

Commenting on Draft School Admission Regulations Pack

Admission of Learners to Public Schools Regulations (Notice 3415 of 2025)

Government Gazette No. 53119-Published 6 August 2025.

Guide - How to Make Your Voice Heard

Introduction Purpose:

Empower individuals to effectively submit comments on the Draft Admission of Learners to Public Schools Regulations.

Why it matters:

These regulations affect learners' rights to education, cultural freedoms, and medical choices.

Step 1:

Start with Personal Details

- Full name / Organisation name
- Town or province
- Contact details (optional but helpful)
- ID number (Optional)
- Role:

- i. Parent,
- ii. Learner,
- iii. Teacher,
- iv. Community leader,
- v. SGB member,
- vi. Concerned citizen,
- vii. Organisation representative (Organisation Name).

Example: "I am [YOUR NAME], a parent of two children attending public school in Gauteng."

Step 2:

State the Purpose

Be clear you are responding to the proposed regulations by stating: **Reference: Admission of Learners to Public Schools Regulations (Notice 3415 of 2025).**

Example: "I am writing to comment on the proposed Admission of Learners to Public Schools Regulations published on 6 August 2025."

Step 3:

Support or Object (and Why)

State if you support or object to the regulations or specific parts. Use plain language.

[Please note that this guide only addresses the Immunisation part of the regulations, you can add other parts as well]

Example: Concern over proof of immunisation potentially limiting access to education.

Step 4:

Choose Key Points

Procedural Issues:

- i. Only in English

No translation to all official languages and Khoi and San languages.

- ii. Not accessible to visually/hearing impaired or illiterate.

No braille, audio or sign language provided for

Substantive Issues:

- i. Right to education

No child should be refused school because of medical or paperwork issues.

- ii. Religious & cultural rights

The exemption process is too strict and assumes that the HOD is well versed on every religious and cultural expression in the country, to therefore be able to decide on what is legitimate faith and cultural beliefs and practices.

iii. Medical decisions

Medical decisions should not involve HODs in any medical analysis or medically related decisions.

iv. Informed choice and consent

Parents must be given full information, including alternatives, so that they make a proper choice before deciding on immunisation.

General Concern

The regulation in its current form fails to comply with Section 6 of the National Health Act, (Act No. 61 of 2003), which requires that every health care provider:

1. Inform the user of the range of diagnostic and treatment options available.
2. Explain the benefits, risks, costs, and consequences associated with each option.
3. Inform the user of their right to refuse health services and the implications of refusal.
4. Provide this information in a language the user understands, taking into account literacy levels.

Without these steps for each vaccine, enforcement amounts to coerced compliance, which undermines informed consent and may violate constitutional rights.

Per-Vaccine Concerns

All Vaccines

Section 6 Compliance Issue:

To ensure compliance with Section 6 of the National Health Act;

- a. Parents' rights to exercise informed choice and informed consent is paramount:
- b. Parents must be informed of all the ingredients, risks (including anaphylaxis), and alternatives before consent. The regulation has no mechanism for such disclosure.
- c. Parents must be given full disclosure of contraindications and possible adverse events such as febrile seizures, which are not mentioned in the regulation.
- d. Some of these vaccines may carry specific risks for certain groups; without full disclosure and screening, compulsory blanket application could cause harm.
- e. Risks and benefits must be explained before administration, including potential allergic or neurological effects. Regulations do not make provision for such explanations.
- f. The Act requires clear communication about possible reactions and the right to refuse, which the regulation omits.

g. Parents should be advised of possible soreness, fatigue, or allergic reaction risks, and of the option to refuse.

v. Medical Motivation for exemption

Only HPCSA-registered practitioners are authorised to supply a medical diagnosis accompanying a medical motivation in support of an exemption, while other recognised health professionals like traditional healers and naturopaths are excluded. –

vi. Internal Contradiction in the Draft Regulations

A serious concern about internal conflict within the Draft Admission of Learners to Public Schools Regulations renders the regulations inapplicable.

- a. Section 9 of the draft regulations says a learner may not be refused admission on grounds such as religion, conscience, belief, culture, or illness.
- b. Section 10 says that once admitted, a learner cannot be excluded from the school programme for reasons related to cultural beliefs, religious observances, medical circumstances, or other reasonable grounds.
- c. However, Regulation 14 introduces a “no immunisation, no admission” rule which would deny admission or continued attendance at the school, to learners who have not been vaccinated, even if this is due to religious beliefs, cultural practices, or medical circumstances.

- d. Sections 9 and 10 prohibit discrimination based on these factors.Regulation 14 allows exactly that kind of discrimination.
- e. It makes the regulations inconsistent and confusing.
- f. It could cause school officials to break one part of the regulations in order to follow another.

vii. Role of School Governing Bodies (SGBs)

- a. I am concerned that Section 22 of the draft regulations gives School Governing Bodies (SGBs) jobs they are not meant to do under the South African Schools Act.
- b. SGBs are there to help run the school, make policies, and support teachers and learners — not to check vaccination papers, decide on medical exemptions, or enforce health rules. That is the job of the Department of Education and health officials.
- c. Most SGB members are parents and community members. They are not doctors, nurses, or lawyers. They should not be expected to decide if a child’s medical or religious exemption is valid.
- d. Turning SGBs into gatekeepers for school admission could lead to unfair decisions, especially if parents are refused without proper process. This could break the law and children’s rights to education.

e. This puts parents and teachers in a position where they could be blamed for stopping a child from going to school. That is not fair and could divide communities.

viii. Anything Else

Add any other concerns, points, or suggestions that are important to you.

Step 5:

Give Real-Life Examples if Possible

Share personal or community experiences and show potential impacts, if possible and relevant.

Example: Child with medical condition excluded due to vaccine requirements.

Step 6:

Suggest Solutions

1. Translate notices into all official languages, including Khoi and San languages.
2. Provide accessible formats (Braille and audio, sign language, simple language).
3. Hold community engagement sessions (imbizos).

4. Don't involve HODs in anything to do with medical analysis or medically related decisions.
5. Amend the regulation to explicitly require vaccine-specific informed consent in line with Section 6 of the National Health Act.
6. Provide full ingredient lists and contraindications for each vaccine in official notices, in languages or means accessible to each parent.
7. Require individual consent for each vaccine rather than blanket acceptance of all six.
8. Ensure communication in all 11 official languages, Khoi and San languages, and accessible formats for blind, deaf, and illiterate persons.
9. Provide parents with written information sheets prior to any vaccination requirement.
10. Remove the "no immunisation, no admission" rule in Regulation 14 so that it does not conflict with Sections 9 and 10.

11. Ensure that any health-related requirements are applied in a way that respects the protections against discrimination already contained in the regulations, which aspect is in keeping with the constitution.

12. Remove Section 22 of the regulations. SGBs should not be the ones enforcing these rules.

Step 7:

End Politely

1. Ask the Department to review your concerns.

2. Indicate your willingness to address the Portfolio Committee in person.

3. Example: "I request that the Department review these concerns and withdraw these regulations and also request to address the Portfolio Committee in person."

Step 8:

How to Submit

Deadline

5 September 2025 (**LATE SUBMISSIONS WILL NOT BE CONSIDERED**)

By Post

Private Bag X895, Pretoria, 0001 By Hand: 222 Struben Street, Pretoria, 0001

By Email

AdmissionRegz@dbe.gov.za Attention: Zukile Ntshwanti, Director: Legal Services

Final Reminder

Be clear, respectful, and concise. Focus on issues most important to you. Your participation helps shape fair and inclusive education policies.

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International Alliance of Lawctivists