

PPTA

NEW ZEALAND POST PRIMARY
TEACHERS' ASSOCIATION

TE WEHENGARUA

Payments by parents of domestic students in state & integrated schools

ADVICE TO NZPPTA MEMBERS ON THE LEGAL FRAMEWORK FOR FEES AND DONATIONS IN STATE AND INTEGRATED SCHOOLS

2013

PPTA represents the professional and industrial interests some 18,000 secondary teachers in state secondary, area, manual training and intermediate schools, as well as tutors in community education institutions, alternative education and activity centres, and principals in secondary and area schools. More than 95% of eligible teachers choose to belong to the Association.

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Rationale

PPTA policy is for a free education system, with adequate state funding of all schools to deliver a modern curriculum. In the absence of an honest commitment by government to an adequately funded school system the Association acknowledges the financial pressure schools are under and recognises the imperatives schools feel to seek additional funding from parents to deliver the curriculum expected by their communities.

This advice is provided at the direction of the 2012 PPTA Annual Conference. The intention is to ensure that principals and teachers have a clear understanding of the existing legal requirements when seeking payments from parents or students, so that, as far as possible, members avoid errors of understandings of the legal framework when dealing with the issues around donations and debts.

The advice does not seek to address questions of adequacy of operational funding. It does not assume the adequacy or otherwise of the operational funding provided to boards.

The advice is based upon the Ministry of Education Circular 1998/25 and updated in consultation with the MoE, NZSPC, Consumer NZ, Youth Law, and the Wellington–Wairarapa School Trustees Association. We are grateful for the feedback provided. For clarity, however, the advice in this document is the advice of the Association and may or may not reflect in any part the position of those organisations.

Angela Roberts
NZPPTA President

February 2013

Definitions for this advice

Defining ‘donations’ and ‘debts’

1. Most boards ask parents to give a sum of money to enable the board to provide additional services which directly benefit students. Schools variously described this as the "school donation", the "school fee", or "activity fee". Some use "activity fee" for payments for activities like school camps, concerts by visiting artists, class trips etc, and others use it for payments associated with the cost of materials in particular subjects.
2. The use of similar terms to describe different types of payment or different terms to describe the same type of payments contributes to confusion in interpreting which are legally enforceable and which are not.
3. In this advice any sum of money which parents may be asked to voluntarily contribute but of which cannot be legally enforced is referred to as a ‘donation’.
4. In this advice any legally enforceable charge, levy or fee is referred to as a ‘debt’ or ‘fee’.

Defining ‘curriculum’, ‘co-curriculum’ and extracurricular activities

5. Boards decide what constitutes their individual school curriculum, their co-curricular activities and their extracurricular activities.
6. Each board determines its own school’s curriculum, and the individual components of that curriculum, (including options between and within learning programmes) in which students are required to participate.
7. An activity which is a prerequisite to participating in the curriculum at a later date, or which is part of the school (or student’s programme for generating credits on the qualifications framework) is part of the curriculum.
8. Boards will determine what co-curricular activities they will expect or require students to participate in to enhance or extend their general curriculum.
9. Each board will also determine what, if any, additional opportunities it may offer to students which are not part of its curriculum or co-curriculum. Parents will be free to decide on the engagement or non-engagement of their children in these ‘extracurricular’ activities. The voluntary nature of any activity which is considered to be extra-curricular should be clearly identified as such.

The right to free education

10. Every person who is not a foreign student is entitled to free enrolment and free education at a State school from the person's 5th birthday until 1 January following the person's 19th birthday. (Section 3, Education Act 1989).

