

GENERAL NOTICE
NOTICE 2793 OF 2004
DEPARTMENT OF EDUCATION

**CALL FOR COMMENT ON THE REGULATIONS FOR THE EXEMPTION OF
PARENTS FROM PAYMENT OF SCHOOL FEES**

The Minister of Education, after consultation with the Council of Education Ministers and the Minister of Finance, hereby publishes the regulations made in terms of sections 39(4) and 61 of the South African Schools Act, 1996 (Act No. 84 of 1996), as set out in the Schedule.

All interested persons and organisations are invited to comment in writing on the regulations and direct the comments to:

The Director-General, Private Bag X895, PRETORIA, 0001, for attention: Ms M Locke, Fax No. (012) 312 5902, Tel No. (012) 312 5929 or e-mail locke.m@doe.gov.za.

Kindly provide the name, address, telephone and fax numbers and e-mail address of the person or organisation submitting the comments. The comments must reach the Department by 28 February 2005.

The draft regulations may also be obtained on www.education.gov.za

GRACE NALEDI MANDISA PANDOR, MP
MINISTER OF EDUCATION

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 exemption from paying school fees;

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

“conditional exemption” means the exemption -

- (a) granted to a parent who qualifies for either partial or no exemption but supplies information indicating his or her inability to pay compulsory school fees due to personal circumstances beyond his or her control; and
- (b) leading to the school governing body imposing certain conditions for the payment of the compulsory school fees by the parent;

“exemption” means the total, partial or conditional exemption of parents from the payment of compulsory school fees;

“foster parent” means-

- (a) a person who has the responsibility of a parent of a learner places 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; or
- (c) a parent who receives a social grant on behalf of a learner.

“income” means –

- (a) gross salary or wages;
- (b) money received from investments; and
- (c) profit gained from any form of business undertaking;

“partial exemption” means the parent is liable to pay only a portion of the compulsory school fees as determined in terms of regulation 6;

“payment in kind” means the material contribution or offering of labour services by a parent to a school;

“total exemption” means the parent is not liable for the payment of any compulsory school fees and it includes automatic exemption of a foster parent.

2. Scope and application

These regulations must be interpreted within the framework set by Chapter 4 and the National Norms and Standards for School Funding as published by the Minister in terms of section 35 of the Act.

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

- (1) The principal must notify a parent of the following -
 - (a) the amount of the annual school fees to be paid and the equitable criteria and procedures for exemption determined in terms of section 39 of the Act;
 - (b) the fact that a parent is liable to pay in terms of section 40 of the Act, unless or to the extent that he or she has been exempted from payment thereof;
 - (c) a form (Annexure A) must be completed by the parent and signed by the principal of the school and the parent, indicating that the parent has been informed about the provisions of regulation 3(1)(a) and (b) above;
 - (d) one copy of the signed form contemplated in subregulation (1)(c) must be handed over to the parent, another submitted to the Head of Department or his or her delegate and the original filed at the school;
 - (e) if a parent is in arrears by one or more months, the governing body must investigate the possibility as to whether the parent qualifies for exemption or conditional exemption before acting in terms of section 41 of the Act, subject to regulation 6(13).

(2) The governing body must cause a copy of the regulations to be displayed at the school in a conspicuous place.

(3) The governing body must provide, on request, a copy of the regulations to the parent.

(4) Information by the applicant in support of his or her application must be treated in confidence by the governing body and may not be divulged to a third party without the consent of the applicant.

4. Obligations of parents

(1) A parent who wishes to be exempted from payment of school fees for each individual learner at a particular school must apply in writing to the chairperson of the governing body by completing a form (Annexure B) supplied by the principal.

(2) An application referred to in subregulation (1) must include, where applicable, the following particulars -

- (a) combined gross annual income;
- (b) the school fees for each of his or her learners at the school;
- (c) the school fees for each of his or her learners at other schools if her or she wishes that such fees should be included in the calculations for exemption;
- (d) additional monetary contributions explicitly demanded by the school;
- (e) any other relevant information supplied by the applicant, indicating the inability of the applicant to pay school fees due to personal circumstances, which may lead to conditional exemption.

