

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 5687.**

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**INTERNAL QUESTION PAPER: 40/2025**

**5687. Rev N B Gcwabaza (MK) to ask the Minister of Basic Education:**

With regard to the protection of parents and learners against school fee-related asset seizures, what interventions is her department considering to protect parents who lose their jobs and become unable to pay school fees, so that they are not taken to court, handed over to lawyers and/or subjected to sheriffs seizing their family homes and assets in pursuit of educational costs?

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##### Response

Section 39(1) of the South African Schools Act 1996 (Act 84 of 1996) (SASA) provides that, subject to this Act, school fees may be determined and charged at a public school only if a resolution to do so has been adopted by a majority of parents attending the meeting referred to in section 38(2) (being the general meeting of parents at which the school's budget is presented for consideration and approval).

Section 39(2)(b) of SASA mandates that the resolution to charge fees must also provide for equitable criteria and procedures for the total, partial or conditional exemption of parents who are unable to pay school fees.

*The Regulations relating to the exemption of parents from payment of school fees in public schools* target poor learners who are enrolled at fee charging schools. These Regulations set out the procedures to be followed by parents wishing to apply for a fee exemption and by public schools in communicating to parents on and facilitating the required fee exemption processes (including calculating the fee exemption to be applied). The exemption from payment of school fees is a mechanism government has put in place to assist parents to access quality education for their children, irrespective of their background or financial constraints.

At each public school that is not declared a no-fee school, the School Governing Body (SGB) determines the fees to be charged. The majority of parents of children at the school must approve these fees at a general meeting of the parent body. Once the fees have been so approved, all parents are legally required, in terms of section 40 of the SASA, to pay them unless or to the extent that they have been exempted from payment in terms of the SASA. If a parent cannot afford the fees or cannot pay the full amount, the parent should apply at the school for an exemption or make alternative payment arrangements with the school.

Section 41(7) of the SASA makes it clear that a learner may not be deprived of his or her right to participate in all aspects of the programme of a public school despite the non-payment of school fees by his or her parent and may not be victimised in any manner, including but not limited to the following conduct:

- suspension from classes;
- verbal or non-verbal abuse;
- denial of access to:
  - cultural, sporting or social activities of the school; or

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- the nutrition programme of the school for those learners who qualify in terms of the applicable policy; or
- denial of a school report or transfer certificate.

To get an exemption from the payment of school fees, parents must apply to the SGB. It is the parents responsibility to apply for an exemption. Application forms can be obtained from the SGB through the principal of a school. Public schools must inform parents of the criteria and procedures and assist them in applying for exemption from paying school fees. The SGB must inform the applicant of the outcome of the application in writing within 7 days after assessing the application for exemption. If a parent is not satisfied with the SGB decision relating to the exemption of such parent from payment of school fees, he/she may appeal to the Head of Department against the decision of the school within 30 days after receiving the school's decision. It is the responsibility of every public school to assist the parents in lodging appeals.

Unless and until the parent has been granted exemption, the parent can be legally forced to pay the fees in terms of section 40 of the SASA.

Section 41(1) of the SASA gives schools the power to enforce the payment of school fees and this can only be done if they satisfy the requirements set out in section 41(4) which states that a *public school* may act in terms of section 41(1) only after it has ascertained that:

- the parent does not qualify for exemption from payment of school fees in terms of the SASA;
- deductions have been made in terms of the abovementioned Regulations for a parent who qualifies for partial exemption; and
- the parent has completed and signed the form prescribed in the abovementioned Regulations.

Section 41(5) of the SASA provides that, despite section 41(4), a public school may act in terms of section 41(1) (i.e. by process of law enforce payment of school fees) if:

- that school can provide proof of a written notification to the parent delivered by hand or registered post that the parent has failed to apply for exemption contemplated in section 39 of the SASA; and
- despite such notice, the parent has failed to pay the school fees after a period of three months from the date of notification.

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It is therefore expected of all public schools that charge school fees to comply with the above and any school found to be acting outside the requirements set out above would be acting unlawfully.