Free education – the defining guideline

11. The 'school curriculum' equates with right to 'education' in the Act. A board may not legally seek to impose any debt which would act as an actual or potential barrier to access to the school's curriculum. ([See Defining 'curriculum', 'co-curriculum' and extracurricular activities](#))
12. Parents may not be required to pay fees to cover costs of either tuition or materials used in the provision of the curriculum, nor may they levy for things like heat, light and water charges, for which they are resourced through the operations grant.
13. Parents may not be levied for staff time, for which schools are resourced through the teacher salary grant and operations grant.
14. The right to free access to the curriculum as required by the Act, applies to students between the ages of 5 and 19. The Act does not apply differently for students in the senior (post-compulsory) part of the school. Courses and curriculum activities for years 11-13, even when students select from a range of possible curriculum options or activities, are to be provided free, with the exceptions noted in this advice.
15. While it is not compulsory to attend school from 16, if a student keeps attending they retain the legal right to a free education. Although senior students tend to choose from a range of subjects, so too do students at some of the earlier years (e.g year 9/10 options which aren't core subjects). These subjects do not carry a course cost, and the same principle applies. If the school wants to offer a more diverse range of subjects in the senior years, there should be no cost for these, other than for the exceptions detailed in this advice (e.g for materials with take-home costs).
16. Any course, unit of learning or an activity which is identified by the school as part of its curriculum [or which is offered by the school but is required by a student to complete their qualification] must be provided free. Schools may not create a potential financial barrier between some students and access to component of the school's curriculum.
17. Boards cannot charge for activities they have designated 'co-curricular'. Co-curricular activities are elements of the child's education at school and where there is compulsion or a requirement of the school for students to participate in these broader activities.

Free enrolment

18. The right to free enrolment and free education means that **payment of a fee cannot be a prerequisite for enrolment or attendance** of a domestic student. The only exception to this is the provision for integrated schools to charge attendance dues ([See Attendance dues and proprietors 'levies' \(state-integrated only\)](#))
19. The right to free enrolment means that it is unlawful to charge for information about enrolment at the school.
20. A board cannot legally demand a fee for interviews from parents when they seek to enrol their children at school. While considerable time may well be involved, interviewing parents of prospective students is part of the normal activity of school staff.
21. A board cannot legally demand a fee from parents for entering into a selection ballot where an enrolment scheme exists.
22. A board can legally seek a bond from parents at the time of enrolment but not as a condition of enrolment. A board may invite parents to pay a sum at the time of enrolment to cover such things as breakages or losses for which the student is responsible during his or her time at school. Such an amount must not be presented as a compulsory charge nor must the board suggest that payment of the amount is necessary to confirm enrolment. Any residue must be refunded when the student leaves.

Donations

Annual donations/'school fees'

23. Government provides operational funding (including different types of supplementary funding) and staffing to State schools to run the school and deliver the curriculum.
24. Boards may ask parents to voluntarily pay a sum of money which will enable the board to provide additional services which directly benefit students collectively.
25. Boards may specify a sum for the donation but must make it clear to parents that this donation is voluntary. It cannot be a compulsory charge. When referring to this general payment in the school prospectus and notices to parents, boards should not use the word "fees", "cost" or "levy" or any term implying that it is compulsory (i.e. a 'debt').
26. Boards cannot demand payment of the donation to confirm enrolment at the school.
27. Parents should be advised that school donations (receipted as such) qualify for income tax rebate.
28. GST must not be included when the board suggests the amount of the annual donation. Boards do not pay GST on voluntary donations.
29. School donations become part of board funds and must be accounted for by the board in accordance with the [Public Finance Act](#).
30. When specifying and collecting the school donation, boards should:
 - a. Specify the recommended amount for the school donation in the prospectus or information letter to parents.
 - b. State that the school donation is voluntary.
 - c. Describe the uses to which the school donation will be put.
 - d. State how and to whom payment is to be made.
 - e. State that a receipt will be provided.
 - f. Explain that it qualifies for income tax rebate
 - g. Invite parents who wish to pay but are having trouble doing so in a lump sum to discuss the matter confidentially with the principal. At no time should the student be embarrassed by the school over this issue.
31. When specifying the amount of the school donation, a board may legally offer a rebate on the recommended amount for early payment.

Donations for special curriculum projects

32. There should be no charge on parents for the cost of materials involved in the delivery of the curriculum.
33. A board may ask for donations for specific projects or for establishing facilities or courses but cannot legally levy a charge on parents for this purpose. Students cannot be barred from accessing the project/facility/course if their parents have not contributed, nor can access be made conditional on parental contributions
34. For example, in setting up a computer suite a board might wish to involve parents in the purchase of the hardware or in helping to meet the cost involved in leasing arrangements. The board could ask for a donation in the same way as it does for the general school donation, but:
 - The board could not levy a compulsory charge on all or some parents for the implementation of an information technology plan in the school.
 - Once installed, students could not be barred from using the computers because their parents have not contributed to their purchase and/or maintenance.
 - Enrolment in a computer studies course could not be made conditional on parental contributions.