(3) An applicant must furnish such relevant further particulars as requested by the governing body.

(4) A foster parent must submit sufficient proof to the governing body that he or she qualifies for automatic exemption by providing documentary evidence in form of -

- (a) an affidavit;
- (b) a confirmation letter from a social worker;
- (c) a court order; or
- (d) a confirmation letter from any other competent authority.

5. Categories for the purpose of exemption

The following categories will be applicable for purposes of exemption of a parent from payment of school fees –

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

6. Procedure for consideration of an application by governing body

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

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

$$\left[\frac{E = F + T + f_{yo}}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

Where:

E = per learner expenditure by parent in a school.

F = annual school fees charged to any parent in a school in terms of section 39 of the Act.

T = additional monetary contributions explicitly demanded by school.

f = the lowest of the following three values must be used in the formula above -

- (a) the adequacy benchmark rand value for the current year as indicated in the target table published annually by the Minister in the Government Gazette;
- (b) the average fee charged to the parent in the current school; or
- (c) the average of the non-discounted annual school fees charged in the other school or schools.

y_o = the number of learners in other schools.

Y = the number of learners for which a parent is charged annual school fees in the current school.

I = combined gross annual income of parents.

10% = is 10 percent of the gross income used towards education expenditure.

(3) The answer arrived at on the left-hand side of the equation is multiplied by 100 so as to convert it to a percentage.

(4) If this percentage is equals to or more than 10% on the right-hand side of the equation then the parent qualifies for total exemption.

(5) If the percentage is less than 10% then the parent may qualify for partial exemption.

(6) If the percentage is equals to or less than 2% then the parent qualifies for no exemption.

(7) The table below determines total, partial or no exemption and the extent of partial exemption.

Levels of fee exemptions

NUMBER OF LEARNERS				
	1	2	3	4
2.0%	0%	0%	0%	0%
2.5%	0%	0%	0%	14%
3.0%	0%	7%	22%	33%
3.5%	7%	26%	38%	47%

Education expenditure over income (E/I)	4.0%	25%	40%	50%	57%
	4.5%	39%	51%	59%	65%
	5.0%	50%	60%	67%	71%
	5.5%	59%	67%	73%	77%
	6.0%	67%	73%	78%	81%
	6.5%	73%	78%	82%	85%
	7.0%	79%	83%	86%	88%
	7.5%	83%	87%	89%	90%
	8.0%	88%	90%	92%	93%
	8.5%	91%	93%	94%	95%
	9.0%	94%	96%	96%	97%
	9.5%	97%	98%	98%	98%
	10.0%	100%	100%	100%	100%

(8) In the case of conditional exemption, the governing body may attach such conditions to an exemption granted to an applicant, as it may deem reasonable.

(9) 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.

(10) The governing body must notify each applicant in writing of its decision and the reason thereof, within seven days after the decision is taken.

(11) The governing body must notify a foster parent in writing, within seven days after considering the documentary evidence contemplated in regulation 4(4) that he or she indeed qualifies or does not qualify for automatic exemption.

(12) A governing body must submit to the Head of Department or his or her delegate on or before the 15 February each year a provisional table indicating -

- (a) the number of applications considered;
- (b) the number granted; and
- (c) the number not granted.

The final table must be submitted on or before 30 November of each year.

(13) If an application is declined or a foster parent does not qualify for automatic exemption, the notices contemplated in subregulations (10) and (11) must include the right of appeal in terms of section 40(2) of the Act.

(14) The governing body may take steps against a parent in terms of section 41 of the Act only after -

- (a) notifying a parent in terms of subregulations (10) or (11), as the case may be; and
- (b) considering other reasonable forms of payment, other than cash, namely,
 - (i) offering of labour service by the parent to the school; or
 - (ii) a material donation by the parent.

(15) Examples with regard to the application of the formula are reflected in Annexure B.

7. Alteration of decision

(1) If a governing body obtains information that the financial position of a parent who was granted exemption, has changed substantially, the governing body may reconsider, rescind, amend, substitute or alter its decision to grant exemption.

(2) Before taking actions 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.

