

2021

BACK TO SCHOOL

Advice for parents and children

ITS BACK TO SCHOOL

for many children in South Africa. You may have some questions. We are here to help!

DO YOU HAVE QUESTIONS ABOUT?

ACCESS TO
EDUCATION

SCHOOL
FEES

SCHOOL
UNIFORM

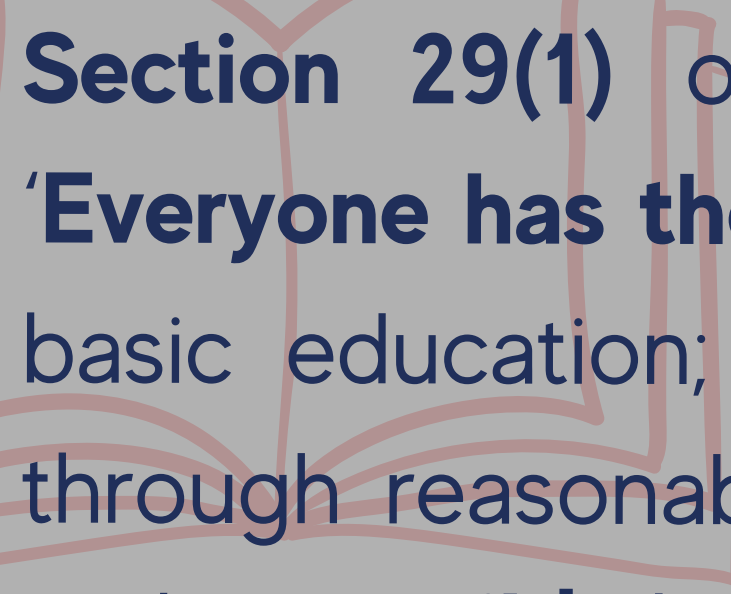
LAWYERS FOR
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JRS
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ACCESS TO EDUCATION


BASIC EDUCATION IS A RIGHT FOR ALL CHILDREN IN SOUTH AFRICA



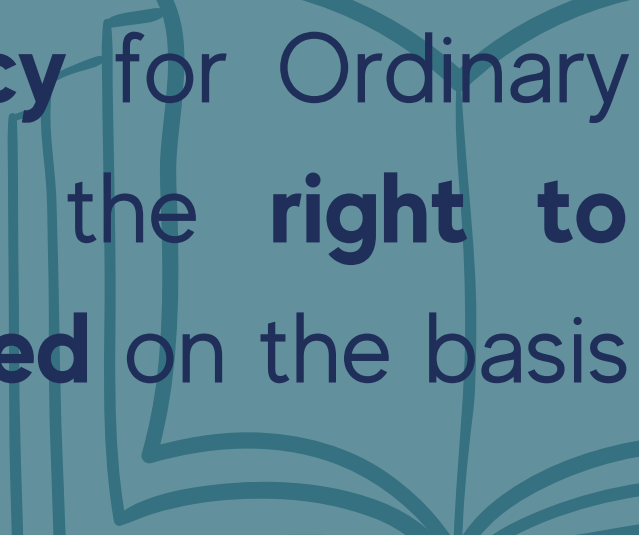
Section 29(1) of the South African **Constitution** informs us: 'Everyone has the right – (a) to a **basic education**, including adult basic education; and (b) to further education, which the state, through reasonable measures, must make **progressively available** and **accessible**.'



Section 5 (1) of the **Schools Act** boldly states that the **admission policy** of a public school and the **administration of admissions** by an education department must **not unfairly discriminate** in any way against an applicant for admission.



The Department of Basic Education's **Admissions Policy** for Ordinary Schools states that **once admitted** every child has the **right to participate** in all school activities and **may not be excluded** on the basis of the inability of the parent to pay fees.



ACCESS TO EDUCATION

DOES EVERYONE INCLUDE REFUGEES, ASYLUM SEEKERS AND CHILDREN WHO ARE UNDOCUMENTED, STATELESS OR AT RISK OF STATELESSNESS?

Section 19 of the Admissions Policy states that the policy applies equally to learners **who are not citizens** of the Republic of South Africa and whose parents are in possession of a permit for temporary/permanent residence issued by the Department of Home Affairs. This would include **asylum-seeker** and **refugee children**.

