

EQUAL EDUCATION LAW CENTRE

Addressing spatial injustice and education injustice – ensuring progressive feeder zone policies in Gauteng



In April 2018, the EELC assisted Equal Education in making comprehensive submissions on the Gauteng Department of Education’s draft policy on the determination of feeder zones for schools.

The draft policy was formulated following a Constitutional Court matter, where EELC represented EE as a friend of the court. The matter, *FEDSAS v MEC for Education, Gauteng and Another*, involved a challenge

to the validity of the *Regulations for Admission of Learners to Public Schools in Gauteng*. One of the issues before the court was the **lawfulness of a default feeder zone regime for schools based solely on proximity**.

Our submissions highlighted that spatial apartheid in South Africa is amplified when proximity to a school is the sole criterion used to determine feeder zones. Judgment was handed down by the court on 20 May 2016. The Court ordered the Gauteng Department of Education formulate new rules for feeder zones within one year of the date of judgment.

Following judgment, the Gauteng MEC actually welcomed the outcome despite having opposed the arguments in court. Over the past 2 years, **the EELC has supported EE in engagements with the Gauteng Department of Education** on the models and policy

“...today we finally broke the backbone of apartheid planning. Today, all our schools belong to all our children, NOT the privileged few! The judgement empowers us, as government, to declare new feeder zones thus, burying the transitional 5km radius! No parent will be asked a salary slip before their children are admitted in our schools!..” Facebook post by MEC for Education, Gauteng, Panyaza Lesufi

framework for determining feeder zones in schools. In 2018, the EELC’s researchers supported EE in providing comprehensive input on draft frameworks developed by the Gauteng Department of Education. **These frameworks specifically recognise the need to take into account the need for equity, redress and spatial transformation** in determining feeder zones for schools.