

SCHOOL GOVERNING BODIES: THEIR SIGNIFICANCE IN THE  
DEMOCRATIC TRANSFORMATION OF SOUTH AFRICAN SOCIETY

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D E C L A R A T I O N

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and has not previously in its entirety or in part been submitted at any university for a degree.

A B S T R A C T

This thesis seeks to demonstrate the potential of school governing bodies to further the process of democratising South African society.

Among the main features of the democratisation of South African education, is the decentralisation of educational governance. In this process the decision-making authority has been devolved from central government to the local school level, thus preparing school communities for self-government and autonomy.

The establishment of school governing bodies at all public schools in the country brings South Africa in line with current international trends for democratic local community participation and control in education. When this aspect of the education systems of three countries, the United States of America, England and Australia, are compared with South Africa's, it shows the extent of the latter's democratisation of educational governance.

The background to local community participation in South African education according to various pieces of legislation passed, their failure to reform education, and other aspects which led to the promulgation of the **Schools Act (1996)**, places school governing bodies in South Africa in proper historical context.

An examination of the **Schools Act** reveals its democratic nature and identifies those aspects of school governing bodies which have the potential of furthering the democratisation process.

The challenges that the changes in school governance bring with them are analysed to highlight their implications and significance for school governing bodies.

School governing bodies offer new and exciting opportunities for enterprising and enthusiastic communities. School governors should, therefore, be urged to seize the opportunity to participate in school governance and in this way play their role in furthering the democratic transformation of South African society.

## U I T T R E K S E L

Hierdie tesis poog om die potensiaal wat skoolbeheerliggame het om die proses van die demokratisering van die Suid-Afrikaanse samelewing te bevorder, aan te toon.

Een van die hoofeienskappe van die demokratisering van die Suid-Afrikaanse onderwys, is die desentralisasie van onderwysbestuur. In hierdie proses is besluitnemingsgesag afgewentel vanaf sentrale regeringsvlak na die plaaslike skoolvlak, waardeur skoolgemeenskappe voorberei word vir self-beheer en outonomie.

Die totstandkoming van skoolbeheerliggame by alle openbare skole in die land, bring Suid-Afrika in lyn met huidige internasionale tendense rakende die demokratiese plaaslike gemeenskapsdeelname aan beheer en bestuur in die onderwys. Wanneer hierdie aspek van die onderwysstelsels van drie lande, die Verenigde State van Amerika, Engeland en Australië, met die van Suid-Afrika vergelyk word, dui dit die omvang van die demokratisering van onderwysbeheer en -bestuur in die Suid-Afrikaanse opset aan.

Die agtergrond van plaaslike gemeenskapsdeelname in die Suid-Afrikaanse onderwys volgens verskeie stukke wetgewing, hulle onvermoë om die onderwys te hervorm, en ander aspekte wat tot die afkondiging van die **Skole Wet (1996)** gelei het, plaas skoolbeheerliggame in die regte historiese konteks.

'n Ondersoek van die **Skole Wet** dui aan dat dit demokraties in wese is, en daardie aspekte van skoolbeheerliggame wat die potensiaal besit om die demokratiseringsproses voort te sit, word geïdentifiseer.

Die uitdagings wat die veranderinge in skoolbestuur met hulle meebring, word geanaliseer om hulle implikasies en betekenisvolheid vir skoolbeheerliggame uit te lig.

Skoolbeheerliggame bied nuwe en opwindende geleenthede vir ondernemende en geesdriftige gemeenskappe aan. Skoolbeheerliggame moet dus aangespoor word om die geleentheid aan te gryp om deelname aan skoolbestuur te hê en om sodoende hulle rol te speel in die bevordering van die demokratiese transformasie van die Suid-Afrikaanse samelewing.

## A C K N O W L E D G E M E N T S

It is with due gratitude to the Almighty, from Whom all blessings emanate, that I dedicate this thesis to my parents, in acknowledgement and appreciation of all they have done for me throughout my life.

I also wish to thank Dr D Taylor, my previous supervisor, for his invaluable guidance, encouragement, patience, courtesy, and for his unfailing faith in me. It is greatly appreciated.

