

**LRC**

Legal Resources Centre

# Access to Basic Education: **School Fees** **Exemptions** **& School Fees** **Debt Collection**

The school fee exemption is a mechanism introduced by the South African government to assist you as a parent or guardian in accessing quality education for your children irrespective of your background and financial difficulties.

- **You can apply for a fee exemption at the public school your child/ children attend or wish to attend.**
- **Public schools can be either a NO FEE SCHOOL or a FEE-PAYING SCHOOL.**
- **No Fee-paying school – no amount can be charged from parents/ guardians for the child by the school.**
- **Fee-paying school – an agreed amount of money parents/guardians pay to school. The fees are determined by parents and the School Governing Body ('SGB') at a school general meeting.**
- **Parents or guardians who have children in fee-paying schools have an option to apply for a FEE EXEMPTION provided that such parents/ guardians are eligible for exemption.**

***“Everyone has the right to basic education”.***

**- Section 29(1), Constitution**

***“Everyone” includes both documented and undocumented learners.***

## **What is a Fee Exemption?**

Fee exemption is a total, partial or conditional exemption from the payment of school fees. The exemption is only applicable to parents/guardians who are unable to pay school fees. You can either be eligible to be exempted fully, partially, or conditionally, depending on your personal and financial circumstance.

## **Types of Exemption**

<b>Full Exemption</b>	<b>Partial Exemption</b>	<b>Conditional Exemption</b>
The exemption is granted as a financial exception to a parent/guardian because of his/her qualifying for automatic exemption after submitting all required documents for an application to the SGB.	The exemption is granted as a financial adjustment to a parent/guardian in terms of which he/she is liable for the payment of only a portion of the school fees.	The exemption is granted to parents/guardians who qualify for partial exemption but still cannot pay the reduced amount due to personal circumstances; or Ones who do not qualify for exemption but supply information indicating his/her inability to pay school fees. The SGB will grant conditions for payment of fees.

### **Can every parent/guardian apply for fee exemption?**

- Parents/guardians who cannot afford to pay school fees must apply to the SGB for a conditional, partial or full exemption from paying school fees.
- You can get applications from the SGB through the School principal of your child/children’s school.
- You have the right to be informed of the fee exemption process and procedure. The school principal or teacher must assist you should you need help with applying.

- After your application has been processed, the SGB must make its decision within 30 days after receiving your application. Thereafter, SGB must inform you of the outcome of your application in writing, within 7 days of having taken the decision. The SGB must also inform you of which type of exemption you qualify for.

### ***Can parents/guardians with asylum seeker and refugee status apply for fee exemption?***

Parents/guardians and caregivers with asylum seeker and refugee status who are unable to pay school fees can apply for a fee exemption. You must submit your application together with proof of your monthly income and expenses and other required documents to qualify for a fee exemption.

**NB: no learner may be refused admission to a public school on grounds that his/her parent/guardian is unable to pay the school fees determined by the SGB.**

### **How should parents/guardians apply for fee exemptions?**

- Parents/guardians are encouraged to visit their children's school administration office and enquire about the fee exemption applications.
- There is an application form you complete, and you should include supporting documents such as parents'/guardians' payslip, an affidavit stating your financial and personal circumstances. The school will provide a list of the required documents.
- You must apply through the school offices before the end of the first month of each school year.
- You **MUST** re-apply every academic year.

The SGB will inform you whether you qualify for exemption and which fee exemption you qualify for through assessing your application and supporting documents.

### **The following parents/guardians automatically qualify for full fee exemption**

1. A person who receives a social grant on behalf of a child;
2. A child who heads a household;
3. A person who is responsible for a child in an orphanage, foster home, youth care centre, and a place of safety;
4. A person who is a kinship caregiver to an orphan or an abandoned child.

***You MUST submit the required documents to be assessed by SGB!***

**If you are dissatisfied with the decision of the SGB, you may appeal, in writing, to the head of department within 30 days after receipt of the outcome.**

There is a specific formula used to determine who qualifies for exemption. To determine the school fees as a portion of the entire family income, the annual school fees plus any additional payments demanded by the school will be divided by the gross income of the parents/guardians, and then multiplied by 100 to arrive at a percentage. That percentage will then determine the type of exemption parents/guardians qualify for.

### Which fee exemption do I qualify for?

- If the school fees at your child/children's school are 10% or more of your total income, you will qualify for a total exemption. **You will not pay any fees.**
- If the fees of your child/children are between 3.5% -10% of your total income, you qualify for a partial exemption. **You will pay a certain amount of fees.**
- Conditional exemption will differ for each parent based on their financial and personal circumstance. You may be exempted to pay fees or part thereof for a certain period or on certain conditions.

**Single parents/guardians do not need to submit financial and personal details of their former spouses/partners when applying for fee exemption.**

### Debt collection process

1. At fee-paying public schools, when parents/guardians fail to pay school fees for 1 or 2 months, the SGB must investigate reasons for inability to pay. After investigating, they must determine whether the parents/guardians qualify for a fee exemption.
2. If the parents/guardians are found not to be eligible for exemption even after the SGBs investigation, the SGB may take legal action against the parents/guardians. However, if the parents/guardians have informed the school that they are in the process of organising the fees, no legal action may be instituted.
3. If after 3 months, the fees are not paid, the SGB may issue a letter of demand by registered post warning the parents/guardians and indicating the date that the parents/guardians must respond to the letter.
4. If the parents/guardians do not respond to the letter, the SGB may issue a summons against the parents/guardians. The summons will be served on the parents/guardians by a sheriff of the Court.
5. The summons will give you 5 days to issue a notice to defend if you wish to defend the proceedings.
6. If you don't respond to the summons by making arrangements to pay or defending the summons, the school may obtain a default judgement against you.

***Your child cannot be excluded from attending school, getting a report card, transfer card, and other school activities due to parents being in arrears for fees!***

### Need assistance with fee exemption? Contact the following:

Legal Resources Centre  
Info@lrc.org.za  
021 879 2398  
021 467 2000

Department of Education  
0800 202 933 -Toll Free  
(Western Cape Office)

*A resource written by Zimkhitha Mhlahlo and edited by Amy-Leigh Payne, with the Legal Resources Centre.*