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Enquiries: DD Louw

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To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), Circuit Managers, Principals of public schools and Chairpersons of governing bodies

Short summary: *The consideration of applications for exemption from school fees by governing bodies in respect of Grade R learners at public schools.*

Subject: Exemption of parents from the payment of school fees in respect of Grade R learners at public schools

1. This circular supplements and should be read in conjunction with Circular 0020/2019, dated 26 April 2019.
2. In terms of section 3(1) of the South African Schools Act (SASA), 1996 (Act 84 of 1996), compulsory school attendance applies from the first school day of the year in which a learner reaches the age of seven years until the last school day of the year in which a learner reaches the age of fifteen years or Grade 9, whichever occurs first.
3. However, since the SASA does not define the term "programme" nor the phrase "programme of the public school", the provisions of SASA are clear that when schools are in the process of determining the "school fees" for a public school to be applied in the new financial year, they must consider the position of the parents of learners attending or participating in the "programme of the public school". The parents of such learners must be taken into consideration when determining the process for the "exemption of parents who are unable to pay school fees".

4. Since neither the SASA nor 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, make a distinction between Grade R and learners who are of compulsory school attendance, the focus should be on whether a specific public school includes Grade R in the “programme of the public school”. Different public schools will potentially have distinct “programmes”, hence the importance of emphasising whether a public school seeks to raise “school fees” in relation to attending or participating in Grade R.

5. It is important that the definition of “privately conducted” be clarified as schools can, either deliberately or through ignorance, regard a Grade R facility on school premises as being privately conducted when it is not. By definition, if any of the criteria below do not apply, the Grade R facility at the public school will be deemed not to be private. In order to define a private facility, the following criteria must be present:
 - (a) There is a rental agreement between the school and the owners of the private institution operating the Grade R facility on the premises of the public school.
 - (b) No State money is used to fund the Grade R facility.
 - (c) No persons employed by the State are used to teach or administer at the private institution.

6. Subsequently, it would be incumbent upon the governing bodies of all public schools where Grade R was considered a component of the “programme of a public school” and such a public school sought to impose “school fees” in respect of such a “programme”, to consider and apply the said Regulations in respect of Grade R learners and their parents. Public schools where Grade R was not considered a component of the “programme of the public school” i.e. if it was conducted privately but on the school premises, subject to section 20(1)(k) of the SASA, would not apply the said Regulations in respect of Grade R as a specific “educational programme”. Please note that this decision is effective from the date of this circular.

7. Principals are kindly requested to bring the contents of this circular to the attention of all concerned.

SIGNED: BK SCHREUDER

HEAD: EDUCATION

DATE: 2020-10-22