MINISTER OF HOME AFFAIRS V WATCHENUKA

This court case confirmed the **right of undocumented dependents** of asylum seekers and refugees to be enrolled in public schools. Stating:



Human dignity has no nationality. It is inherent in all people – citizens and non-citizens alike – simply because they are human. And while that person happens to be in this country – for whatever reason – it must be respected, and is protected, by s 10 of the Bill of Rights



Department of Education Circular 1 of 2020 states that 'where a learner **cannot provide an official birth certificate** the principal of the relevant school is directed to **accept alternative proof of identity** such as an **affidavit** or **sworn statement** deposed to by the parent, caregiver or guardian of the learner wherein the **learner is fully identified**.'

ACCESS TO EDUCATION

ARE SCHOOLS ALLOWED TO REFUSE MATRIC LEARNERS THE RIGHT TO WRITE EXAMINATIONS &/OR RECIEVE RESULTS?

If you can prove that you have made or are making attempts to legalise your stay in the country, you are entitled to **engage all school-related activities**, including **writing examinations** and **receiving the results** of those examinations. This is in line with Section 10 of the Department of Basic Education's **Admissions Policy for Ordinary Schools**

A LEARNER IS ADMITTED TO THE TOTAL SCHOOL PROGRAMME AND MAY NOT BE SUSPENDED FROM CLASSES, DENIED ACCESS TO CULTURAL, SPORTING OR SOCIAL ACTIVITIES OF THE SCHOOL, DENIED A SCHOOL REPORT OR TRANSFER CERTIFICATES.

Section 10 of the Department of Basic Education's **Admissions Policy for Ordinary Schools**

SCHOOL FEES

HOW DO SCHOOL FEES IN SOUTH AFRICAN PUBLIC SCHOOL WORK?

Access to basic education is an **immediately realisable right** and cannot be dependent on government resources. Education must be **accessible** and **affordable** for **everyone**.

Funding of schools is determined through a quintile system. There are a total of 5 quintiles. Quintile 1 schools are located in poorer areas and quintile 5 schools are in wealthier areas.



QUINTILE 1-3

Quintile 1-3 schools are no-fee schools and are fully subsidised by the Department of Education.



QUINTILE 4-5

Quintiles 4-5 are fee paying schools and they are only partially subsidised by the Department of Education.

SCHOOL FEES

HOW DO SCHOOL FEES IN SOUTH AFRICAN PUBLIC SCHOOL WORK?



QUINTILE 1-3

NO FEE SCHOOLS

These schools are not allowed to charge school fees. They are fully subsidised but they can also raise money through voluntary donations.

FEE PAYING SCHOOLS

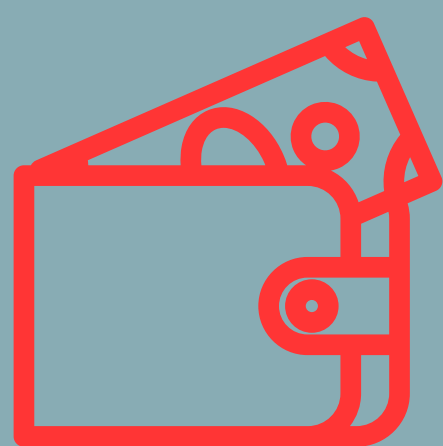
Although they are partially subsidised, these schools raise funds mainly through school fees.



QUINTILE 3-4

SCHOOL FEES

WHAT IF I CAN'T AFFORD SCHOOL FEES?



Parents whose children are registered at **quintile 4-5 schools** or wish to register their children there but **cannot afford** to pay school fees can apply for a **school fee exemption**.

SCHOOL FEE EXEMPTION

A parent who cannot afford school fees can make an application for school fee exemption. There are three types of exemptions:

AUTOMATIC EXEMPTION

Automatic exemption is given to a guardian of a child in – foster care, an orphanage, a youth care centre or a place of safety. Similarly, automatic exemption is given to a parent who receives a social grant on behalf of the child (e.g. child support grant) or a person who takes care of a child who has been abandoned and has no means of support. Children in child-headed households are also entitled to automatic exemption.

PARTIAL EXEMPTION

Partial exemption is a discount on school fees and is determined by the income of the parents. The Schools Act Regulations provide a formula for how this discount is determined.

CONDITIONAL EXEMPTION

A conditional exemption will be granted to a parent who at the time of application did not qualify for exemption but within the course of the year provides information that they cannot afford the school fees, for example if they become unemployed, they might qualify for conditional exemption.

