

## **TYGERBERG HIGH SCHOOL: ADMISSION POLICY**

### **POLICY OF TYGERBERG HIGH SCHOOL REGARDING THE ADMISSION OF LEARNERS TO THE SCHOOL OR GRADES AT THE SCHOOL**

Whereas Tygerberg High School (hereinafter referred to as “the School”) is a public school, having juristic personality by virtue of the provisions of Sections 15 of the South African Schools Act, No. 84 of 1996 (as amended) (hereinafter referred to as “SASA”), the governance of which is entrusted to its School Governing Body (hereinafter referred to as “the SGB”), referred to in Section 16 of SASA;

And whereas the SGB is empowered in terms of Section 5 of SASA to determine the School’s policy regarding the admission of learners to the School and grades at the School, subject to the provisions of SASA and any applicable Provincial Law;

And whereas the SGB is mindful of the following enactments (hereinafter referred to as “the enactments”) relating to the question of the admission of learners to the School or different grades at the School, namely:

- (i) The Constitution of the Republic of South Africa 1996 (hereinafter referred to as “the Constitution”);
- (ii) the South African Schools Act, No. 84 of 1996 (as amended);
- (iii) Section 3(4)(i) and 5 of the National Education Policy Act, No. 27 of 1996 (“NEPA”);
- (iv) The Admission Policy for Ordinary Public Schools, published by the Minister of Education in Government Gazette No. 19377 dated 19 October 1998 (Notice No. 2432/98) (hereinafter referred to as the “Ministerial Policy”); and;
- (v) applicable provincial laws.

And whereas the School and its SGB defer to the relevant provisions of the enactments to the extent that they may be valid and binding upon them and take precedence over the power of the SGB to determine the admission policy of the School, whilst being determined to ensure the full implementation of the School's admission policy within the parameters of the enactments and any other applicable enactments from time to time;

Now therefore the SGB, on behalf of the School, declares the School's Policy for Admission of Learners to the School or different grades at the School, to be as follows:

## **1. APPLICATIONS FOR ADMISSION TO THE SCHOOL**

1.1 It is acknowledged that –

(a) the Head of Department (Education) (hereinafter referred to as “the HOD”) and/or officials of the Department of Education (DOE), including the Principal, delegated by the HOD (hereinafter referred to as “the HOD delegate(s)”) is/are responsible for the administration of the admission of learners to the School; and

(b) the HOD/the HOD delegate(s) must determine a process of registration for admission to public schools in order to enable the admission of learners to take place in a timely and efficient manner.

1.2 It is emphasised that the HOD/the HOD delegate(s)/the School Principal must (and will be required to) take this policy into account demonstrably, fairly and in accordance with law at all times whilst acting in accordance with paragraph 1.1 above, or whilst engaged in the process of deciding upon applications for admissions. The School and its SGB will also require the HOD/the HOD delegate(s)/the School Principal to allow the SGB full access to and copies of any registers or files kept as part of the admission process.

- 1.3 The School and the SGB require the HOD/the HOD delegate(s)/the School Principal to add to the prescribed application form, and ensure the completion by the Applicant of the Schedule of Information required by the governing body attached hereto.
- 1.4 The School and the SGB require the HOD/the HOD delegate(s)/the School Principal to ensure that Applicants are informed of and in writing acknowledge having read and understood:
- (a) the School's Language Policy;
  - (b) the Code of Conduct for Learners; and
  - (c) this Admission Policy.
- 1.5 The School and the SGB subscribe to the view that according to law, and in the absence of a Court Order directing otherwise, the legal guardian(s) of a minor learner has/have the exclusive right to decide upon the school where their child/ward is to be enrolled. Consequently, the School and SGB do not recognise an application as being valid, unless made by the guardian(s) or person(s) by order of Court entrusted with the custody of the minor learner, or a person or persons thereto authorised by them in writing. The School and the SGB also regard adherence to this approach as being essential in that it ensures that valid permission may be given for the treatment of the learner *in loco parentis*, for the learner to embark on excursions, and so forth. Consequently, the HOD/the HOD delegate(s)/the School Principal are required to ensure that this approach is strictly adhered to.
- 1.6 The SGB undertakes to support the HOD/the HOD delegate(s)/the School Principal in encouraging the persons referred to in paragraph 1.5 to apply for the admission of their children/wards before the end of the year preceding the next school year.

