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To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), Circuit Managers, Heads: Management and Governance, Deputy Directors: Corporate Services, Chief Education Specialists: Schools, Principals of public schools and Chairpersons of governing bodies

Short summary: *The consideration of applications for exemption of parents from the payment of school fees by governing bodies at fee-charging public schools.*

Subject: The payment of school fees and the exemption of parents from the payment of school fees

1. This circular supplements and should be read in conjunction with the following circulars:
 - a) Circular 0016/2007, dated 26 March 2007, clarifying the definition of school fees.
 - b) Circular 0036/2013, dated 05 August 2013, addressing unlawful practices associated with the payment of school fees and the levying of other fees.
 - c) Circular 0012/2018, dated 14 March 2018, which sets out the Western Cape Education Department's (WCED) understanding of the meaning and practical implementation of conditional exemptions as contained in the judgment and order of the Supreme Court of Appeal, delivered on 13 December 2017.
 - d) Circular 0034/2018, dated 21 September 2018, outlining the standard process for parents applying for conditional exemption from the payment of school fees.
2. You are further referred to the **Regulations relating to the exemption of parents from the payment of school fees in public schools** published in *Government Gazette* No. 29311 of 18 October 2006. A copy of the aforementioned regulations, issued

under cover of Circular 0058/2006, dated 09 November 2006, is attached for your convenience.

3. In terms of section 40 of the South African Schools Act (SASA), 1996 (Act 84 of 1996), parents who are not able to pay school fees may apply for exemption from the payment of school fees. The exemption framework recognises that not all parents are able to bear the financial costs associated with their children's education and that in such instances financial assistance in the form of partial, full or conditional exemption is granted to assist parents so that their children's rights to education are not negatively affected by their inability to pay school fees.
4. However, the current *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*, has become increasingly cumbersome to apply as it is silent on certain issues and circumstances which occur in society and which affect parents' obligation to pay school fees. For this reason the WCED has obtained legal opinions from the Provincial Legal Advisory Services in order to address the different interpretations of certain stipulations or non-stipulations in the regulations.
5. Mindful of the fact that the WCED is still guided by the Constitution of the Republic of South Africa, 1996, governing bodies are kindly requested to take the following aspects into account when considering applications for exemption from the payment of school fees and to ensure that each application is considered on its own merits in a fair, reasonable and transparent manner:

5.1 **The definition of "parent"**

- 5.1.1 Paragraph (c) of the definition of "parent" in section 1 of the SASA encompasses far more than simply taking over financial responsibilities for a learner. A person who complies with paragraph (c) should be interpreted as someone who has stepped into the shoes of a parent by taking over parental responsibilities such as taking the learner to and from school, assisting the learner with homework, mentoring the learner and attending school events or sporting functions with the learner. Such a person is providing the learner with that which a biological or adoptive parent would provide to his/her child.
- 5.1.2 Given the wording of paragraph (c), the person taking over the responsibilities for a learner has to state it under oath in an affidavit in order to ascertain the extent of the responsibilities taken over. In addition, an affidavit from the parent of the learner (or in whose care the child is placed in terms of the law), indicating the details of the person who has taken over parental responsibilities and what responsibilities have been taken over, must also be submitted to the school. Governing bodies may take into account the gross salary or wages of the person who complies with paragraph (c) of the definition of parent in order to calculate the percentage of exemption from the payment of school fees.

5.1.3 In cases where a school has sufficient grounds to question a person who claims to comply with paragraph (c) of the definition of a parent, the circuit manager should be requested to undertake an investigation, accompanied by a social worker from the Department of Social Development, which could be a home visit and/or interviews with the learner, parent and person who has taken over the parenting responsibilities.

5.2 **Due dates for submission of applications for exemption**

Regulation 6(11) of the *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*, envisages that exemption applications should be submitted by parents and considered by governing bodies at the beginning of every school year, before the end of the first term. However, and importantly, nothing in the SASA or the said regulations prevents a parent from applying for exemption later in the school year, should their financial position change. Likewise, Regulation 7 of the said regulations empowers governing bodies to amend decisions to grant exemptions, should the parent's financial position change during the course of the year. In view of the aforementioned, schools are requested to assist parents who want to apply for exemption from the payment of school fees after the due date determined by the governing body for logistical reasons.