8. Procedure for appeal

(1) A parent who is dissatisfied with the decision referred to in regulation 6(1) may appeal, in writing, against the decision to the Head of Department within 30 days after receipt of the notification of that 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 of the appeal that has been lodged so that no action in terms of section 41 of the Act, is taken, if any, against the parent until the appeal is finalised.

(b) furnish to the chairperson a copy of the appellant's reasons for 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 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 -
 - (i) in full;
 - (ii) partially; or
 - (iii) conditionally
- (b) dismiss the appeal.

(5) Within 7 days of deciding the appeal, the Head of Department must notify the appellant and the chairperson of the governing body concerned, in writing, of his or her decision and the reasons thereof.

(6) A foster 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(11).

9. Assistance to parents

(1) A parent who, for whatever reason, needs assistance to apply for exemption or lodge an appeal, may request an educator or any other person to assist him or her in making the application or 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 in such an application or appeal if requested to do so 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 assist the parents to complete such an application form properly.

10. Voluntary contributions

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

- (2) A foster parent may make a voluntary contribution to the school fund.

11. 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.

12. Short title and commencement

These Regulations may be cited as the Regulations for the Exemptions of Parents from the Payment of School Fees, 2004 and will come into effect on 1 January 2006.

ANNEXURE A

**SOUTH AFRICAN SCHOOLS ACT 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? | YES | NO |
| 2. | Has the principal informed you that you are liable to pay school fees unless you are totally exempted from paying school fees? | YES | NO |
| 3. | Has the principal informed you about your right to apply for exemption from paying school fees? | YES | NO |
| 4. | Do you wish to apply for such an exemption? | YES | NO |
| 5. | Do you wish to be assisted in such an application? | YES | NO |
| 6. | Has the principal provided you with the form (Annexure B) for application for exemption? | YES | NO |
| 7. | Has the principal signed this particular form? | YES | NO |
| 8. | Have you signed this particular form? | YES | NO |
| 9. | Has the principal handed over the signed copy of this form to you? | YES | NO |

Signature (Principal)
Date: _____

Signature (Parent)
Date: _____

ANNEXURE B

SOUTH AFRICAN SCHOOLS ACT 84 OF 1996

**REGULATIONS FOR THE EXEMPTION OF PARENTS FROM PAYMENT OF
SCHOOL FEES
APPLICATION FORM FOR EXEMPTION**

1. PARTICULARS OF SCHOOL**Name:**

.....

Postal Address:

.....

.....

.....

.....

Residential Address:

.....

.....

.....

.....

Tel:

.....

Fax:

.....

2. PERSONAL PARTICULARS OF PARENT

Name of *¹ parent:

.....

Name(s) of learner(s):

.....

.....

.....

Residential Address:

.....

.....

.....

.....

Tel:

.....

Fax:

.....

3. FINANCIAL PARTICULARS OF PARENT

A parent must supply, where applicable, the following:

3.1 Combined gross annual income:

R.....

(salary advice if applicable)

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 fulfill the obligations of a person referred to in paragraphs (a) and (b) towards a learner's education at school.

3.2. Money received from investment:

R.....

(documentary proof)

3.3 Profit gained from any form of business:

R.....

(documentary proof)

3.4 School fees for each of his or her
learners at the school:

R.....

3.5 School fees for learners at other schools:

R.....

(documentary proof)

3.6 Additional monetary contributions
explicitly demanded by the school:

R.....

4. ADDITIONAL INFORMATION

Any other relevant information supplied by the applicant, indicating the inability to pay school fees due to personal circumstances, which may lead to conditional exemption:

5. MANNER OF DELIVERY OF THE APPLICATION FORM

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

Signature (Parent)

Date: _____

Signature (Chairperson)

Date: _____

ANNEXURE C

SOUTH AFRICAN SCHOOLS ACT 84 OF 1996

REGULATIONS FOR THE EXEMPTION OF PARENTS FROM PAYMENT OF
SCHOOL FEES1. Full exemptionExample 1.1

A parent has one learner in the current school. Annual school fees is R2 500, annual additional monetary expenses amount to R20 and the parent's gross annual income is R25 200.