1.7 Subject to this Policy, the SGB requires the HOD/the HOD delegate(s)/the School Principal to co-ordinate the admission of learners to public schools, including the School, in consultation with it and undertakes to give constructive support in ensuring that all eligible learners are suitably accommodated.

1.8 The School and the SGB require strict observance by the HOD/the HOD delegate(s)/the School Principal of the following provision of the Constitution as a prerequisite to any decision to be taken regarding the admission of a learner to the School –

“28 (2) – A child’s best interests are of paramount importance in every matter concerning the child.”

## **2. THE SCHOOL’S CODE OF CONDUCT FOR LEARNERS (INCLUDING DRESS CODE)**

The Applicant is to note that whilst his/her refusal to subscribe to the School’s Code of Conduct for Learners (including dress code) cannot be an obstacle to the admission of the learner to the School, the Code is nevertheless binding on the learner. Section 8(4) of SASA provides as follows:

“Nothing contained in this Act exempts a learner from the obligation to comply with the code of conduct of the school attended by such learner.”

The Applicant is encouraged to support the School in familiarising him/herself with the School’s Code of Conduct for Learners and seeing to the observance thereof by the learner.

## **3. SCHOOL FEES**

3.1 The Applicant is to note that the failure or refusal or inability of parents (as defined in Section 1 of SASA) to pay school fees cannot be an obstacle to the admission of the learner to the School.

A learner is admitted to the full school programme and may not be suspended from attending class, refused entry to cultural, sports and social activities, refused a school report card or transfer certificate, or be victimised in any other way based on his/her parents' –

- (a) inability to pay school fees or failure to have done so at any stage;
- (b) failure to support the mission statement and code of conduct of the School;
- (c) refusal to enter into a contract in terms of which the parents waive their right to claim for any consequential damage relating to the learner's education.

3.2 In terms of Sections 38-41 of SASA, a budget meeting of parents of learners enrolled at the School must be held on thirty (30) days' written notice to parents. At the meeting the majority of parents present decide whether or not to accept the budget prepared by the SGB for the next financial year. At the same meeting the majority of parents present and voting may decide that the payment of school fees is to be compulsory, what the amount of school fees per learner per year will be, and what criteria will be used to grant total or partial exemption to parents who are unable to pay the compulsory fees or the full compulsory fees. Parents who are unable to pay any of the fees or the full amount of the fees are entitled to apply to the SGB on the prescribed forms for total or partial exemption from the payment of school fees. Such applications must be dealt with in confidence by the SGB, which must act fairly and apply the abovementioned criteria and the provisions of the applicable ministerial policy and Regulations Relating to the Exemption of Parents from Paying School Fees in Public Schools (Government Notice R1052), a copy of which will be furnished to parent(s)

on request. Parents applying for relief may request an educator at the School or any other person to assist him/her/them with the application. A parent/parents who feel aggrieved at the decision of the SGB may appeal to the HOD, following the procedure set out in the said Regulations.

- 3.3 It is important, however, for Applicant(s) for exemption to note that the combined annual income of parents is taken into account in the decision as to whether or not the parent(s) qualify for exemption. “Combined annual gross income of parents” is defined in Regulation 1 of the aforesaid Regulations as –

“the gross income of all the parents of a learner as defined in the Act, calculated together ...”.

- 3.4 The Applicant’s attention is drawn to the following provision of SASA –

(Section 41) – “The governing body of a public school may by process of law enforce the payment of school fees by parents who are liable to pay ...”