5.3 **The interpretation of “income” or “gross salary or wages”**

5.3.1 It is important to know that the context and purpose of the SASA and the framework within which exemptions should be considered is completely distinct from the purpose and general context of the Income Tax Act, 1962 (Act 58 of 1962), which is the collection of income tax for revenue purposes. Governing bodies must note that it is unreasonable to request that parents who have financial constraints provide documentation that is either too costly or not possible to obtain, bearing in mind that many low income families earn an income in an informal manner and are not registered with the South African Revenue Service. Requesting such families to provide audited financial statements is not within the spirit or purport of the exemption system as a whole. Governing bodies should request that parents who are unable to provide financial documentation, submit an affidavit to this extent which should include an income and expenditure statement which the parents can prepare themselves, listing and confirming their income and expenditure. The aforementioned affidavit must be accepted by the governing body unless the governing body has good reason to believe that the financial information contained in the affidavit and/or exemption application is false.

5.3.2 Notwithstanding the above, governing bodies are advised that where an employee chooses to become a member of the employer's medical aid scheme and to structure his/her salary to include a medical aid benefit (which will give the

employee a tax benefit, as the taxable income is reduced), the employer's medical aid contribution forms part of their gross salary.

5.3.3 Governing bodies are furthermore advised that "gross salary and wages" is interpreted to include commission and overtime. This interpretation is strengthened when considering that if only "fixed and regular payment" from employer to employee was strictly seen as "income", the following sources of income would be disregarded for the purposes of the *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*:

- a) Consultants working on a freelance basis, whose income is project based.
- b) People working for themselves, whose income may differ from month to month.
- c) People earning a very low basic salary or no basic salary at all, but who earn huge commissions (such as estate agents).

5.3.4 The fact that the abovementioned persons do not earn a fixed monthly income does not mean that they are unable to pay school fees.

5.4 **Notification to parents in respect of exemption procedures**

5.4.1 Prescription 3.2.2(b) of the *Budget Prescriptions for Public Schools*, published in *Provincial Gazette* No. 6103 of 23 January 2004, provides that the notice and agenda sent to parents at least 30 days before the annual budget meeting, detailing the particulars and purpose of the meeting to be held, must contain notification that the criteria and procedures to be followed for fee exemptions may be obtained from the school. The WCED wishes to appeal to principals and governing bodies to ensure that the procedure for the exemption of parents from the payment of school fees is explained to parents at the annual budget meeting and to ensure that parents who do not attend budget meetings are also informed in writing of the aforementioned exemption procedures. Proof of such notifications should be kept for record purposes, if possible. Please be advised that the SASA and the *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*, do not afford governing bodies the right to refuse the acceptance and processing of applications for the exemption of parents from the payment of school fees due to budget constraints.

5.4.2 Please note that written governing body notifications to parents informing them of the outcome of their applications for exemption from the payment of school fees must inform them of their right to lodge an appeal with the Head of Department within 30 days of receipt of such notification, should they not be satisfied with the governing body's decision.

5.5 **Recovery of outstanding school fees**

It is imperative that governing bodies comply with the provisions of sections 41(4) and 41(5) of the SASA and ensure that these provisions are incorporated into the school's finance policy. Governing bodies are requested to ensure that Regulations 6(13), 6(14) and 7(3) of the *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*, are strictly adhered to and that all governing body members and staff dealing with applications for exemption from the payment of school fees follow due process before taking action against a parent for the non-payment of school fees. Only once a school has fully complied with sections 41(4) and 41(5) of the SASA, may it go ahead with the recovery of outstanding school fees, either through the use of attorneys or debt collectors. It is emphasised that no learner may be deprived of his/her right to participate in all aspects of the programme of a public school, despite the non-payment of school fees by his/her parents, and no learner may be victimised in any manner.

5.6 **Learners receiving social grants**

The attention of governing bodies is drawn to Regulation 1 of the *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*, which stipulates that a person who receives a social grant on behalf of a child is entitled to automatic total exemption from the payment of school fees in respect of that child. Although not prescribed, it would, for audit purposes, be appropriate for such parents to annually provide the school with written confirmation from the South African Social Security Agency that the learner concerned is a beneficiary of a child grant.

5.7 **Exemption applications by non-citizens**

The WCED has been advised that the definitions of "parent" and "learner" provided in the SASA do not distinguish between citizens and non-citizens and should be purposively interpreted to include refugees and asylum seekers with section 22 permits (an asylum seeker permit issued in terms of section 22 of the Refugees Act, 1998 (Act 130 of 1998)). The obligation of a public school to admit a learner even if his/her parent is unable to afford the school fees, is integral to ensure the realisation of the child's right to receive basic education, as protected by the Constitution of the Republic of South Africa, 1996, where the interests of the child are paramount. Refugee and asylum seeker parents also have an obligation, in terms of section 34 of the Refugees Act, 1998 (Act 130 of 1998), read with section 3(1) of the SASA, to ensure that their children attend school. Where such a parent is unable to afford the school fees, he/she is entitled to apply for exemption from the payment of school fees whether his/her dependent child, for whatever reason, has the requisite documentation or not.