Board action in cases of non-payment of donations

35. **Boards cannot demand payment of donations.**

36. In attempting to encourage the payment of school donations a board must not publicly harass any student or deny them information or privileges available to other students.

37. Boards may not withhold items such as reports and leaving certificates to encourage parents to pay the school donation. Boards are required by the National Education Guidelines to report on student progress.

38. Under the [Official Information Act 1982](#), parents can request information about their children, including information on progress and results of tests.

39. Under the [Privacy Act 1993](#) students can request personal information held by the school.

40. In responding to such requests, boards should be aware that documents must be released unless withholding them can be justified in terms of the provisions of the relevant Act. Non-payment of the school donation is not sufficient reason.

41. When specifying the amount of the school donation, a board may not legally impose a penalty for late payment. A board cannot impose a penalty for late payment, because the amount in question is a donation, rather than an enforceable debt. Parents cannot be compelled to pay it at all, let alone to pay it by a certain date. A board may offer a rebate for early payment, so long as it is clearly inviting a donation rather than demanding payment of a debt.

42. A board cannot legally invoice parents for unpaid donations. A board may invoice parents for unpaid debts but the school donation should not be included on the invoice unless it is, it very clearly marked as a voluntary donation. The invoice should not use terms that imply that the donation is compulsory, such as "fee" or "levy". To invoice parents for "school fees" at the start of the year is misleading.

43. When parents do not pay the school donation board cannot legally refuse to provide to the student any items which are directly funded by the school donation if it results in unfair discrimination against some students. And there may be serious financial implications in such a practice. Some boards fund certain items or activities entirely from the school donation, eg the school magazine, student identity cards, subsidised travel for sports teams etc. In cases where parents decline to pay the school donation, a board may wish to withhold from their children such items, which are funded entirely from the school donation. While boards have an undeniable right to do this there are consequences in doing so:

- It implies that the school donation is not a voluntary donation but a payment for goods and services. This may mean that parents would be unable to claim an income tax rebate on their "donation" and the board would have to pay GST on the money it collected by way of the "donations".
- Withholding an item can have other consequences eg if the student ID card is used as a swipe card to enable students to borrow library books, to withhold the card from students whose parents have not paid the school donation would have the effect of denying the student a privilege that is available to other students, remembering that the library building has been provided by Government and most of the resources will have been purchased with operational funding.

44. When parents do not pay the school donation board should not refuse access to school social events (e.g the school ball).

There is a clear link between the right to "free" education and denying kids the right to access services which are integral to their education. There is link less clear to the right to education and the right to access things which aren't part of the curriculum etc. for example the school ball.

In refusing access to an event which would otherwise be open to the student (the school ball or similar activities) then the board may be seen to be attempting to force parents to pay what is legally a voluntary donation. This would suggest that it isn't really a voluntary payment.

If there is a cost to attendance which is covered by the school donation then this is a fee and should be itemized (and charged) separately for all students, if they choose to attend.

There are also potential implications in terms of human rights if a young person was denied the ability to go to the ball by reason of their not paying the donation, and the young person could show there was discrimination under the human rights act (e.g on the basis of family status), that there was a disadvantage to the young person, and that it was an unreasonable discrimination, then the matter could possibly be taken to the human rights commission.

45. A board cannot legally use a debt collecting agency to collect donations unpaid by parents, No board should employ a debt collection agency in an attempt to force parents to pay the school donation, which is not a debt, but a voluntary donation which parents cannot be compelled to pay.

What schools can and cannot charge to parents as debts

Curriculum and curricular activities

46. With the exceptions identified in this advice, a board cannot legally charge parents for student participation in its school's curriculum or co-curricular activities.