- 3.5 Parents of learners are encouraged to support the high standard of education and the sound school facilities and environment by paying school fees and, where they are exempted totally or partially from the payment of compulsory school fees, to offer their services to the SGB for the benefit of the School.

#### **4. DOCUMENTS REQUIRED FOR ADMISSION**

A parent will be required to complete an application form for admission, which must be provided to him/her by the school principal.

Together with the application form, the parent must submit to the principal an official birth certificate of the learner. Should the parent be unable to furnish a birth certificate, the learner may be provisionally admitted until a copy of the certificate has been obtained from the regional office of the Department of Home Affairs. The principal is required to inform the parents that any false statement with regard to the age of the learner constitutes a crime. The parent must ensure that the admission of the learner is finalised within three months following provisional admission.

Upon application for admission, the parent must produce evidence that the learner has been immunised against the following illnesses: polio, measles, tuberculosis, diphtheria, tetanus and hepatitis B.

Should a learner move from one public school to another, the principal must complete a transfer card and either hand it to the parent or forward it to the other school.

See schedule A to this policy for a full list of documents required for admission.

## **5. LEARNER AGE REQUIREMENTS FOR ADMISSION TO THE SCHOOL OR VARIOUS GRADES OF THE SCHOOL**

A learner who falls outside the age norm by more than two years will not be considered for admission. The age norm is the grade plus 6 years.

## **6. REGISTRATION PERIOD**

- 6.1 Application for admission starts in February and closes at the end of October with regard to the enrolment of learners for the following year.
- 6.2 Therefore, parents who wish to enrol their children at the School for the first time must register the learner at the School in the year preceding the school year to which the learner's application for admission pertains.
- 6.3 All applications for admission to the school on behalf of a learner must be submitted to the principal.
- 6.4 The learner's parents will receive written notice of the acceptance or refusal of their application, within a reasonable time or the period determined by the HOD.
- 6.5 All unsuccessful applicants will then be waitlisted in chronological order and advised also to apply at other schools apart from the School.
- 6.6 The School will keep a proper register of all applications for admission.

## **7. APPEALS PROCEDURE**

Should a parent be dissatisfied with the School's decision not to admit a learner to the School, such parent may appeal against the decision to the Member of the Executive Council in terms of section 5(9) of SASA.

## **8. CAPACITY**

The SGB has determined the School's maximum capacity for learner admission as follows:

Total number of learners in School: A maximum of 1020 learners

Per class: A maximum of 30 learners. In certain cases, as determined by the SGB, the amount of learners per class may be restricted to ensure quality education.

Per grade: A maximum of 204 learners.

The following factors were considered in determining the School's capacity:

- That learners' best interests have preference
- The number of educators available
- The space available for administrative needs
- The number of appropriate classrooms available
- Space needs for sports, cultural and recreational activities
- The available space in the current media and computer centres, science and technology laboratories and the school hall
- The sanitary facilities available
- Parking facilities
- Safety measures
- The maximum number of learners permitted per class
- Internationally recognised best practice with regard to class size in order to deliver effective and efficient quality education.

## **9. SCHOOL PROPERTY**

The Applicant's attention is drawn to the following:

- (1) Every learner of a public school shall take good care of the property of the school ... which is placed at his/her disposal, and shall return it to the school on or before a date specified by any educator employed at the school
- (2) The parents of a learner at a public school shall be liable for any damage to or loss of school ... property in respect of which the learner concerned is liable to the ... school.

- (3) It is the duty of every parent to assist the State and the governing body of a school to promote a culture of respect for school property.

## **10. RISK OF DAMAGE OR LOSS**

The Applicant is notified that the School accepts no liability for the damage to, or destruction or loss of any property brought on the School premises by the learner or his/her parent(s). It matters not who causes such damage, destruction or loss, how it is caused, whether it is caused by someone's act or failure to act, or whether it is caused by someone's intention or negligence. The School accepts no liability. Learners are encouraged to safeguard property brought onto the School premises, and Applicants and parents of learners are encouraged to take out their own insurance against such damage, destruction or loss.