5.8 **Recovery of school fees by using monies paid by parents for other purposes**

5.8.1 The WCED has found that certain schools receive payments in respect of aftercare, learner transport or extramural activities from parents who are in arrears with their school fees and then apply such monies to settle arrear school fees. This proposed school policy which aims to unilaterally seize monies paid for purposes unrelated to school fees for the settlement of arrear school fees, would be inconsistent with section 41(1) of the SASA which prescribes a judicial process for the recovery of arrear school fee debt.

5.8.2 The abovementioned practice also amounts to self-help which undermines the judicial process envisaged in section 34 of the Constitution of the Republic of South Africa, 1996, which guarantees a person's right to access to the courts and safeguards the right to have a dispute resolved by the application of the law in a fair hearing before an independent and impartial tribunal or forum.

5.9 **Awarding bursaries in the form of exemption from the payment of school fees**

5.9.1 Governing bodies must note that in terms of section 37(7)(c) of the SASA, a governing body may not collect any money or contributions from parents to circumvent or manipulate the payment of compulsory school fees. It has come to the WCED's attention that certain public schools annually budget for exorbitant school fee amounts which are used to award bursaries to individual learners who excel academically or in sports or to attract such learners to the schools. These bursaries are awarded in the form of exemption from the payment of school fees. It appears that the loss of income resulting from these school fee exemptions is counterbalanced by an increase in the fees paid by fee-paying parents. Governing bodies must refrain from this practice as it causes dissatisfaction amongst parents.

5.9.2 In terms of section 40(1) of the SASA, a parent is liable to pay the school fees determined in terms of section 39 unless or to the extent that he/she has been exempted from payment in terms of the SASA due to financial constraints. Otherwise stated, if a parent can afford to pay the school fees, such parent is liable to pay the school fees and must not be awarded a bursary in lieu of school fees. The SASA does not provide for a public school to grant bursaries to certain learners and to compensate therefore by increasing the school fees of other learners.

5.10 **Staff exemption from school fees**

It has come to the attention of the WCED that certain schools grant staff members exemption from the payment of school fees. Governing bodies are advised that the exemption of staff members from the payment of school fees is not permitted in terms of the SASA and the relevant regulations. If such a staff member can afford to pay the school fees, he/she is indeed liable to pay and such exemptions must be

determined by the governing body with due cognisance to the resolution in terms of section 39 of the SASA.

5.11 **Transfer of learners to other schools**

In terms of section 1 of the SASA, "school fees" means school fees contemplated in section 39 and includes any form of contribution of a monetary nature made or paid by a person or body in relation to the attendance or participation by a learner in any programme of a public school. Please note that the attendance and participation by a learner in the school programme relates to the learner actually physically attending the school and actually participating in the school programme by being present at the school itself. Governing bodies must ensure that their policy on school fees does not contravene the SASA by charging parents a penalty fee for not complying with a penalty notice period when learners transfer to other schools during the course of the year. The parents of a learner who has withdrawn from the school during the course of the year do not have an obligation to settle the school fees for the rest or part of the school year.

6. In conclusion, governing bodies are reminded that although the *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*, do not specifically indicate that governing bodies must carry out the decision of the Head of Department, especially when an appeal is upheld, governing bodies do not have the authority or discretion to deviate from the decision made by the Head of Department as the appeal authority.
7. Kindly bring the contents of this circular and the attached *Regulations relating to the exemption of parents from the payment of school fees in public schools, 2006*, to the attention of district officials, governing body members and school management teams.

SIGNED: BK SCHREUDER

HEAD: EDUCATION

DATE: 2019-04-26

GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. R. 1052

18 October 2006

**SOUTH AFRICAN SCHOOLS ACT, NO. 84 OF 1996
REGULATIONS RELATING TO THE EXEMPTION OF PARENTS FROM
PAYMENT OF SCHOOL FEES IN PUBLIC SCHOOLS**

I, Grace Naledi Mandisa Pandor, Minister of Education, after consultation **with** the Council of Education Ministers and the Minister of Finance, and **in** terms of sections 39(4) **and** 61 of the **South** African Schools Act, 1996 (Act No. **84** of 1996), hereby publish the regulations in the Schedule for general information.