Special secondary curriculum courses and programmes

47. A board cannot legally charge for programmes in English for Speakers of Other Languages which occur within school time. The school will be receiving resourcing to assist it to deliver such programmes. Boards may charge for programmes it provides as a service outside the conventional curriculum, though parents cannot be required to enrol their children in such programmes as a condition of their enrolment at the school.
48. A board cannot legally charge parents for the delivery of special education programmes. Students with a high or very high ongoing need for special education are provided for through the Ongoing Resourcing Scheme. Funding is also available through Specialist Education Services for identified students with speech-language difficulties and for students with severe behaviour difficulties. The school is resourced through the Special Education Grant to assist students with moderate behaviour and learning needs.
49. A board cannot legally levy a charge in relation to STAR courses, except for "take home" materials (See [Materials/consumables](#)). STAR courses should be treated no differently from any other aspect of the curriculum. The board is funded to deliver these courses and so parents may not be charged tuition costs.
50. A board cannot legally levy a charge relating to tuition from Itinerant Teachers of Music. Itinerant Teachers of Music are resourced by the Ministry, and students who are taught by them should not be charged tuition fees (though they may be charged for the hire of musical instruments owned by the school and used by students outside the basic delivery of the music curriculum –See [Equipment](#)).
51. A board cannot legally charge for the delivery of a Reading Recovery programme in the school. Reading Recovery, like any other curriculum programme must not generate charges to cover tuition. Reading Recovery is resourced either directly through a Ministry allocation or indirectly through a number of resources available to the board, including the staffing entitlement, supplementary funding such as TFEA and SEG, and operational funding. It is expected that schools would contribute from all resources provided by Government.
52. A board cannot legally charge for the delivery of a curriculum option at junior or senior level. When alternative options or programmes or activities exist within the identified curriculum any option selected by the student must be free from charges. This does not prevent a board from limiting access to such courses, programmes or activities, but the restriction must not be on the basis of the ability to pay for the course, programme or activity.

Tertiary level curriculum courses

53. Where schools purchase tertiary level courses as part of the school curriculum programme for senior students, parents and students should not be charged for these.
54. Where the school merely facilitates enrolment in a tertiary course for a student and the student is effectively enrolled only part time at the school, the student will be subject to whatever fees are associated with the tertiary course.
55. Boards must ensure that a very clear distinction is made between the two types of tertiary level provision and that students understand the basis on which they are being enrolled in tertiary courses.

Attendance dues and proprietors 'levies' (state-integrated only)

56. The Private Schools Conditional Integration Act 1975 allows proprietors of integrated schools to charge attendance dues if this is specified in the school's integration agreement at the rates and conditions approved by the Minister of Education.
57. Revenue from attendance dues can be used only to improve school buildings and facilities, as required by the school's integration agreement, or for meeting debts and other charges associated with the school land and buildings.
58. Attendance dues must be accounted for separately, since they are the income of the proprietor, not the board of trustees. It must be made clear to parents that attendance dues and school donations are not the same thing.
59. An integrated school cannot legally require a proprietors' levy. Under the Private Schools Conditional Integration Act 1975, in addition to being able to charge attendance dues, the proprietors may fundraise. This means they may set a levy, but parents cannot be compelled to pay the levy, any more that they can be compelled to engage in any other fundraising activity. The term "levy" should not be used since it implies compulsion, and neither the proprietors nor the board of trustees should imply that the attendance dues and the proprietors' "levy" are the same thing. Dues are enforceable, 'levies' are voluntary.
60. All parents should be given clear information showing which payments are enforceable and which are voluntary.

Materials/consumables

61. In subjects with a practical component (e.g. clothing and workshop technology), a board may charge for materials where the end product belongs to the student and may, if paid for, be taken home or consumed by the student. Projects in clothing and workshop technology are examples. Other subjects also offer opportunities for project work, which can involve considerable costs e.g. the production of a T-shirt in a design class. If the student takes ownership of the finished project then the parent could expect to bear the costs involved.
62. A board cannot legally charge parents for costs involved in project work unless the finished product is taken home or consumed.
63. Boards cannot insist that students take the finished project home so that the parents can be charged.
64. Teachers should avoid setting projects with a high cost involvement unless a low cost alternative is also available.
65. At the beginning of a year, parents should be made aware that charges for take home materials are a feature of courses in practical subjects.
66. A board cannot legally charge an amount to cover photocopying costs in some subject areas except in the most exceptional **cases**. It is very difficult to justify photocopied sheets of paper as constituting a "take home component" in the same way as the wood involved in the construction of a woodwork project. Photocopying should be seen as part of the normal business of curriculum delivery and should not be charged for, although there may be exceptional cases, such as when students produce and photocopy their own magazine.
67. Schools can ask parents to provide stationery (eg, exercise books, folders, pens, pencils etc.). Schools can charge for stationery if they supply it, but cannot require that parents or students buy it through the school.
68. A board cannot legally require the purchase of a workbook in some subjects. In some subjects, the teaching programme may be based very closely on a particular course (available commercially or produced by the school) and students use the workbook which accompanies the course. Workbooks lie between textbooks, which are provided free to students, and stationery, which students are expected to provide for themselves. Answers could be written in an exercise book. The workbook could then be used by students in subsequent years. On the other hand, workbooks can have ongoing usefulness to students.

