

SCHOOL FEE EXEMPTIONS

1

Section 38(2) of the South African Schools Act 84 states that:

A public school's annual budget can only be approved by the school's governing body ***once the budget has been approved by the majority of parents that are present and voting at a general meeting of parents.***

Section 39 of the Act states that the majority of parents must determine:

- (1) the amount of school fees to be charged
- (2) **equitable criteria and procedures for the total, partial or conditional exemption of parents who are unable to pay school fees;** and
- (3) a school budget

2

Section 40 of the Act states that:

- (1) A parent is liable to pay these fees **unless they have been exempted from payment in terms of this Act** and
- (2) A parent may appeal against a decision regarding their exemption from payment of school fees*

The governing body of a school must consider an application for an exemption and make a decision within 30 days of receipt of the application.

* Parents are ***jointly and severally liable*** for the payment their child's school fees, unless they have been exempted.

Joint and several liability means that both parents are responsible for the payment of the child's school fees, even if these fees are partially reduced. Should one or both parents fail to pay the total amount owed, the school may choose which parent to sue in order to recover the outstanding amount. Should the school decide to recover the outstanding amount from only one of the parents, that parent may sue the other parent for their half share of the debt.

3

The governing body of a public school shall grant a conditional exemption to a parent who:

- (a) gives particulars for his or her total annual gross income; and
- (b) does not give particulars of the total annual gross income of the other parent because the other parent has refused or failed to provide these particulars themselves; and
- (c) would qualify for a total or partial exemption in terms of the Regulations if he or she were the only parent of the learner concerned.

4

When granting a conditional exemption, the applicant must:

- (a) **report to the school any increase in his or her gross annual income** during the school year in question which, had it been his or her income at the time of making the application for exemption, would have disentitled him or her from receiving the same exemption granted to him or her and
- (b) on demand from the governing body, pay the school fees or the portion of the school fees for which he or she would have been liable in terms of the Regulations based on his or her increased income.

Applicants are **not** liable to make any such payment unless, during the school year in question, his or her gross annual income increases to such an extent that, had it been his or her income at the time of making the application for exemption, he or she would have been disentitled from receiving the same exemption granted to him or her.

5

This means that **if you are:**

- (a) A single mother who is separated or divorced from the father of your child/ children,
- (b) you would qualify for a school fee exemption (determined by looking at the amount of school fees that the school charges in relation to the total annual gross income that you earn), and
- (c) you are in a position where the father of your child is unwilling to provide you with the details of his total annual gross income -

Then **you may apply for this exemption by only providing the school with the details of YOUR total annual gross income.**