



Province of the
EASTERN CAPE
EDUCATION

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TO: DDG-CM & D
ADDG-DC & IOM
ACFO
ALL CHIEF DIRECTORS AND DIRECTORS
ALL PRINCIPALS

FROM: SUPERINTENDENT-GENERAL

SUBJECT: GUIDELINES TO PUBLIC SCHOOLS ON SCHOOL FEES

DATE: 2 JUNE 2020

1. These guidelines are directed to fee-paying public schools only.
2. With the advent of the COVID-19 pandemic in South Africa, many fee-paying public schools are affected by the pandemic's economic impact and the closing of schools with many parents failing to pay school fees.
3. All legislation pertaining to schools remain in place, unless specifically amended through the Disaster Management Act or other relevant legislation. As such, the SA Schools Act and its regulations continue to have application in our schools. Sections 39 to 41 of the SA Schools Act, together with the 2006 School Fee Exemption Regulations, deal with school fees. These provisions continue to apply.
4. To date, no other legislation has been passed which amends any of the existing laws around school fees.
5. When dealing with school fees, there are three categories of parents:
 - 5.1. Parents who are exempted from school fees;
 - 5.2. Paying parents; and
 - 5.3. Defaulting parents.

6. Although schools have been closed since the middle of March 2020, schools continue to incur fixed expenses for the running of their schools and rely on school fees to cover these costs.

Exemption from school fees

7. Where a parent has been affected by the COVID-19 pandemic resulting in him/her not being able to pay school fees (or full school fees) he/she must be permitted to apply for exemption (whether in full, partially or conditionally).
8. When an application for exemption has been received, the School Governing Body must apply the formula as set out in the Regulations, duly considering the difficulties in determining an accurate Annual Gross Income during this uncertain economic climate which many parents may find themselves in.
9. Schools must assist parents when they apply for exemption.

Parent Liability and Enforcement of Payment

10. Where a parent has failed to pay school fees which are due, and if such parent has not been exempted from paying school fees, the school **may**, regardless of schools' closure and the economic climate, enforce the payment of the school fees by process of law.
11. In pursuing the payment of school fees through process of law, schools must ensure that all processes in terms of section 41 (4) of the SA Schools Act have been complied with in that the school must have ascertained that:
 - 11.1. The parent does not qualify for exemption;
 - 11.2. Deductions have been made for a parent who qualifies for partial exemption; and
 - 11.3. The parent completed and signed the prescribed "Checklist Form" (Annexure A of the Regulations).
12. Although the discretion rests with each school and its SGB, it is recommended that legal processes for the recovery of school fees be delayed till the end of the COVID-19 restricted period.

Dissemination of guidelines

13. District Directors are hereby instructed to ensure that this communication reaches all principals of public schools.

Yours faithfully



T. KOJANA
SUPERINTENDENT-GENERAL

04/06/2020
DATE