

which disrupts or is likely to disrupt the teaching programme at his or her school, and shall confirm the report, in writing, without delay:

Provided that, if the indiscipline threatens life or property, or is likely to lead to public disorder, the head shall also report it, by the quickest available means, to the police.

Payment of school fees and levies

20. (1) No pupil shall be excluded from school for non-payment of any form of school fees or levies.

(2) Parents and guardians of pupils shall pay school fees and levies on or before the opening of schools.

(3) Approval of school fees and levies shall be done before the term begins.

(4) Approval of levies and fees shall be decentralised to District and Province depending on the threshold and in line with devolution.

(5) The responsible authority shall facilitate collaborative meetings between the school and parents pertaining to the payment of school fees and levies.

Repeals

21. The following regulations are repealed—

- (a) Education (Enrolment and Exclusion) Regulations, 1998, published in Statutory Instrument, 363 of 1998; and
- (b) Education (Age on Admission to a Government School) Regulations, 1999, published in Statutory Instrument 70 of 1999.

ARRANGEMENT OF SECTIONS

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21. Repeals.

IT is hereby notified that the Minister of Primary and Secondary Education, in terms of section 69 of the Education Act [Chapter 25:04], has made the following regulations:—

Title

1. These regulations may be cited as the Education (General) Regulations, 2025.

Interpretation

2. In these regulations—

“child” means a boy or a girl under the age of (18) eighteen years;

“child of school-going age” means a boy or girl of or over the age of four years and has not attained his or her eighteenth birthday;

“head”, in relation to a school, means the principal teacher or other individual who is in charge of the day-to-day operations of the school;

“expulsion” means the removal of a pupil from the school on account of a misconduct of a serious nature;

“pupil” means child who attends school under the facilitation of a teacher;

“sexual misconduct” means—

- (a) any of the following crimes, as defined in Part III of Chapter V of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*]—
 - (i) rape;
 - (ii) aggravated indecent assault;
 - (iii) indecent assault;
 - (iv) sexual intercourse or performing indecent acts with young persons;
 - (v) sodomy;
 - (vi) distribution of pornographic material;
 - (vii) soliciting;
 - (viii) procuring;
 - (ix) coercing or inducing a person for the purpose of engaging in sexual conduct;
 - (x) detaining a person for the purpose of engaging in unlawful sexual conduct;
 - (xi) permitting a young person to resort to a place for the purpose of engaging in unlawful sexual conduct;

(3) If the head of a school is satisfied, after a fair hearing, that a pupil at the school has been guilty of serious misconduct which merits expulsion, the head, after consultation with—

- (a) the DSI, in the case of a government school; or
- (b) the school’s responsible authority, in the case of a non-Government school;

may expel the pupil from the school.

(4) Where a head of a school has decided to expel a pupil from the school, the head shall give the pupil’s parents written notice of the date on which the expulsion is to take effect and, in the notice, shall state the reason for the decision to expel the pupil.

(5) A parent to whom notice has been given in terms of subsection (4) may, within 14 days of receiving the notice, appeal in writing to the Secretary or any other person designated by the Secretary through the DSI.

(6) The Secretary shall ensure that he or she determines an appeal under subsection (5) within one month after the appeal was lodged.

(7) While an appeal is being determined under subsection (5), the pupil concerned shall be permitted to continue attending the school:

Provided that if the head of the school—

- (i) on reasonable grounds is of the view that the pupil’s attendance at the school may lead to indiscipline at the school or may result in injury to any person or damage to property, the head may prevent the pupil from attending the school for not more than one month after the appeal was lodged with the Secretary.
- (ii) who expels a pupil in terms of this section shall forthwith forward a report to the Secretary setting out the full circumstances of and the reasons for the expulsion.

Notice to be given of serious indiscipline

19. The head of a school shall report to the PED immediately, through the DSI, and by the quickest available means, any indiscipline

(v) circumstances of the pupil concerned;
and the best interests of the child shall be paramount.

(3) The head of every school shall ensure that—

- (a) a notice setting out the disciplinary rules of the school is posted up on the school's noticeboard; and
- (b) all pupils at the school and their parents are easily able to acquaint themselves with the disciplinary rules of the school and with the types of conduct that constitute disciplinary offences; and
- (c) all members of staff at the school are—
 - (i) aware of the disciplinary rules of the school and of the types of conduct on the part of pupils which constitute disciplinary offences; and
 - (ii) instructed in appropriate measures to enforce discipline.

Duty of parents and pupils regarding discipline

17. (1) Every pupil shall conform to the disciplinary rules of his or her school and shall render prompt obedience to the school staff.