Because of the cost factor that is normally involved boards should explain the usefulness of workbooks and make purchase optional.

69. A board cannot legally charge senior students for more expensive course options or activities included by the board in its curriculum simply because the students are not in the compulsory phase or because they select from a range of curriculum options provided by the school. The right to free education extends to 19. It does not matter that the student has the right not to attend at 16, the right extends to 19. Schools are legally only able to charge in relation to the exceptions stipulated in this document.

Equipment

70. Where primary students attend another school or centre to receive elements of the Technology the client school will be required to pay a fee to the provider to cover wear and tear on equipment, but parents cannot be asked to cover this cost, as boards are funded for this through their operations grant. Parents can be asked to pay for the materials necessary to produce items which are taken home.
71. Parents may be charged for the hire of musical instruments owned by the school and used by students outside the basic delivery of the music curriculum, including their use in lessons with ITMs.

Learning-related technologies

72. Where learning-related technology (including computers, software, i-pads, e-notebooks, laptops, smartphones etc.) are integral to the delivery of the curriculum schools cannot require parents to buy or rent these. Parents may be advised to do so, but if they are essential to the participating in the curriculum the school must make available alternatives or otherwise ensure that all students have access to these technologies.
73. A board cannot legally levy a charge on parents for the use of learning-related technology at the school. There should be no charge on parents for the cost of materials involved in the delivery of the curriculum. For example, a board cannot levy a compulsory charge on all parents for the implementation of an information technology plan in the school, the purchase of hardware or for the cost of leasing arrangements when setting up a computer suite.
74. A board could ask for a voluntary donation in the same way as it does for the general school donation.
75. Once the technology has been installed, students cannot be barred from using it if their parents have not contributed to the purchase and/or maintenance, nor can enrolment in a course which uses the technology be conditional on parental contributions.

Uniforms

76. Many schools have a policy that all enrolled students must wear a school uniform. Parents can be expected to pay for the uniform. If parents cannot afford a uniform, the child cannot be punished. Schools can accept payment by instalments. (See also [Board action in cases of non-payment of debts](#))

Activities outside the classroom

77. A board cannot legally charge fees for attendance at school camps if attendance at the camp is a compulsory part of the school's total curriculum or part of the content of a particular course at the school.
78. Many schools include an outdoor education camp as part of the curriculum, and outdoor education experiences form part of certain subjects at secondary schools in particular (eg fieldwork in geography and biology and outdoor education programmes). The right to free education guaranteed by Section 3 of the Education Act 1989, means that there should be no charges associated with the delivery of the curriculum. Parents should not be charged for outdoor education camps which their children are required to attend.

79. This includes staffing costs (e.g. relief costs, overnight allowance payments, etc.) for which the school is funded by the state.
80. Where a school uses an external provider to deliver a course which is part of the school's curriculum the school must meet the costs of using the provider and this must not be charged back to parents.
81. If a school uses volunteers to assist at school camps which are part of the curriculum costs related to those volunteers cannot be charged back to parents.
82. Parents may be expected to pay for the travel costs, accommodation and meal costs which are connected with such activities, provided that staff have made every effort to minimise costs by ensuring that the activities are held as close to the school as possible. The costs should not be so great as to create a barrier for students to accessing the activity if it is an integral part of the curriculum. This may imply some degree of subsidy for students whose families cannot afford these associated costs.
83. Students must not be excluded from such trips because of their parents' inability or unwillingness to pay. A number of schools will arrange for the child to attend and try to set up payment by installment, or in some instances will pay for the child to attend the camp. If it is compulsory, there should be as few obstacles as possible for the child to access their education.
84. Where parents are unwilling or unable to pay for a trip, teachers should try to provide an alternative which would give the student an insight into the curriculum experience covered by the trip.
85. Boards must ensure that parents are made aware of the situation at the beginning of the year, in particular where field work is an integral part of the course requirement in a subject at senior secondary school level. For example, a note could be sent out to students in terms of the compulsory parts of their education – to say how much the camp would be, that they would be paying for food and/or accommodation and/or and travel, and that they should talk to the school if the family cannot meet these costs. This will assist the board in establishing how many students would otherwise not attend and if they could reasonably afford to pay for those students to attend. If they cannot or it is impracticable to do so, it may be reasonable to provide them with an alternative experience which would cover the relevant curriculum areas without having to attend camp.) Or the school could think reassess the inclusion of the camp as a compulsory element of the curriculum.
86. In cases where attendance at an outdoor education camp or recreational activity is an additional, voluntary event, parents may be expected to meet the costs involved if they agree to their children's participation.