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

$$\left[\frac{E = F + T + fy_o}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,500 + 20 + 0}{(1 + 0)} \right] \div [25\,200] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,520}{1} \right] \div [25\,200] \geq [10\%]$$

$$\therefore \frac{2\,520}{25\,200} \geq [10\%]$$

$$\therefore 0,1 \geq 10\%$$

$$\therefore 0,1 \times 100 \geq 10\%$$

$$\therefore 10\% = 10\%$$

Since the left-hand side of the equation is equals to 10%, the parent qualifies for full exemption.

Example 1.2

A parent has one learner in the current school whose annual school fees is R2 500 and annual additional monetary expenses R20. The parent also has one learner in another school and this learner's annual school fees is R1 000. The parent's gross annual income is R 17 600. The parent wishes the learner in the other school to be taken into account.

In terms of regulation 6(2), the R1 000 school fees is the lowest value of f that must be used in the formula.

Therefore, the formula must be applied in order to determine whether the parent qualifies for exemption:

$$\left[\frac{E = F + T + fy_o}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{2\,500 + 20 + 1\,000 \times 1}{1 + 1}}{1\,7600} \right] \div [1\,7600] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{3\,520}{2}}{1\,760} \right] \div [1\,760] \geq [10\%]$$

$$\therefore \left[\frac{1\,7600}{1\,7600} \right] \geq [10\%]$$

$$\therefore 0,1 \geq 10\%$$

$$\therefore 0,1 \times 100 \geq 10\%$$

$$\therefore 10\% = 10\%$$

Since the left-hand side of the equation is equals to 10%, the parent qualifies for full exemption.

Example 1.3

A parent whose gross annual income is R20 000, the annual school fees per learner is R2 500 applies for exemption and for annual additional monetary expenses, R20.

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

$$\left[\frac{E = F + T + fy_o}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{2\,500 + 20 + 0}{(1 + 0)}}{20\,000} \right] \div [20\,000] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{2\,520}{1}}{20\,000} \right] \div [20\,000] \geq [10\%]$$

$$\therefore \frac{2\,520}{20\,000} \geq [10\%]$$

$$\therefore 0,126 \geq 10\%$$

$$\therefore 0,126 \times 100 \geq 10\%$$

$$\therefore 12,6\% > 10\%$$

Since 12,6% is greater than 10% the parent qualifies for full exemption.

Example 1.4

A parent has one learner in current school and the annual school fees is R2 500. The annual additional monetary expense is R20. The parent also has one learner in another school, annual school fees for this learner is R1 800. The parent's gross annual income is R14 400. The parent wishes the learner in the other school to be taken into account. R1

800 is the lowest value of f in terms of regulation 6(2). To determine whether the parent qualifies for exemption the formula ed:

$$\left[\frac{E = F + T + f y_o}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,500 + 20 + 1\,800 \times 1}{(1+1)} \right] \div [14\,400] \geq [10\%]$$

$$\therefore \left[\frac{E = 4\,320}{2} \right] \div [14\,400] \geq [10\%]$$

$$\therefore \frac{2\,160}{14\,400} \geq [10\%]$$

$$\therefore 0,15 \geq 10\%$$

$$\therefore 0,15 \times 100 \geq 10\%$$

$$\therefore 15\% > 10\%$$

Therefore since 15% is greater than 10% the parent qualifies for full exemption.

2. Partial exemption

Example 2.1

A parent has one learner in current school. Annual school fees is R2 500, annual additional monetary expenses amount to R20 and the parent's gross annual income is R30 000.

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

$$\left[\frac{E = F + T + fy_o}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,500 + 20 + 0}{1 + 0} \right] \div [30\,000] \geq [10\%]$$

$$\therefore \frac{2\,520}{1} \div [30\,000] \geq [10\%]$$

$$\therefore \frac{2\,520}{30\,000} \geq 10\%$$

$$\therefore 0,084 \geq 10\%$$

$$\therefore 0,084 \times 100 \geq 10\%$$

$$\therefore 8,4\% < 10\%$$

Since 8,4% is less than 10%, the parent qualifies for partial exemption.