GRACE NALEDI MANDISA PANDOR, MP
MINISTER OF EDUCATION

DATE: 8-10-2006

SCHEDULE**1. Definitions**

In these regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned to it **and**, unless the context indicates otherwise –

“application” means an application by a parent for total, partial or conditional exemption from paying school fees;

“automatic exemption” means the total exemption available to –

- (a) a person who has the responsibility of a parent in respect of a child placed in –
 - (i) a foster home;
 - (ii) a youth care centre;
 - (iii) a place of safety; or
 - (iv) an orphanage;
- (b) a person who is a kinship caregiver of an orphan or of a child who –
 - (i) has been abandoned by his or her parents; and
 - (ii) is without any visible means of support;
- (c) a person who receives a social grant on behalf of a child; or
- (d) a child who heads a household;

“combined annual gross income of parents” means the annual gross income of the parents, calculated together, or, if a learner has only one parent, the total annual gross income of such parent;

“competent authority” includes a chief, minister of religion or headman, or a councillor of a local authority;

“conditional exemption” means the exemption granted to a parent who –

- (a) qualifies for partial exemption but, owing to personal circumstances beyond his or her control, cannot pay even the reduced amount; or
- (b) does not qualify for exemption but supplies information indicating his or her inability to pay school fees owing to personal circumstances beyond his or her control,

which exemption the school governing body grants with the proviso that the parent agrees to certain conditions for the payment of the school fees;

“exemption” means the total, partial or conditional exemption of parents who are unable to pay school fees from the payment of such fees;

“income” means –

- (a) gross salary or wages;
- (b) money received from investments; and

- (c) profit gained from any form of business undertaking;

“parent” means a parent as defined in the Act;

“partial exemption” means the financial concession granted to a parent in terms of which he or she is liable for the payment of only a portion of the school fees;

“the Act” means the South African Schools Act, 1996 (Act No. 84 of 1996); and

“total exemption” means the financial concession –

- (a) granted to a parent in accordance with the calculation result contemplated in regulation 6(3); or
- (b) available to a parent as a result of his or her qualifying for the automatic exemption contemplated in regulation 4(3).

2. Scope and application

- (1) These regulations must be interpreted within the framework of the Act and of the National Norms and Standards for School Funding.
- (2) These regulations apply to all public schools except public schools that are declared no fee schools.

3. Obligations of governing bodies and principals when learner is admitted to public school

- (1) The principal must notify a parent of the following:
 - (a) the amount of the annual school fees to be paid and procedures for applying for exemption;
 - (b) the fact that the parent is liable for the payment of school fees unless he or she has been exempted from the payment thereof;
 - (c) a form (Annexure A), contemplated in section 41(4)(c) of the Act, must be completed by the parent and signed by the principal of the school and by the parent, indicating that the parent has been informed about the provisions of paragraphs (a) and (b);
 - (d) one copy of the signed form contemplated in paragraph (c) will be handed over to the parent when the learner is admitted to the public

school, another will be submitted to the Head of Department or his or her delegate as soon as possible, and the original will be filed at the school; and

(e) if a parent is in arrears by one month or more, the governing body will investigate whether the parent qualifies for exemption before acting in terms of section 41(1) of the Act.

- (2) The governing body must cause a copy of these regulations to be displayed at the school in a conspicuous place.
- (3) The governing body must, on request, provide the parent with a copy of these regulations.
- (4) The governing body must treat as confidential all information that a parent provides in support of his or her application, and may not divulge such information to a third party without the consent of the parent, except to the Head of Department or his or her delegate.

4. Obligations of parents

- (1) A parent who wishes to be exempted from the payment of school fees for a child at a particular school must apply annually to the chairperson of the governing body in writing, by completing the form contained in Annexure B of these regulations, supplied by the principal.
- (2) An applicant must furnish such relevant further particulars as the governing body may request.
- (3) A parent qualifies for automatic exemption if he or she submits to the governing body sufficient proof of eligibility for such exemption by providing documentary evidence in the form of -
 - (a) an affidavit;
 - (b) a confirmation affidavit from a social worker or from any other competent authority; or
 - (c) a court order.

5. Categories for purposes of exemption

The following categories apply for purposes of exempting a parent from the payment of school fees:

- (1) Total exemption;
- (2) partial exemption;
- (3) conditional exemption, and
- (4) no exemption.

6. Procedure according to which governing body must consider application

- (1) The governing body must consider the application subject to these Regulations and must make a decision within 30 days after receipt of the application.

- (2) (a) The governing body must apply the following formula when considering the application for exemption:

$$E = 100 \left(\frac{F + A}{C} \right)$$

where -

E = school fees as a proportion of the income of a parent.

