reports and transfer letters.
- o All learners have the right to be supported academically, socially and emotionally at school. For children who are not strong academic learners, then exit to a Technical Vocational Education and Training (TVET) college, at Grade 10 may be an option.
- o Section 6 (12) of the Policy on Screening, Identification, Assessment and Support (SIAS) 2014 (<https://www.education.gov.za/Portals/0/Documents/Policies/SIAS%20Final%2019%20December%202014.pdf?ver=2015-02-24-131207-203>), states that:

The Screening, Identification, Assessment and Support Policy aims to facilitate the shift from individual learner disability as the driving organiser for support provision to that of the range, nature and level of support programmes, services, personnel and resources that will be made available for special and ordinary schools to increase learner participation in the learning process.”



Find out who can assist

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