To determine the extent of the exemption the table in regulation 6 (7) must be used.

Therefore, because the parent has one learner in the current school and the percentage of his or her expenditure over income is 8.4%, the parent qualifies for a 91% fee exemption.

Annual school fees	R2 500
Extent of exemption	91%
91% of R2 500	R 2 275

The annual school fees in current school minus the amount of extent of exemption is the amount the parent must pay

$$\begin{aligned} \therefore & 2\,500 \\ & - \underline{2\,275} \\ & = 225 \end{aligned}$$

The parent must therefore pay R225 school fees.

Example 2.2

The parent's gross annual income is R28 000. Annual school fees for one learner in the current school is R2 500 and the annual additional monetary expenses amount to R20. The parent also has one learner in another school whose school fees in that school is R1 400 and the parent wishes this learner to be taken into account in the application.

However, R1 400 is not the lowest value of f in terms of 6(2) of the regulations. The lowest value of f is R1 000. Therefore R1 000 must be used in the formula.

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

$$\left[\frac{E = F + T + f_{yo}}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{2\,500 + 20 + 1\,000 \times 1}{1+1}}{28\,000} \right] \geq [10\%]$$

$$\therefore E = \left[\frac{3\,520}{2} \right] \div [28\,000] \geq [10\%]$$

$$\therefore \frac{1\,760}{28\,000} \geq 10\%$$

$$\therefore 0,0628 \times 100 \geq 10\%$$

$$\therefore 6,28 < 10\%$$

Since 6,28 is less than 10%, the parent qualifies for partial exemption.

To determine the extent of the exemption the table in the regulations must be used.

6,28 = 6,3 (to 1 decimal place)

Therefore, since the parent has 2 learners who are at school and the percentage of the expenditure over income is 6,3%, the parent qualifies for 78% fee exemption according to the table, since 6,3% is closest to 6,% then 6,0% in the table.

School fees	R2 500
Extent of exemption	78%
78% of R2 500	R1 950

The annual school fees in current school minus the extent of exemption is the amount of amount the parent must pay.

$$\begin{aligned}
 \therefore & \quad 2\,500 \\
 & \quad - 1\,950 \\
 & \quad = 550
 \end{aligned}$$

The parent must therefore pay R550 school fees.

3. No exemption

Example 3.1

A parent has one learner in the current school. The annual school fees is R2 500, annual additional monetary expenses, R20 and the parent's gross annual income is R126 000. Thus, to determine whether the parent qualifies for exemption the following formula must be applied:

$$\left[\frac{E = F + T + fy_o}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,500 + 20 + 0}{(1 + 0)} \right] \div [126\,000] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,520}{1} \right] \div [126\,000] \geq [10\%]$$

$$\therefore \left[\frac{2520}{126\,000} \right] \geq 10\%$$

$$\therefore 0,02 \geq 10\%$$

$$\therefore 0,02 \times 100 \geq 10\%$$

$$\therefore 2\% < 10\%$$

In terms of the table contemplated in regulation 6(7) the parent qualifies for no exemption and must pay the full school fees.

Example 3.2

A parent has one learner in the current school. The annual school fees is R2 500, annual additional monetary expenses, R20. The parent has one other learner in another annual school and the school fee is R1 500. The parent's gross annual income is R100 500.

The parent wishes that the learner in the other school be taken into account in the application for exemption.

The R1 500 annual school fees is the lowest value of f in terms of regulation 6(2), therefore this value must be used.

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

$$\left[\frac{E = F + T + fy_o}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,500 + 20 + 1\,500 \times 1}{(1 + 1)} \right] \div [100\,500] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{4\,020}{2}}{100\,500} \right] \div [10\%] \geq [10\%]$$

$$\therefore \left[\frac{2\,010}{100\,500} \right] \geq 10\%$$

$$\therefore 0,02 \geq 10\%$$

$$\therefore 0,02 \times 100 \geq 10\%$$

$$\therefore 2\% < 10\%$$

In terms of regulation 6(7) the parent qualifies for no exemption and must pay the full school fees.