F = annual school fees, for one child, that a school charges in terms of section 39 of the Act.

A = additional monetary contributions paid by a parent in relation to a learner's attendance of, or participation in any programme of, a public school.

C = combined annual gross income of parents.

100 = the number by which the answer arrived at in the brackets is multiplied so as to convert it into a percentage.

- (b) The annual school fees of only one learner must be used in the formula.

- (c) If a parent has more than one child at the same school and the school fees are not the same for all of them, the highest school fees must be used in the formula.
- (3) If E is equal to or greater than 10%, the parent qualifies for total exemption.
- (4) (a) If E is equal to 3,5%, the parent qualifies for partial exemption.
(b) If E is equal to 2,5%, the parent does not qualify for any exemption, unless he or she has three or more other children at the same public school or at another public school that has not been declared a no fee school.
(c) If E is equal to 3,0%, the parent does not qualify for any exemption, unless he or she has one or more children at the same public school or at another public school that has not been declared a no fee school.
- (5) (a) If E is less than 2,0%, the parent does not qualify for any exemption.
(b) If E is equal to 2,0%, the parent does not qualify for any exemption, unless he or she has five or more other children at the same public school or at another public school that has not been declared a no fee school.
- (6) (a) The table below determines the level of exemption.
(b) The table applies only to a parent who qualifies for partial exemption.
(c) Column one of the table applies to a parent who has only one child at a public school.
(d) Columns two to 10 apply to a parent who has more than one child at the same public school or at more than one public school that have not been declared no fee schools.
(e) The governing body must take into account all the learners contemplated in paragraph (d) when applying the table.

E =	NUMBER OF LEARNERS									
	1	2	3	4	5	6	7	8	9	10
2.0%	0%	0%	0%	0%	0%	11%	20%	27%	33%	38%
2.5%	0%	0%	0%	14%	25%	33%	40%	45%	50%	54%
3.0%	0%	7%	22%	33%	42%	48%	53%	58%	61%	64%
3.5%	7%	26%	38%	47%	54%	59%	63%	66%	69%	71%
4.0%	25%	40%	50%	57%	63%	67%	70%	73%	75%	77%
4.5%	39%	51%	59%	65%	69%	73%	76%	78%	80%	81%
5.0%	50%	60%	67%	71%	75%	78%	80%	82%	83%	85%
5.5%	59%	67%	73%	77%	80%	82%	84%	85%	86%	87%
6.0%	67%	73%	78%	81%	83%	85%	87%	88%	89%	90%
6.5%	73%	78%	82%	85%	87%	88%	89%	90%	91%	92%
7.0%	79%	83%	86%	88%	89%	90%	91%	92%	93%	93%
7.5%	83%	87%	89%	90%	92%	93%	93%	94%	94%	95%
8.0%	88%	90%	92%	93%	94%	94%	95%	95%	96%	96%
8.5%	91%	93%	94%	95%	96%	96%	96%	97%	97%	97%
9.0%	94%	96%	96%	97%	97%	98%	98%	98%	98%	98%
9.5%	97%	98%	98%	98%	99%	99%	99%	99%	99%	99%
10.0%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

- (7) In the case of conditional exemption, the governing body may attach to an exemption granted to an applicant such conditions as it may deem reasonable.
- (8) An applicant must, if he or she so requests, be afforded an opportunity to present his or her application in person or through a representative designated by him or her.
- (9) The governing body must, in writing and within seven days after its decision is taken, notify each applicant of the decision and the reason therefor.

- (10) The governing body must, in writing and within seven days after considering the documentary evidence contemplated in regulation 4(3), notify a parent whether or not he or she qualifies for automatic exemption.
- (11) A governing body must, at or before the end of the first school term each year, submit to the Head of Department or his or her delegate a provisional table indicating -
- (a) the number of applications for exemption of parents from the payment of school fees considered;
 - (b) the number of total exemptions granted;
 - (c) the number of partial exemptions granted; and
 - (d) the number of applications not granted.
- (12) A final table must be submitted on or before 30 November of each year.
- (13) If an application contemplated in regulation 4(1) is declined or a parent does not qualify for automatic exemption, the notices contemplated in subregulations (9) and (10) must include the right of appeal in terms of section 40(2) of the Act.
- (14) If a parent does not qualify for exemption, the governing body may take steps in terms of section 41 of the Act against him or her only after -
- (a) notifying the parent in terms of subregulation (9) or (10), as the case may be; and
 - (b) considering reasonable forms of payment other than cash.
- (15) Illustrations with regard to the application of the formula are reflected in Annexure C.