SCHOOL FEES

HOW DO I APPLY FOR SCHOOL FEE EXEMPTION?

According to the **Schools Act** and the **Regulations** relating to the Exemption of Parents from the Payment of School Fees, school principals are required to **inform parents** of school fee exemptions and **assist parents** who want to apply. Look for a **notice** in the **school news letter** or outside the school office. If you can't find any notices, ask the school administrator about the school fee exemption process. This is meant to happen within the first two weeks of the school year.

THE APPLICATION PROCESS FOR SCHOOL FEE EXEMPTION



Fill in Form B which is provided in the regulations.



Submit the form to the school.



The SGB looks at the application and must make a decision in 30 days



If you disagree with the decision make an appeal with the HOD at the provincial education department within 30 days



While the HOD considers the appeal, they must tell SGB not to proceed with charging school fees



The HOD must make a decision in 14 days



If the appeal is rejected, the parent can apply for Judicial Review to the High Court within 180 days



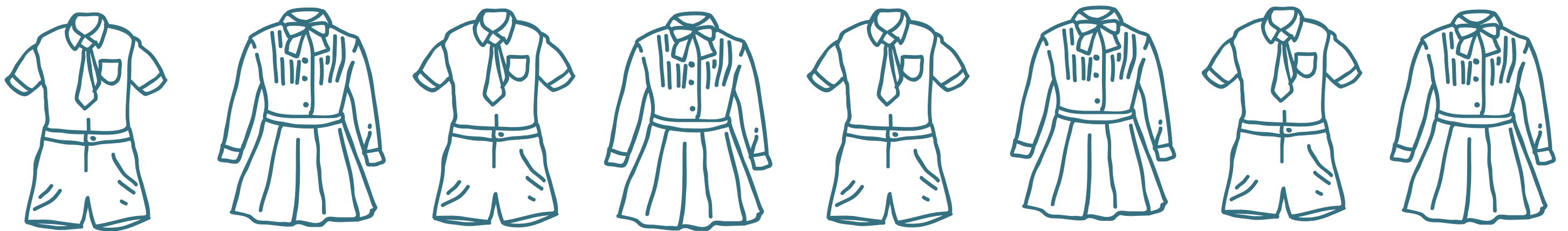
Within 7 days the HOD must give the parent and the school a written decision on their appeal.



SCHOOL UNIFORM


WHAT IF I CANT AFFORD SCHOOL UNIFORM?

No child may be **denied access** to school because of the inability to **obtain/wear uniform**.



According to the **National Guidelines on School Uniform** schools must make **provisions** for pupils whose families are unable to afford school uniforms. Each school must develop an **assistance plan** for families that cannot afford to buy uniforms. The use of a second hand school shop is strongly encouraged.

WHAT IF I HAVE TRANSFERRED SCHOOLS?



In the case of a learner who has transferred from one school to another, the guidelines stipulate that schools should be reasonable when dealing with requests for a grace period to allow a learner to obtain the appropriate uniform.

A **school uniform policy** or **dress code** should take into account the **religious** and **cultural diversity** within the **community** which the school is located in. Measures should be taken by schools to reasonably accommodate learners whose religious beliefs are compromised by the schools' dress code.

MATRICULANTS

CAN THE SCHOOL REFUSE ME THE RIGHT TO WRITE MY EXAMINATIONS?



Sometimes schools tell learners that they will not release matric exam results to learners who do not have passports or study permits. This is **unlawful**. If you can prove that you have made or are making attempts to legalise your stay in the country, you are entitled to **engage in all school-related activities**, including writing examinations and receiving the results of those examinations



According to the Admissions Policy for Ordinary Schools:

A LEARNER IS ADMITTED TO THE TOTAL SCHOOL PROGRAMME AND MAY NOT BE SUSPENDED FROM CLASSES, DENIED ACCESS TO CULTURAL, SPORTING OR SOCIAL ACTIVITIES OF THE SCHOOL, DENIED A SCHOOL REPORT OR TRANSFER CERTIFICATES.



GETTING HELP

WHERE CAN I GET HELP?

LAWYERS FOR
HUMAN RIGHTS

www.lhr.org.za
011 339 1960

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 **EQUAL
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JESUIT REFUGEE SERVICE

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