
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 10	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.