7. Alteration of decision

- (1) If a governing body has granted a parent exemption and later obtains information that the financial position of the parent has since changed substantially, the governing body may –
 - (a) reconsider the decision to grant exemption; and
 - (b) amend the amount that the parent must pay from the date on which the change took place.
- (2) The amended amount that the parent must pay is the amount for the full year less the amount of exemption that had been granted to him or her.
- (3) Before taking action in terms of subregulation (1), the governing body must –
 - (a) notify the parent concerned of the intended action and of the information on which it will be based; and
 - (b) afford the parent the opportunity to rebut, if need be, the information and to show cause why the exemption should not be reconsidered.
- (4) Despite subregulation (1), the amount that the parent must pay must be calculated from the date on which his or her financial position changed.

8. Procedure for appeal

- (1) A parent who is dissatisfied with the decision referred to in regulation 6(1) may, in writing and within 30 days after receipt of the notification of that decision, appeal to the Head of Department against the decision.
- (2) The appellant contemplated in subregulation (1) must furnish the Head of Department with –
 - (a) the reasons for the appeal; and
 - (b) all relevant information pertaining to the appeal.
- (3) The Head of Department must, within 14 days after receipt of the documentation referred to in subregulation (2) –

- (a) notify the chairperson of the governing body concerned that –
 - (i) the appeal has been lodged; and
 - (ii) the governing body must take no action in terms of section 41 of the Act against the parent until the appeal has been finalised;
 - (b) furnish the chairperson with a copy of the appellant's reasons for the appeal; and
 - (c) request the chairperson to forward to him or her, within 14 days after receipt of the request –
 - (i) a copy of the minutes of the meeting of the governing body at which the application was discussed and decided upon;
 - (ii) any comments the governing body wishes to make with regard to the appellant's reason for the appeal; and
 - (iii) any other information relevant to the appeal.
- (4) After consideration of all information referred to in subregulations (2) and (3)(c), the Head of Department must, within 14 days of receipt of the documentation –
- (a) uphold the appeal; or
 - (b) dismiss the appeal.
- (5) Within seven days of deciding the appeal, the Head of Department must, in writing, notify the appellant and the chairperson of the governing body concerned of his or her decision and the reasons therefor.
- (6) A parent has the right to appeal to the Head of Department if he or she is not satisfied about the notice contemplated in regulation 6(10).

9. Assistance to parents

- (1) A parent who, for whatever reason, needs assistance in applying for exemption or lodging an appeal may request an educator or any other person to assist him or her in making the application or lodging the appeal.

- (2) If no assistance is given to the parent after he or she has requested it as contemplated in subregulation (1), the principal of the school concerned must assist the parent with such application or appeal, if so requested by the parent.
- (3) No applicant may be disqualified on the ground that his or her application form is either incomplete or incorrectly completed.
- (4) The principal or the educator who is a member of the governing body of the school concerned must help parents with any application forms that have not been completed properly.

10. Assistance to schools

- (1) The provincial education department must develop measures for assisting schools in applying the formula contemplated in regulation 6.
- (2) A public school may approach the provincial education department for assistance in applying the formula.

11. Voluntary contributions

Nothing in the Regulations prevents a parent who has been granted any type of exemption from making a voluntary contribution to the school fund.

12. Revocation of Regulations

The Exemption of Parents from the Payment of School Fees Regulations, 1998 (*Government Gazette* 19347 of 12 October 1998), are hereby revoked in their entirety.

13. Short title and commencement

These Regulations may be cited as the Regulations for the Exemption of Parents from the Payment of School Fees, 2005, and will come into effect on the date of publication in the *Government Gazette*. The implementation date is 1 January **2007**.

ANNEXURE A

SOUTH AFRICAN SCHOOLS ACT, NO. 84 OF 1996
REGULATIONS FOR THE EXEMPTION OF PARENTS FROM PAYMENT
OF SCHOOL FEES
CHECKLIST FORM *

(Mark with a cross in applicable box,)