## **11. ORDER OF PREFERENCE REGARDING APPLICATIONS FOR ADMISSION**

11.1 Unless and until the DH, after consultation with the SGB, decides otherwise, the natural feeder area of the School is determined as follows: Learners who live with their parent(s)/ guardian(s) in the natural feeder area of the school and for whom the closest suitable school is Tygerberg High School.

11.2 As of January 2017, the School will be a parallel medium school for Grade 8, and from 2018 in grades 8 and 9. Double medium education will start in 2019 for grade 10 and will be extended to grades 11 and 12 in the consequent years. The language policy will then be 50% Afrikaans and 50% English. The School's human resources allow for the education of learners with a language preference to their home language, or chosen language of instruction, that is in line with the school's language policy.

11.3 For an effective and functioning parallel- and double-medium education, a balance is required between the amount of learners per year group whose chosen language of instruction is English and Afrikaans. This will also be considered by the

SGB. In 2017, learners with English as their chosen language of instruction up to grade 8, will be accepted and will be limited to 60 learners in grade 8. In 2018, learners with English as their chosen language of instruction will be accepted from grade 8 to 9, in 2019 from grade 8 to 10, in 2020 from grades 8-11 and in 2021 from grades 8 to 12.

11.4 Whilst the School and SGB know that they may not unfairly discriminate against a learner on whose behalf an application is made for admission, and have no intention thus to discriminate, and whilst they are desirous of playing their part in the education of learners in partnership with the State, they appreciate that the School cannot accommodate all learners and that some process of (fair) discrimination regarding admission of learners is inevitable. Therefore, and in view of the foregoing, it is the School's policy that the following preference be afforded to applications –

- (a) First, those in respect of learners *bona fide* (genuinely) residing with their parents (as defined in SASA) within the natural feeder area of the School, and whose mother tongue is the medium of tuition of the School.
- (b) Second, those in respect of learners *bona fide* (genuinely) residing with their parents (as defined in SASA) within the natural feeder area of the School, and whose chosen medium of tuition (the choice being exercised by the parent(s) in the application of admission) is the medium of tuition of the School.
- (c) Third, those in respect of learners whose parent or parents is/are genuinely employed at an address within the natural feeder area of the School, and whose mother tongue is the medium of tuition of the School.
- (d) Fourth, those in respect of learners whose parent or parents is/are genuinely employed at an address within the natural feeder area of the School, and whose chosen medium of tuition (the choice being exercised

by the parent(s) in the application for admission) is the medium of tuition of the School

- (e) Fifth, learners residing outside the natural feeder area of the School, whose mother tongue is the medium of tuition of the School, and who wish to study a subject or subjects offered by the School and no other school closer to the learner's place of residence.
- (f) Sixth, learners residing outside the natural feeder area of the School, whose chosen medium of tuition (the choice being exercised by the parent(s) in the application) is the medium of tuition of the School, and who wish to study a subject or subjects offered by the School and no other school closer to the learner's place of residence.
- (g) Lastly, if the school is able to accommodate more learners and is not filled to capacity, learners who do not live in the school's natural feeder area and whose language corresponds with the policy of the school, will be considered for enrolment under the following conditions:
  - Learners who are able to adapt to the school's language policy,
  - Learners whose proven academic, cultural, sport and leadership record is such that they are willing and capable to add value to the school and are able to contribute meaningfully to the advancement of the school's educational programme, as gauged in the applicant's application.

The SGB, in support of the districts director, holds the right to give preference to applicants who has siblings at the school.

## **12. ADMISSION OF NON-CITIZENS**

Applications for admissions of non-citizens will be dealt with in accordance with paragraphs 19-21 of the ministerial policy and the requirements as mentioned in paragraph 11 of this policy.

### **13. THE SGB AND THE LEARNERS OF THE SCHOOL**

13.1 All learners will be required to observe their duties and are entitled to exercise their rights and require the observance of their rights as set out in the Code of Rights and Duties of Stakeholders of the School.