Example 3.3

A parent has one learner in the current school. The annual school fees is R2 500, annual additional monetary expenses, R20 and the parent's gross annual income is R150 000.

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

$$\left[\frac{E = \frac{F + T + fy_o}{(Y + y_o)}}{I} \right] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{2\,500 + 20 + 0}{(1 + 0)}}{150\,000} \right] \geq [10\%]$$

$$\therefore \left[\frac{E = \frac{2\,520}{1}}{150\,000} \right] \geq [10\%]$$

$$\therefore \left[\frac{2\,520}{150\,000} \right] \geq 10\%$$

$$\therefore 0,0168 \geq 10\%$$

$$\therefore 0,0168 \times 100 \geq 10\%$$

$$\therefore 1,68 \% < 10\%$$

Therefore, since 1,68% is less than 2%, in terms of regulation 6(7) the parent qualifies for no exemption and must pay the full school fees.

Example 3.4

A parent has one learner in the current school. The annual school fees is R2 500, annual additional monetary expenses, R20. The parent has one other learner in another school and the annual school fees is R1 200. The parent's gross annual income is R100 000. The parent wishes that the learner in the other school be taken into account.

The R1 200 school fee is the lowest value of f in terms of regulation 6(2).

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

$$\left[\frac{E = F + T + f_{yo}}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = 2\,500 + 20 + 1\,200 \times 1}{(1 + 1)} \right] \div [100\,000] \geq [10\%]$$

$$\therefore \left[\frac{E = 3\,720}{2} \right] \div [100\,000] \geq [10\%]$$

$$\therefore \left[\frac{1860}{100\,000} \right] \geq 10\%$$

$$\therefore 0,0186 \geq 10\%$$

$$\therefore 0,0186 \times 100 \geq 10\%$$

$$\therefore 1,86 \% < 10\%$$

Since 1,86% is less than 2%, in terms of regulation 6(7) the parent qualifies for no exemption and must pay the full school fees.

ANNEXURE D

SOUTH AFRICAN SCHOOLS ACT 84 OF 1996**REGULATIONS FOR THE EXEMPTION OF PARENTS FROM PAYMENT OF SCHOOL FEES**

The following example illustrates the situation where parents have more than one learner in the current school and also more than one learner in another school or schools.

Example

The parents have two learners in the current school. The annual school fees for one learner is R2 000 and R1 500 for the other. Additional monetary expenses are R550 each.

The parents also have two other learners in another school whose school fees is R1 200 each and the parents wish these learners to be taken into account in the application for exemption in the current school. The parents' combined annual gross income is R75 000.

The R1 200 school fees in the other school is the lowest value of f in terms of regulation 6(2), therefore it is the value that must be used in the formula.

To determine whether the parents qualify for exemption the following formula must be used:

$$\left[\frac{E = F + T + f_{yo}}{(Y + y_o)} \right] \div [I] \geq [10\%]$$

$$\therefore \left[\frac{E = (2\,000 + 1\,500) + (550 + 550) + (1\,200 + 1\,200) \times 2}{(2 + 2)} \right] \div [75\,000] \geq [10\%]$$

$$\therefore \left[\frac{E = (3\,500 + 1\,200 + (2\,200) \times 2)}{4} \right] \div [75\,000] \geq [10\%]$$

$$\therefore \left[\frac{E = (3\,500 + 1\,100 + 4\,400)}{4} \right] \div [75\,000] \geq [10\%]$$

$$\therefore \left[\frac{E = (9\,000)}{4} \right] \div [75\,000] \geq [10\%]$$

$$\therefore E = 2\,250 \div 75\,000 \geq [10\%]$$

$$\therefore \frac{2\,250}{75\,000} \geq 10\%$$

$$\therefore 0,03 \geq 10\%$$

$$\therefore 0,03 \times 100 \geq 10\%$$

$$\therefore 3\% \geq 10\%$$

Since 3% is less than 10%, the parent qualifies for partial exemption.

To determine the extent of the exemption the table in regulation 6(7) must be used.

Therefore, because the parents have two learners in the current school and the percentage of their expenditure over income is 3%, they qualify for 7% fee exemption for each child.