Extracurricular activities

87. An activity which is defined by the school as not part of its curriculum may generate costs for parents who agree to the participation of their children in it.
88. Parents have the right to be advised of the activities which are not part of the school's curriculum that they are not compulsory and that alternatives are available, including non-participation.
89. Boards may charge for activities designated 'additional' or 'extracurricular'.
90. Boards can charge "activity fees" for extra-curricular activities, including most sports activity. Payment cannot be enforced, but schools can exclude those who don't pay. These activities must be voluntary and identified as additional to the required curriculum activities.
91. Boards cannot charge for activities it has designated as 'co-curricular' and which it requires students to participate in.
92. Some sporting or cultural activities (e.g Kapa Haka) may generate NCEA credits for some participants. The principle of the Act of free access to the curriculum would indicate that no charges should be levied for participating in such an activity (other than the general exceptions identified in these guidelines) if the school is using the activity either as the **only** way or as an **optional** way to generate credits for the student, and even if the activity is not formally required or directed.

Outside activities within the school

93. Parents may be asked to pay for their children to attend in-school activities such as performances by visiting drama groups only if attendance at such activities is voluntary.

Exam fees

94. Entry charges for outside exams, such as NCEA, can be passed on to parents.
95. Boards cannot charge school administration fees for entering students in exams.

Methods of payment of debts

96. In attempting to improve administrative efficiency, boards may seek a "once only" payment from parents at the start of the year to avoid the inconvenience of seeking sums throughout the year. Such a payment may cover items as varied as class trips, the cost of take home materials in practical subjects such as workshop technology, swimming lessons, visiting drama groups etc. All the activities and their costs must be itemised and apply to those children who will be involved in the activities.
97. If a parent prefers the "pay as you go" method of payment, a board cannot insist on payment in advance.
98. Boards cannot demand payment in advance to confirm enrolment at the school.
99. Boards can legally invoice parents for debts owed to the school but the invoice should not show the school donation as a compulsory payment or imply that it is. A board may invoice parents for unpaid debts incurred for such things as lost or damaged library books, concerts attended but not paid for, stationery provided by the school (in agreement with the parents) but not paid for.
100. The school donation should not be included on the invoice - or if it is, it should be very clearly marked as a voluntary donation. The problem with an invoice is that it implies that the listed amounts are compulsory, and this is particularly so if the words "fee" or "levy" are used instead of donation. To invoice parents for "school fees" at the start of the year is particularly misleading.
101. When specifying the amount of a debt, a board may legally offer a rebate for early payment.

Board action in cases of non-payment of debts

102. Boards may not withhold items such as reports and leaving certificates to encourage parents to resolve unpaid debts for services provided by the school. Boards are required by the National Education Guidelines to report on student progress.
103. Boards are subject to the [Official Information Act 1982](#) and the [Privacy Act 1993](#). Under the former, parents can request information about their children, including information on progress and results of tests. Under the latter, students can request personal information held by the school. Boards should be aware that documents must be released unless withholding them can be justified in terms of the provisions of the relevant Act. Non-payment of the school donation or of a debt is not sufficient reason.
104. In attempting to collect money owed to the school for any reason, a board must follow the principles of natural justice. No student should be publicly harassed or denied information or privileges available to other students.
105. Boards may remind parents (particularly at the end of a year) of amounts of money that remain unpaid.
106. In itemising debts boards should differentiate between the voluntary school donation and actual debts relating to such things as the provision of stationery, the hire of equipment, the non-payment of attendance dues and other charges incurred with the prior agreement of the parent.
107. A board can legally use a debt collecting agency to collect debts owed to the school by parents, but not to collect an unpaid school donation. Each board will decide whether it is

appropriate to employ a debt collection agency to collect debts owed to the school by parents. No board should employ a debt collection agency in an attempt to force parents to pay a school donation. Parents cannot be compelled to pay a donation, which is voluntary and not a debt.

