

PREGNANCY, HIV, RACE: GROUNDS FOR TURNING A CHILD AWAY FROM A SCHOOL?

Can your child be denied access to a local public school due to HIV status, or because you can't pay fees? Legal&Tax finds out.



Christmas has come and gone. Warm summer evenings spent around the braai are replaced by happy faces eager to see old school friends and new teachers, as the South African school year takes off.

It's good to know that government has put a range of laws and regulations in place, in order to ensure education is available to all children. Some these laws outline the accessibility of public schools, specifically the South African Schools Act, as well as The Admission Policy for Ordinary Public Schools, which prevents public schools from turning pupils away without good reason.

WHAT THE LAW SAYS:

Although a school's governing body can determine the school's admission policies, these policies may not unfairly discriminate against pupils. This means a public school may not deny a child access to the school for the following reasons:

- School fees and or registration fees for previous or current school year have not been paid. Parents may apply for a reduction in or even exemption from school fees.
- The child's parents do not subscribe to the mission statement of the school
- The child's parents won't sign a contract in which they waive any claim for damages arising out of the education of a learner
- Late registration
- Parents cannot afford uniform or book costs
- The child is not a South African citizen
- Language, race, culture, or religion
- Disability
- Overcrowding
- HIV status: Every learner has a right to be treated in the same way as other learners, and with human dignity. No learner may be discriminated against on grounds of his or her HIV status.
- Pregnancy

WHAT YOU NEED WHEN APPLYING

Don't forget to have all your documentation ready:

- The child's **birth certificate**. If that is not available, you must apply for one from the Department of Home Affairs. The school can still admit the child on condition that you supply this document. If you are not a South African citizen, your permanent or temporary residence permit or proof that you have applied for residency is enough.
- **Proof of immunisation**. If your child has not been immunised, the principal will advise you to get him or her immunised.
- If your child is moving from one school to another, you will need a **transfer card**. If you can't get one, you must provide a report card or equivalent document from the previous school, along with an affidavit detailing why no transfer card is available.

HAS YOUR CHILD BEEN DENIED ACCESS TO A SCHOOL? KNOW YOUR RIGHTS

If your child has been denied access to a school, ask the school authorities to provide reasons for their decision in writing. If the law governing school admissions has been broken, you, as the parent or guardian, should write a letter to principal to appeal against this decision.

Send a copy of this letter to the head of the department in your province and the MEC for Education.

If the school still refuses to admit your child, contact Legal&Tax to find out your rights. You can also write a letter to the head of department in your province or contact the Education Rights Project (See erp.org.za or call **(011) 717-3076**) or call the Department of Basic Education's toll-free hotline on **0800 202 933**.

AUTOMATIC EXEMPTION

In the following cases, learners may not be charged any school fees:

- if the child is an orphan or in an orphanage
- if the child is in foster care
- if the child has been placed in the care of a family member ('kinship caregiver')
- if the child heads a household or is part of a child-headed household
- if child's parents receive a social grant on behalf of the same learner, for example, a Child Support Grant

For more information about your rights, go to legalandtax.co.za or call **0860 587 587**.