Therefore, the first learner:

Annual school fees: R2 000

Extent of exemption: 7%

7% of R2 000 R140

The annual school fees in current school minus the amount of extent of exemption is the amount the parents must pay,

$$\therefore 2\,000$$

$$- \underline{140}$$

$$= 1\,860$$

The parents must therefore pay R1 860 school fees for this learner.

The second learner:

Annual school fees: R1 500

Extent of exemption: 7%

7% of R1 500 R105

\therefore 1 500

- 105

= 1 395

The parents must therefore pay R1 395 school fees for the second learner.

NOTE:

If the parents wish to apply for exemption for the learners in the other school, they will have to go to that school and make the application there.

The same procedure in the example above will have to be followed by the school.

EXPLANATORY MEMORANDUM ON THE REGULATIONS FOR THE EXEMPTION OF PARENTS FROM PAYMENT OF SCHOOL FEES

1. Purpose of the Regulations

- 1.1** To create criteria which will be applied by governing bodies when considering applications for exemptions of parents from the payment of school fees.
- 1.2** To align the regulations with the amended Norms and Standards for School Funding.

2. The need for completely new Regulations

- 2.1** The current Regulations, namely the Exemption of Parents from the Payment of School Fees Regulations, 1998 (Government Gazette 19347 of 12 October 1998) have at least two major flaws.
- 2.2** The first one is that some of the criteria applied when determining the extent of partial exemption from payment of school fees are vague and consequently causes uncertainty. A typical example is that of “the standard of living of the applicant.”
- 2.3** The second major flaw is that the criteria, which are applied to determine an exemption, do not include other expenses such as the ones incurred when purchasing additional school uniform imposed by the school.
- 2.4** They are also full of contradictions, for example, regulation 3 provides that when you categorise parents into full exemption, partial exemption, you are to apply only the formula based on the combined annual gross income of the parents and the annual school fees per learner. This is a clinical approach. However, regulation 4(3) determines that an application must contain sufficient particulars to enable the governing body to apply the criteria set out in regulation 5(2) in order to determine in which category referred to in regulation 3 the applicant falls. This regulation introduces flexibility which is contrary to the rigidity contemplated in regulation 3.

2.5 Regulation 4(3) also contradicts regulation 5(3) in that whereas regulation 5(3) refers to considering regulation 5(2) when determining the extent of partial exemption, regulation 4(3) provides that regulation 5(2) should be considered for all categories.

2.6 These contradictions render the application of the regulations unmanageable and also call for different interpretations by various governing bodies.

3. The main features of the new Regulations

3.1 The mischief that characterized the current regulations. Such as vagueness and contradictions have been remedied.

3.2 The definition part of the regulations has been extended in order to define a “foster parent” and “income”.

3.3 The same formula, which includes other expenses such as other learners in other schools, must be applied for exemption. This formula must be applied in conjunction with a table contained in subregulation 6(7).

3.4 There are three Annexures to the regulations, namely, A to C.

3.4.1 Annexure A

This checklist form relates to information about school fees and the right to apply for exemption from payment of school fees. It is signed by both the principal and the parent when his or her child is admitted to the school. The parent is provided with a signed copy whereas the original form is filed at the school. This form ensures that the parent is made aware of his or her rights and obligations in so far as school fees are concerned.

3.4.2 Annexure B

This is an application forms for exemption. It is signed and dated by both the chairperson of the governing body and the parent,. The current form made no provision for such signature. The date on the form will indicate as to when did the chairperson receive the form and this will make it easier to access whether the governing body made a decision within the prescribed period.

3.4.3 Annexure C

It gives examples of the application of the formula for full exemption, partial exemption and no exemption from payment of school fees. This will probably assist the governing body when applying the formula and the table to determine exemption or no exemption.

3.4.4 Annexure D

This annexure illustrates calculations where the parents have more than one learner in the current school and also more than one learner in another school or schools.

4. Financial Implications

No additional costs are foreseen as a result of the promulgation of these Regulations.

5. Consultation

The Regulations are published to obtain comments from all roleplayers.

6. Certification

The Regulations are submitted to the State Law Advisor for editing and certification.