108. Boards can advise parents that if they are already on a main benefit from Department of Work and Income (DWI), they can get an advance to help with uniforms, stationery and exam fees - but not if they pay the school for these by instalments. DWI will not give advances for school fees which are donations. Maximum advances available in any 12 month period (at August 2012) are:

- \$300 school uniform
- \$200 school stationery
- \$200 school administration, examination fees.

109. Non-beneficiaries can get the same assistance from DWI under the recoverable assistance programme

Board policies

110. Boards should have policies covering requests for and collection of money and should ensure that teachers are aware of these. This will help to ensure that clear information is provided to parents at the time of enrolment.
111. Board policies cannot override the legal requirements around donations and debts nor lawfully require employees to seek to enforce the payment of donations.

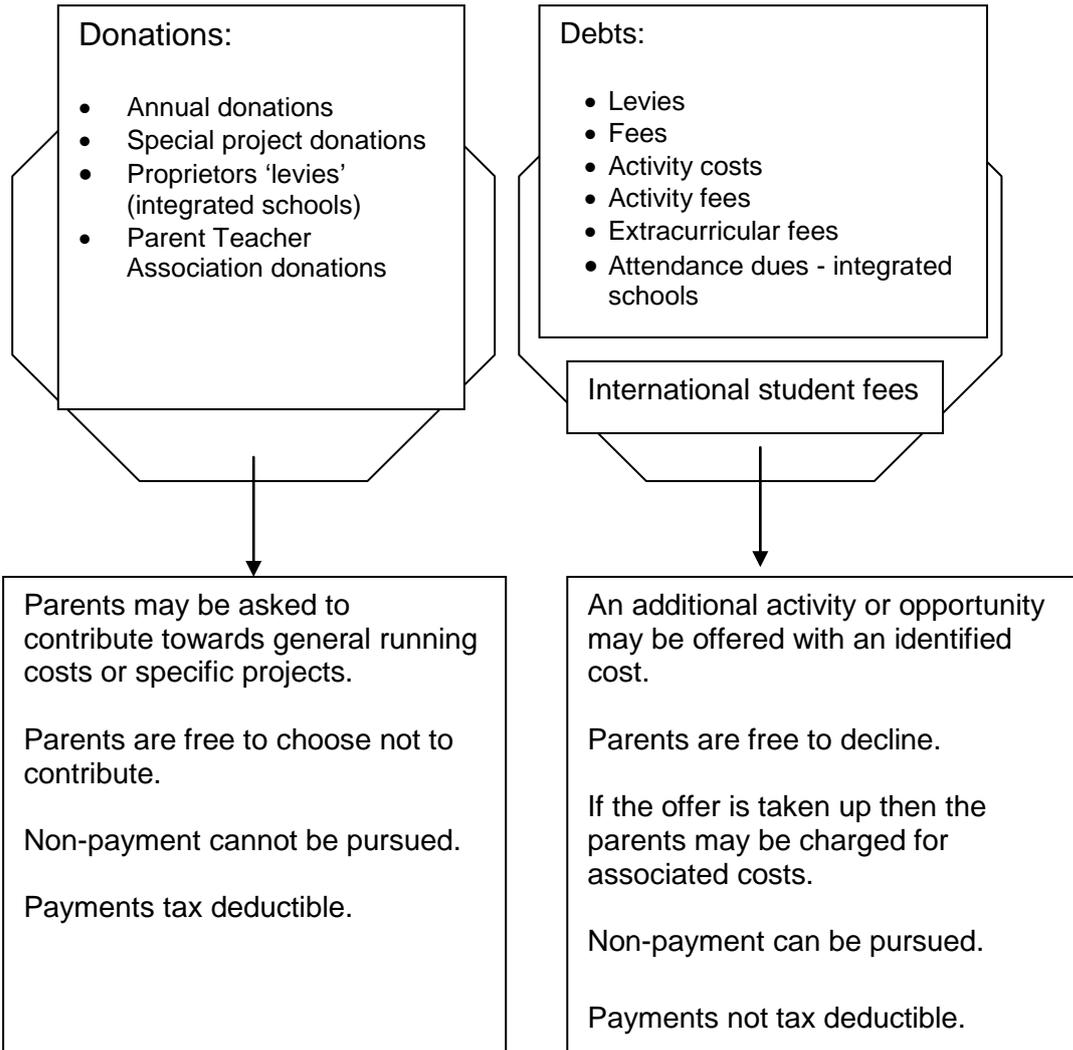
GST implications for boards

- Voluntary donations/payments are not subject to GST payments.
- Charges for take home components of projects are subject to GST payments.
- Charges for voluntary activities are subject to GST payments.
- Charges for stationery or uniforms purchased from the school are subject to GST.