(2) Parents shall encourage their children to comply with subsection (1), and when called upon to do so shall assist the teachers and other staff of the schools concerned in ensuring that their children comply with the disciplinary rules of the schools they attend.

Suspension and expulsion from school

18. (1) Where the head of a school reasonably suspects a pupil of serious misconduct, the head may, if he or she considers it desirable for the purpose of investigating the misconduct, suspend the pupil for up to fourteen school days.

(2) No pupil may be suspended from school without first being granted a reasonable opportunity, with the support of his or her parents, to make representations with respect to the proposed suspension.

- (xii) allowing a child to become a prostitute; or sexual exploitation for financial gains;
- (b) any other improper conduct of a sexual nature committed by a teacher or non-teaching staff against or with a pupil;

Child of school-going age

3. (1) A child who will attain the age of four years during a school year shall be regarded as a child of school-going age, and eligible for enrolment in the early childhood development level A (ECD-A), at the beginning of that year.

(2) Notwithstanding subsection (1), a child with special needs education may go to school beyond the stipulated age.

Equal opportunity to education

4. (1) Every child of school-going age shall be afforded equal opportunity to access education.

(2) Basic education is compulsory and, if the parents of the pupil cannot afford the tuition fees and levies at a Government school, the State shall assist, within the limits of the resources available to it, in providing that education.

Admission of children into Government schools

5. (1) No school head shall exclude a child of school-going age from enrolment at a Government school solely on the ground that the child does not have a birth certificate.

(2) No child of school going age shall be denied admission into basic education, in government schools based on the quality of results he or she possess.

(3) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Pupils with disabilities

6. (1) In this section —

“pupil with a disability” includes a child who—

- (a) is intellectually, mentally, physically, visually, or has impaired hearing; or
- (b) has multiple disabilities referred to in paragraph (a); or
- (c) with albinism; or
- (d) has speech impairment; or
- (e) sensory impairment; or
- (f) developmental; or
- (g) epilepsy.

(2) Every school head shall ensure that the school has support staff that is well versed, qualified, and experienced in catering for the needs of pupils with disabilities.

(3) Every school head shall capacitate their teachers and staff in handling pupils with disabilities.

(4) The Secretary shall establish a committee in each province that assesses pupils with disabilities for placement in various appropriate institutions.

(5) The committee shall work on prescribed terms of reference from the Secretary.

(6) Every school head together with the curriculum development unit shall ensure the appropriate adaptation of the national curriculum to suit the needs of pupils with disabilities.

Technology

7. (1) Every school shall provide support infrastructure that allows the use of relevant technological tools that are based on the needs of pupils and tailored to their conditions.

(2) Every school shall draw up a policy that regulates and guides use of technological tools.

(3) Every school head shall ensure that the network provider prohibits access to sites that promote drug abuse, adult content, violence, and porn, etc.

Guidance and counselling

13. Every school shall appoint a guidance and counselling teacher working together with learner services structures in sensitising and counselling pupils on sexual, gender relations and reproductive health education to reduce incidences of child pregnancies.

Pupils entering staff living quarters, offices and base rooms

14. (1) No pupils must be allowed at the school staff quarters.

(2) Every school shall develop guidelines for the pupils to access staff offices and base rooms to ensure safety of the pupils.

(3) Subsection (1) shall not apply where the pupil is a child or relative of the teacher or member of staff whose living-quarters he or she enters and resides in.

Disciplinary policy in schools

15. (1) The head of every school, after consultation with the school parents’ assembly, shall draw up a disciplinary policy for the school, setting out the general principles on the behaviour and discipline of pupils at the school and outside the school.

(2) The head of every school shall send the DSI a copy of the school’s disciplinary policy and notify of any amendments to it.

Duty of school head regarding discipline

16. (1) The head of every school shall draw up disciplinary rules for the school.

(2) The head of every school shall be responsible for maintaining proper discipline at the school and for ensuring that measures taken to enforce the school’s disciplinary policy are—

- (a) moderate;
- (b) reasonable and proportionate in the light of the—
 - (i) conduct;
 - (ii) age;
 - (iii) sex;
 - (iv) health; and

Employment of sexual offenders at school

11. (1) No responsible authority of a school shall employ in any capacity at the school, whether on a full-time or part-time basis, a person who, has been—

- (a) convicted by a court of a sexual crime, committed against or with a child or pupil; or
- (b) dismissed from employment at a school on account of conduct which constitutes a sexual crime, committed against or with a child or pupil;

unless the Secretary, with full knowledge of the circumstances in which the offence was committed or allegedly committed, has consented in writing to the person's employment in that capacity or the High Court has ordered that the person may be so employed.