13.2 The SGB considers itself to be in duty bound to protect the educators, learners, parents and non-educators of the School from physical or mental violence to the full extent of its power to do so and further, to foster the physical, mental and moral welfare of learners. To this end, the SGB -

- (a) reserves the right to scrutinise the disciplinary and behavioural record of any prospective learner of the School, and to take all steps within its power to prevent the admission of a learner whose conduct or behaviour may endanger the very interest the SGB considers itself to be in duty bound to protect;
- (b) may enquire from and take issue with the HOD concerning the wisdom of admitting a learner to any grade in the School when the learner will be severely prejudiced by reason of the inability of the learner to communicate or be communicated with at the level required for proper tuition to take place in that grade;
- (c) may take whatever steps may be reasonably practicable, given the resources and circumstances of the School, to assimilate a disabled prospective learner into the School; and

(d) requires a member of staff or a learner or any learner's parent(s) to report to it any matter relating to the abuse of the rights or invasion of the interests which it seeks to protect.

#### **14. THE PARENTS AND THE SCHOOL/SGB**

14.1 The parents(s) of learners are requested to complete the prescribed consent form to enable the School staff to act in the best interest of the learner in cases of emergency or to relieve the learner's pain or discomfort until the parent(s) can intervene.

14.2 Parents of learners at the School have, apart from their duties, several rights. *Inter alia*, they have the right to be consulted regarding the formulation of the School's language and religious policies and code of conduct, or any amendments thereto. They are also invited to submit recommendations and proposals to the SGB regarding the supplementation or amendment of existing policies or the existing Code of Conduct for consideration by the SGB.

14.3 Parents are encouraged to become involved in all the activities of the School, to offer to serve in the governance structures and support groups serving the interests of the School community, and to support the education process by interacting constructively with educators and ensuring that set work and homework is done by the learner conscientiously and punctually. Parents are also required to ensure that their children are properly equipped to participate fully in the tuition

14.4 process and that they attend school punctually and regularly.

#### **15. REPEATING GRADES**

Learners who repeat grades will be dealt with in accordance to the departmental policy.

**16. This Policy may be amended, supplemented, modified or altered from time to time by the SGB.**

Signed: \_\_\_\_\_ Chairman: SGB

Date: \_\_\_\_\_

**SCHEDULE A**

Information required by the SGB in addition to that required to be furnished in terms of Ministerial Policy or Provincial Policy or Law:

1. The name, residential address, work address and all telephonic, telefax or e-mail contact details of each person falling under the definition of "Parent" in SASA
2. A certified copy of any Court Order or testamentary document confirming guardianship or custody or any similar right of the person ("Parent") claiming such right
3. An affidavit, employer's certificate, electricity or other account or any other proof reasonably required by the SGB to verify the place of residence of a learner and his/her "parents" or the fact and place of employment of the "parents" of the learner
4. A copy of the identity or other document confirming the identity of each person falling within the definition of "parent" in SASA to the reasonable satisfaction of the SGB
5. Written authority of the parent(s)/guardian(s)/person(s) referred to in paragraph 2, to any person to represent him/her/them in applying for the admission of the learner to the School or in any other matter affecting the learner
6. The language of tuition chosen on behalf of the prospective learner
7. Details of any notifiable disease from which the learner is or may be suffering
8. Details of any serious misconduct of which the learner may have been found guilty by a Court of Law or an SGB at any school where the learner may previously have been enrolled

9. A Certificate of Conduct completed by the school where the learner is presently enrolled
10. Details of any condition in the learner which may endanger the physical welfare of any of the learners or staff members of the School
11. Details of any specific needs the learner may have and which may require attention to maximise the learner's school experience or promote his/her best interests
12. Details of any condition or circumstances of which the School should be aware in order to protect the best interests of the learner and/or any other learners of the School
13. Any specific subjects the learners may want to study and which are not offered by a school closer to the learner's place of residence