- | | | | |
|---|--|-----|----|
| 1. Has the principal informed you about the amount of the annual school fees to be paid? | <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 5px; text-align: center;">YES</td> <td style="padding: 5px; text-align: center;">NO</td> </tr> </table> | YES | NO |
| YES | NO | | |
| 2. Has the principal informed you that you are liable for the payment of school fees unless you are totally exempted from paying school fees? | <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 5px; text-align: center;">YES</td> <td style="padding: 5px; text-align: center;">NO</td> </tr> </table> | YES | NO |
| YES | NO | | |
| 3. Has the principal informed you about your right to apply for exemption from paying school fees? | <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 5px; text-align: center;">YES</td> <td style="padding: 5px; text-align: center;">NO</td> </tr> </table> | YES | NO |
| YES | NO | | |
| 4. Do you wish to apply for such exemption? | <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 5px; text-align: center;">YES</td> <td style="padding: 5px; text-align: center;">NO</td> </tr> </table> | YES | NO |
| YES | NO | | |
| 5. Do you wish to be assisted in making such application? | | | |
| 6. Has the principal provided you with the form (Annexure B) for application for exemption? | <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 5px; text-align: center;">YES</td> <td style="padding: 5px; text-align: center;">NO</td> </tr> </table> | YES | NO |
| YES | NO | | |

Name of Principal

Name of Parent

Signature of Principal

Signature of Parent

Date: _____

Date: _____

School stamp:

- * One copy of the signed form will be handed over to the parent, another will be submitted to the Head of Department or his or her delegate, and the original will be filed at the school.

ANNEXURE B

SOUTH AFRICAN SCHOOLS ACT, NO. 84 OF 1996

REGULATIONS FOR THE EXEMPTION OF PARENTS FROM PAYMENT OF SCHOOL FEES

APPLICATION FOR EXEMPTION

1. PARTICULARS OF SCHOOL

Name:

Postal address:

.....
.....
.....
.....

Residential address:

.....
.....
.....
.....

Tel:

Fax:

2. PERSONAL PARTICULARS OF PARENT

Name of parent':

.....

Residential address:

.....
.....

¹ "Parent" means (a) a natural parent or guardian of a learner; (b) a person legally entitled to custody of a learner; or (c) a person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards a learner's education at school.

.....

Tel.:
Fax:

Name of learner for whom application is made:

.....

Name(s) of learner(s) at the same public school or at another public school that has not been declared a no fee school.

Name	ID no.	Grade	Amount of school fees	Additional monetary contribution	Name of school	Tel. no. of school
(1)						
(2)						
(3)						
(4)						
(5)						
(6)						
(7)						
(8)						
(9)						
(10)						

3. FINANCIAL PARTICULARS OF PARENT

Parent must, where applicable, supply the following:

3.1 Combined annual gross income:

R.

(Attach salary advice, if applicable.)

3.2. Money received from investment:

R.

5. MANNER OF DELIVERY OF THE APPLICATION FORM

The application form and accompanying documents must be sealed in an envelope addressed to the chairperson of the governing body and must be delivered to the school concerned by hand or by registered post.

Name of Parent

Signature of Parent

Date: _____

Name of Chairperson

Signature of Chairperson

Date: _____

School stamp:

ANNEXURE C

SOUTH AFRICAN SCHOOLS ACT, NO. 84 OF 1996

REGULATIONS FOR THE EXEMPTION OF PARENTS FROM PAYMENT
OF SCHOOL FEES1. Total exemption

1.1 Illustration

A parent has one child in the school in question. Annual school fees are R2 500, ~~annual~~ additional monetary contributions amount to R20, and the parent's annual gross income is R25 200.

To determine whether the parent qualifies for exemption, the following formula must be applied:

$$E = 100 \left(\frac{F + A}{C} \right)$$

$$\therefore E = 100 \left(\frac{2\,500 + 20}{25\,200} \right)$$

$$\therefore E = 100 \left(\frac{2\,520}{25\,200} \right)$$

$$\therefore E = 100 \times 0,1$$

$$\therefore E = 10\%$$

Since E is equal to 10%, in terms of regulation 6(3) the parent qualifies for total exemption.

1.2 Illustration

A parent whose annual gross income is R20 000 applies for exemption from the annual school fees of R2 500 per learner at a school where the annual additional monetary contributions amount to R20.

To determine whether the parent qualifies for exemption, the following formula ~~must~~ be applied:

$$E = 100 \left(\frac{F + A}{C} \right)$$

$$\dots E = 100 \left(\frac{2\,500 + 20}{20\,000} \right)$$

$$\dots E = 100 \left(\frac{2\,520}{20\,000} \right)$$

$$\dots E = 100 \times 0,126$$

$$\dots E = 12,6\%$$

Since E is greater than 10%, in terms of regulation 6(3) the parent qualifies for total exemption.

1.3 Illustration

A couple ~~has~~ one child in the school in question and the annual school fees are R5 000. The annual additional monetary contributions amount to R500. The parents' annual gross income is R20 000.