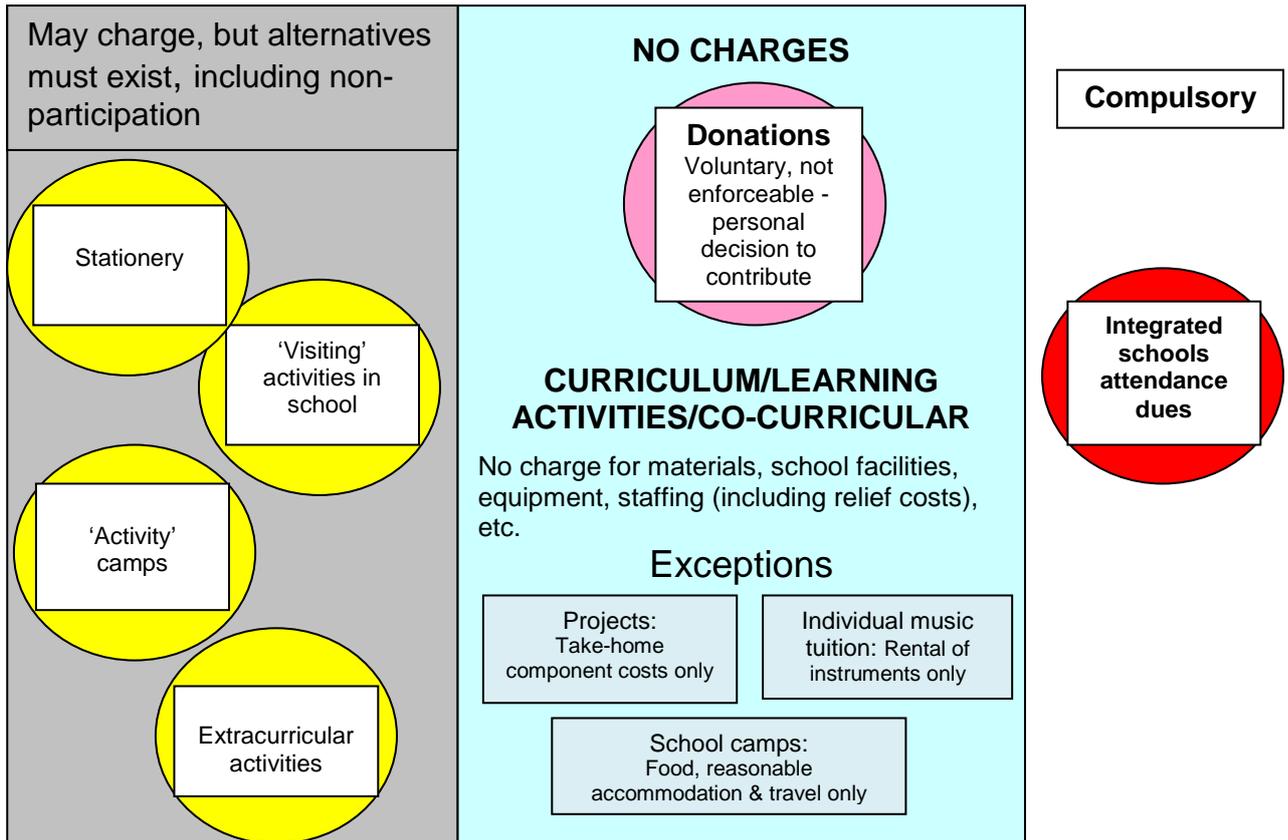
Tax implications for parents

- Voluntary donations/payments are tax deductible
- Charges for take home components of projects are not tax deductible
- Charges for voluntary activities are not tax deductible
- Charges for stationery or uniforms purchased from the school are not tax deductible.

Summary of donations and debts



Summary of legal framework for fees and donations



Curriculum definition as determiner of legitimate debts