(2) All prospective employees either teaching or non-teaching staff shall produce a valid police clearance certificate before assumption of duty.

(3) Any person who contravenes any provisions of this section shall be guilty and liable to a fine not exceeding level 6 or to imprisonment not exceeding 12 months or to both such fine and such imprisonment.

Pregnancy of girl pupil

12. Where a girl who is a pupil at a school becomes pregnant, the school head—

- (a) shall inform the parents of the girl as soon as possible if they are not already aware of the pregnancy;
- (b) shall facilitate psycho-social supportive services to the girl and parent;
- (c) if the girl and her parents so wish, the girl shall be permitted to remain at school for as long as possible before the delivery of her child, and to return thereafter as soon as her health and the health of her child permit it.

(4) Every school head shall appoint a designated member of staff or teacher responsible for—

- (a) monitoring the sites which are linked to the school's educational programme; and
- (b) ensuring online safety of pupils.

(5) Every school head shall ensure that teachers carry out effective monitoring and controlling of the use of digital tools for learning purposes only.

Home grown school feeding programme

8. (1) Every school head shall ensure that there is a home-grown school feeding programme.

(2) Every school head shall develop a school feeding plan.

(3) Every school head shall establish a school feeding programme committee whose composition, function and structure shall be prescribed by the Secretary from time to time.

(4) The school feeding committee shall ensure that every pupil is fed with at least one hot balanced meal per day.

(5) Every school head and parents shall be responsible for the organisation of labour to prepare meals relating to the feeding scheme and any other activities to achieve the purpose.

(6) Medical vetting of food handlers shall be conducted by the Ministry of Health and Childcare.

Sexual misconduct against pupils and among pupils

9. (1) The head of a school shall exercise the functions of responsible authority of the school in accordance with such general and specific directives as may be given to him or her by the district schools inspector (DSI), the provincial education director (PED), or the Secretary.

(2) In the event that a school development committee (SDC) employee commits a serious act of sexual misconduct the responsible authority through the SDC chair shall apply the necessary disciplinary action through respective code of conducts as registered and gazetted

in terms of the Labour Act [*Chapter 28:01*], in tandem with these regulations.

(3) If the head of any school has reasonable grounds to suspect that a teacher or other member of the staff of the school has committed a sexual misconduct against or with a pupil at the school, the responsible authority shall immediately—

- (a) report to the—
 - (i) police;
 - (ii) DSI; and
- (b) inform the pupil's parent;
- (c) institute disciplinary proceedings in accordance with—
 - (i) regulations made under the Public Service Act [*Chapter 16:04*], where the teacher or staff member is a member of the Public Service; or
 - (ii) where the teacher or staff member is not a member of the Public Service, in accordance with the code of conducts as registered and gazetted in terms of the Labour Act [*Chapter 28:01*].

(4) If a teacher or other member of staff of a school has reasonable grounds to suspect that the head of the school or another member of staff has committed a sexual misconduct against or with a pupil, the first-mentioned teacher or staff member shall immediately report the matter to the—

- (a) police; and
- (b) DSI, where it is suspected that the head of a school committed the offence; or
- (c) head of the school, in any other case;

who shall thereupon take appropriate action in terms of subsection (3)(c).

(5) If a parent of a child reports to the head or a member of staff of a school that the child may have been the victim of sexual misconduct committed by anyone at the school, the head or member of staff shall, if he or she is given reasonable grounds for suspecting that

the report is true, immediately take the steps referred to in subsection (3) or (4), as the case may be.

(6) This section shall not be construed as preventing the responsible authority from taking disciplinary or other action against a person who has committed or is suspected of having committed any improper act, other than sexual misconduct, against or with a pupil at the school.

(7) Any sexual misconduct amongst pupils shall be dealt with in accordance with the disciplinary procedures in the school's code of conduct.

Record to be kept of cases of sexual misconduct

10. (1) The school head of every school shall ensure that a written record is kept of all cases in which action is taken in terms of section 9 against a teacher or member of staff of the school, and that the District Schools Inspector is notified of the case and of the action taken.

- (2) The record kept in terms of subsection (1) shall specify—
 - (a) the name, grade or form of the pupil against or with whom the misconduct was committed or allegedly committed; and
 - (b) the name, designation and Employment Code number of the suspected offender;
 - (c) the date and nature of the misconduct or alleged misconduct; and
 - (d) details of the action taken by the school head.

(3) The school head, and the DSI, shall ensure that the record referred to in subsection (1) is kept in a secure place where it cannot be read by anyone other than the head or a member of the responsible authority who has a legitimate reason to inspect it:

Provided that the record shall be open to inspection at all reasonable times by the Secretary or a person authorised by the Secretary.