To determine whether the parents qualify for exemption, the following formula must be applied

$$E = 100 \left(\frac{F + A}{C + A} \right)$$

$$\dots E = 100 \left(\frac{5\,000 + 500}{12\,000 + 8\,000} \right)$$

$$\dots E = 100 \left(\frac{5\,500}{20\,000} \right)$$

$$\dots E = 100 \times 0,275$$

$$\dots E = 27,5\%$$

Since E is greater than 10%, in terms of regulation 6(3) the parents qualify for total exemption.

2. Partial exemption

2.1 Illustration

A parent has one child in the school in question. The annual school fees are R2 500, annual additional monetary contributions amount to R20 and the parent's annual gross income is R30 000.

To determine whether the parent qualifies for exemption, the following formula must be applied:

$$E = 100 \left(\frac{F + A}{C + A} \right)$$

$$\dots E = 100 \left(\frac{2\,500 + 20}{30\,000} \right)$$

$$\dots E = 100 \left(\frac{2\,520}{30\,000} \right)$$

$$\dots E = 100 \times 0,84$$

$$\dots E = 8,4\% \text{ (rounded up to } 8,5\%)$$

$$\dots E < 10\%$$

Since E is less than 10%, in terms of regulation 6(4) the parent qualifies for partial exemption.

To determine the level of the exemption, the table in regulation 6(6) must be used.

Therefore, because the parent has one child in the school in question **and** the percentage of his or her expenditure over income is 8,5%, the parent qualifies for a 91% fee exemption.

Annual school fees	=	R2 500
Level of exemption	=	91%
91% of R2 500	=	R2 275

The **annual** school fees at the school in question minus the amount of exemption calculated above is the amount that the parent must pay, calculated **as** follows:

$$\begin{aligned} & 2\,500 \\ & - \underline{2\,275} \\ & = R225 \end{aligned}$$

The parent must therefore pay school fees of R225:

2.2 Illustration

A parent's annual gross income is R28 000. Annual school fees for one learner are R2 500 and the annual additional monetary expenses amount to R20. The parent also has one other child in the same school and two other children in another public school that has not been declared a no fee school.

To determine whether the parent qualifies for exemption, the formula must be applied in respect of one child, as follows:

$$E = 100 \left(\frac{F + A}{C} \right)$$

$$\dots E = 100 \left(\frac{2\,500 + 20}{28\,000} \right)$$

$$\dots E = 100 \left(\frac{2\,520}{28\,000} \right)$$

$$\dots E = 100 \times 0,09$$

$$\dots E = 9\%$$

$$\dots E < 10\%$$

Since E is less than 10%, the parent qualifies for partial exemption. To determine the level of the exemption, the table in regulation 6(6) must be used, but this time, all four children must be taken into account (that is, the parent must look in the fourth column under "Number of learners" in the table).

Annual school fees	=	R2 500
Level of exemption	=	97%
97% of R2 500	=	R2 425

The annual school fees at the school in question minus the level of exemption is the amount that the parent must pay, calculated as follows:

$$\begin{aligned} & 2\,500 \\ & - \underline{2\,425} \\ & = R75 \end{aligned}$$

The parent must therefore pay school fees of R75.

3. No exemption

3.1 Illustration

A parent has one child in the school in question. The annual school fees are R2 500, annual additional monetary contributions amount to R20, and the parent's annual gross income is R126 000.

To determine whether the parent qualifies for exemption, the following formula must be applied:

$$E = 100 \left(\frac{F + A}{C} \right)$$

$$\dots E = 100 \left(\frac{2\,500 + 20}{126\,000} \right)$$

$$\dots E = 100 \left(\frac{2\,520}{126\,000} \right)$$

$$\dots E = 100 \times 0,02$$

$$\dots E = 2\%$$

$$\therefore E < 10\%$$

Since E is equal to 2%, in terms of regulation 6(5) the parent does not qualify for any exemption and must pay the full school fees. However, if the parent had six or more children at school, he or she would qualify for partial exemption.

3.2 Illustration

A parent has one child in the school in question. The annual school fees are R2 500, annual additional monetary contributions amount to R20, and the parent's annual gross income is R150 000.

To determine whether the parent qualifies for exemption, the following formula must be applied:

$$E = 100 \left(\frac{F + A}{C} \right)$$

$$\therefore E = 100 \left(\frac{2\,500 + 20}{150\,000} \right)$$

$$\therefore E = 100 \left(\frac{2\,520}{150\,000} \right)$$

$$\therefore E = 100 \times 0,168$$

$$\therefore E = 1,68\%$$

$$\therefore E < 2\%$$

Therefore, since E is less than 2%, in terms of regulation 6(5) the parent does not qualify for any exemption and must pay the full school fees.