



OFFICE OF THE HEAD OF DEPARTMENT

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CIRCULAR 04 OF 2026

**TO : CLUSTER CHIEF DIRECTORS
DISTRICT DIRECTORS
PRINCIPALS OF ALL SCHOOLS
SCHOOL GOVERNING BODIES
CMC MANAGERS
CIRCUIT MANAGERS
SGB ASSOCIATIONS
TEACHER UNIONS**

**FROM : HEAD OF DEPARTMENT: EDUCATION
MS. S.A. MAASDORP**

SUBJECT : PROHIBITION OF UNLAWFUL CLOSURE OF PUBLIC SCHOOLS

DATE : 18 MAY 2026

The Eastern Cape Department of Education has noted with serious concern incidents where certain School Governing Bodies (SGBs), School Management Teams (SMTs), educators, parents, or community structures have taken unilateral decisions to close public schools and suspend teaching and learning activities.

This circular serves to remind all stakeholders that neither a School Governing Body nor a School Management Team has the legal authority to close a public school or suspend academic activities without approval from the Head of Department (HOD).

In terms of the following legislative and policy frameworks:

1. The Constitution of the Republic of South Africa, 1996
 - o Section 29(1)(a) guarantees every learner the right to basic education.
2. The South African Schools Act, 84 of 1996 (SASA)
 - o Section 16(1) provides that governance of a public school is vested in its School Governing Body, subject to the Act.
 - o Section 16A places responsibility on the principal to ensure implementation of all provincial and national education policies.



- Section 20 outlines the functions of the SGB and does not provide any authority to close schools or suspend schooling.
 - Section 25 empowers the Head of Department to withdraw functions of an SGB if the SGB acts unlawfully or fails to perform its functions effectively.
3. Employment of Educators Act, 76 of 1998
- Educators and school managers are prohibited from participating in unlawful conduct that disrupts schooling and may face disciplinary action for misconduct.
4. Personnel Administrative Measures (PAM)
- Principals and educators are required to ensure that effective teaching and learning takes place throughout the school year.
5. National Policy on the Organisation, Roles and Responsibilities of Education Districts
- Districts are mandated to monitor and ensure uninterrupted curriculum delivery and learner attendance.

Accordingly, all schools are instructed as follows:

- No public school may be closed, partially closed, or have teaching and learning suspended without written approval from the Head of Department.
- Any action that disrupts teaching and learning, including locking school gates, preventing access to learners or educators, or instructing learners to remain at home, shall be regarded as unlawful.
- Principals are instructed to immediately report any threats of school closure or disruptions to the relevant Circuit Manager and District Director.
- District Directors must ensure continuous monitoring of schools and take immediate corrective measures where disruptions occur.

The Department further warns that:

- Any SGB that unlawfully closes a school or incites disruption of schooling may have its functions withdrawn in terms of Section 25 of SASA.
- Appropriate disciplinary action shall be instituted against any principal, educator, or official found to have participated in or supported the unlawful closure of schools.
- The Department reserves the right to institute legal proceedings where necessary to protect the constitutional right to education.



All stakeholders are urged to act responsibly and ensure that the schooling programme proceeds uninterrupted in the best interests of learners.

Your cooperation in safeguarding teaching and learning is appreciated.

Yours in Quality Education,



MS. SA. MAASDORP
HEAD OF DEPARTMENT

18.05.26
DATE