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**OFFICE OF THE HEAD OF DEPARTMENT**

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**MEMORANDUM**

**TO** : ALL CHIEF DIRECTORS  
ALL DIRECTORS [HEAD OFFICE]  
ALL DISTRICT DIRECTORS  
ALL CIRCUIT MANAGERS  
ALL SGB'S

**FROM** : A/DIRECTOR: SCHOOL ADMINISTRATION

**SUBJECT** : GUIDELINES ON REGISTRATION AND CLOSURE OF PUBLIC SCHOOLS.

**DATE** : 17 MAY 2022

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**1. AIM/PURPOSE**

The purpose of this memorandum is to outline the process that must be followed in the management of applications for registration and closure of public schools.

**2. BACKGROUND**

The Department has received incomplete and overdue application forms with outstanding documents from the districts. Unfortunately, these forms are returned to the district offices for compliance. This is an error that must be corrected, hence this memorandum.

**3. DELIBERATIONS**

- 3.1. It has come to the attention of the department that districts and schools do not adhere to the stipulated process in managing applications for establishment of public schools.
- 3.2. This has resulted in a situation where this important function is difficult to control and disorganizes the schooling system in the province.
- 3.3. These guidelines therefore intend to regularize the function and ensure that there is a uniform approach and system that is followed in terms of the correct application forms used, time frames for submission at each level, together with the time by which responses should be expected from Head Office.



## APPLICATIONS PROCESSED BY SCHOOL ADMINISTRATION

CATERGORIES			
EST	Establishment of New Schools	CURR	Amendment of Curriculum
CSN	Change of School Names	EXT	Extension of Grades
COS	Closure of schools		

### 4. REGISTRATION OF A PUBLIC SCHOOL

4.1 In terms of Section 12(1) of the South African Schools Act No. 84 of 1996, the MEC must out of funds appropriated for this purpose by the Provincial Legislature, establish and maintain public schools for the education of all learners. The MEC may, by notice in the Provincial Gazette, reclassify existing categories or phases of public schools, if he or she deems it necessary for education in the province.

4.2 The MEC may establish a school in the following instances:

- When a new suburb is built around one of the cities or towns and a site allocated for a school.
- Migration of communities may give rise to the need for new schools.
- Overcrowding and like conditions/circumstances flowing there from may lead to the establishment of a new school.
- The donation of a school building by business or political intervention may result in the establishment of a new school.
- The number of learners travelling long distances to reach school or faced with hazards like the busy national roads, thick bushes, flooded rivers, may lead to a need for a school to be established in their own environment.
- A community may require a school in their vicinity to afford their children diversity in education or specialized training.
- Growth in population because of an industrial rezoning or growth of an informal settlement or a new settlement.

4.3 The application for the registration of a public school must be lodged with the office of the Circuit Manager of the area where the school is intended to be built/established. The same applies to donor funded schools.





4.4 Once the application from the community is received, the Circuit Manager together with the Physical Resource Section in the District must conduct a survey and needs analyses in the area where the school is to be built, to verify the information supplied by the community, establish the feasibility of a school and possible impact on other existing schools. The report of the survey must accompany the application form.

4.5 The application form for the registration of a school must include the following:

- The intended grades to be registered.
- The expected time schedule for the phasing in of grades.
- The proposed name of the school in order of preference (three names from which to choose should be given).
- The physical address and postal address of the school.
- The site number.
- The curriculum to be followed.
- Intended enrolment.

4.6 In a case where a school is applying for grade 1, it must be given grade R as well.

4.7 Application should reach the Head Office not later than 31 May of every year. Approval of applications by the Head Office must happen before 31 July of every year to enable the Department to budget appropriately for the establishment of the school.

### MANAGEMENT PLAN: REGISTRATION OF PUBLIC SCHOOLS

NO.	ACTIVITY	TIME FRAME
1.	Submission of all application forms to Head Office by districts.	31 May annually
2.	Adjudication committee meets to process the application forms.	15 June
3.	Approval or non-approval of verified application forms by the Head of Department [HOD] and Member of Executive Council [MEC].	5 days
4.	Submission of approved applications to EMIS and sub-directorates for their inclusion in the database and budget projections for the following year.	30 June
5.	Issuing letters to update the districts about the outcome of their applications.	01 August
6.	Declaration of posts by MEC for newly established schools.	30 September





## **REGISTRATION REQUIREMENTS CHECKLIST**

<b>NO.</b>	<b>DOCUMENTS</b>
1.	The agenda of the meeting that decided on the application.
2.	Minutes of the subject (aforementioned) parents/community meeting.
3.	Attendance registers of the parents/community meeting.
4.	Circuit Manager's land verification report and Reservation Certificate [where new school establishment is the subject].
5	A detailed submission written by the CMC Head or Circuit Manager and signed by the district director.

### **5. CLOSURE OF A PUBLIC SCHOOL**

5.1 The Member of the Executive Council may, by notice in the Provincial Gazette, close a public school under Section 33(1) of the South African Schools Act No. 84 of 1996.

5.2 The Member of the Executive Council may not act under Section 33(1) unless he or she has:

- informed the governing body of the school of his or her intention so to act and his or her reasons thereof.
- granted the governing body of the school a reasonable opportunity to make representation to him or her in relation to such action.
- conducted a public hearing on reasonable notice, to enable the community to make representations to him or her in relation to such actions; and
- given due consideration to any such representations received.

5.3 If a public school is closed, all assets and liabilities of such school must, subject to the conditions of any donation, bequest or trust contemplated in section 37(4) devolve on the State unless otherwise agreed between the Member of the Executive Council and the governing body of the school.

### **6. LINKS TO STRATEGIC PRIORITIES**

The National Development Plan focusses on the following key strategies that have been incorporated as part of the Eastern Cape Department of Education (ECDoE) five-year plan:

- Access to quality Early Childhood Development.
- Improve quality teaching and learning.
- Produce highly skilled individuals.







- Allow for different parts of the education system to work together so that learners can take different pathways to high quality learning opportunities.
- Position education as the most important investment for our country; and
- Instil the values of lifelong learning, continuous professional development, and knowledge production.

## 7. PERSONNEL IMPLICATIONS

The approval of some applications has personnel implications. For example, approval for the establishment of a new school and the introduction of a new class or amendment of a secondary school curriculum may require professionally qualified teachers.

## 8. FINANCIAL IMPLICATIONS

There may be huge financial implications for some of the submitted application forms. It is advisable that such applications be costed in the district director's submission to accommodate them in the budget projections for the following year.

## 9. LEGAL IMPLICATIONS

Section 29(1) of the Constitution provides the right to a basic education and (b), to further education, which the state, through reasonable measures, must make progressively available and accessible. There may be legal implications if due administrative processes are not adhered to.

## 10. CONSULTATION

Intensive consultation with all key stakeholders is encouraged to secure a positive conclusion of any application form.

## 11. RECOMMENDATION

It is recommended that the districts adhere to the stipulations of this memorandum to ensure that the management of this important function is admiratively correct.

**MR. M. QWASE**  
A/HEAD OF DEPARTMENT [HOD]

17 MAY 2022

**DATE**