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A B B R E V I A T I O N S

ACT	Australian Capital Territory
A:HoA	Administration: House of Assembly
ANC	African National Congress
DEC	Department of Education and Culture
DET	Department of Education and Training
DoE	Department of Education
EPA	Education Policy Act
ERS	Education Renewal Strategy
ETA	Education and Training Act
GB	Governing body
GNU	Government of National Unity
HOD	Head of Department
HSRC	Human Sciences Research Council
IPET	Implementation Plan for Education and Training
LEAs	Local Education Authorities
LMS	Local Management of Schools
MEC	Member of the Executive Council
MoE	Minister of Education
NECC	National Education Coordinating Committee

NEPI	National Education Policy Investigation
NT	Northern Territory
PFET	A Policy Framework for Education and Training
PTAs	Parent-Teacher Associations
RCL	Representative Council of Learners
RSA	Republic of South Africa
SBM	School- or Site-based Management
SRCs	Student Representative Councils
UK	United Kingdom
USA	United States of America
WCED	Western Cape Education Department

## C H A P T E R 1

### INTRODUCTION AND ORIENTATION

#### 1.1 GENERAL INTRODUCTION

The vision for which many parents, educators and learners struggled, namely, the right to have democratic structures of school governance in place at all schools in South Africa, has become a reality as a consequence of the promulgation of the South African Schools Act, 1996 (Act No. 84 of 1996) (hereinafter referred to as the Schools Act).

Against the background of the achievement of dismantling apartheid in South Africa, the new national system for schools has as its aim not only to "provide an education of progressively high quality for all learners" and to "uphold the rights of all learners, parents and educators", but, significantly, also to "advance the democratic transformation of society" (Schools Act 1996: 2).

As befits a democracy, the **Schools Act** makes provision for representative governance at schools, in the form of democratically elected community based school governing bodies. Moreover, whereas school bodies had formerly been largely undemocratised entities, they have now statutorily been changed into bodies that encourage participation, consultation, cooperation and partnership - all features of democratic decision-making.

South Africa's new education system encourages communities to become involved in their own upliftment and discourages the old disinterest and passivity that used to characterise many communities. Although school governance is an entirely new terrain for the vast majority of South African communities, this should not act as a deterrent because, as Wragg and Partington (1989: 2) emphasise, the two most important qualities a school governor needs are:

- a concern for the well-being of the children, teachers and others in the school community; and
- common sense.

Democratic education is based on the principle that forms the basis of democracy, namely that "the people shall govern". For "the people" to govern at school level, decentralised school-based governance is necessary to ensure that those most affected by the decisions form part

of the decision-making process. School community engagement in school governance is, therefore, of crucial importance in a democratic educational governance system. For the democratisation of school governance to take place, it should become the preserve of the ordinary lay person, alongside those people who may possess special expertise in education.

## 1.2 MOTIVATION FOR STUDY

As an educator in a South African school at which democratic participation was previously denied, I have an interest in the process of the democratic transformation of South African society, through the democratisation of school governing bodies.

Given that democracy means participative involvement in structures previously denied to many, it implies that government structures had to change drastically or transform to accommodate democracy. With the transformation of the Department of Education, including the school, it became necessary to put in place a different school governance structure which attunes to the democratic transformation of South African society. The establishment of democratised school governing bodies at

all public schools in South Africa would invariably contribute towards the transformation of the South African society.

Democracy, like education, is a social process which involves the active participation of people. School governing bodies comprise people (educators, parents, learners, etc.) who have to manage and organise schools in a different education dispensation in such a manner as to effect collaboration. In this way, to argue for democracy is to make a case for school governing bodies to engender meaningful participation between all those involved in decentralised decision-making and control.

Decentralised school governing bodies can be linked to the historical struggle for the democratic right of school communities (parents, educators, learners) to participate in the exercise and control of all matters affecting their school. As an educator of this period my motivation is born primarily out of a first-hand participation in this process of democratisation at school level, and out of a broader interest in the potential of school governing bodies to further the wider democratisation and transformation of South African society.

### 1.3 AIMS AND OBJECTIVES

The main purpose of this study is to examine in which ways school governing bodies are significant for the democratic transformation of South African society. It is argued that, since school communities are now inextricably involved in education through school governance, school governing bodies provide an appropriate training ground for democracy.

The topic of this thesis is about the implementation of the **Schools Act**, and more specifically an analysis of what school governing bodies are, how they are run, how they fit into the South African transformation process, and which aspects of the work of school governing bodies promote democratisation. The aim of the study is to reach greater clarification regarding the democratising potential of school governing bodies and to identify their strengths and weaknesses, and the challenges posed by democratic education.

It is hoped this thesis will provide such clarification and contribute to the ongoing discourse on school governance in South Africa.

#### 1.4 STATEMENT OF PROBLEM

Although the democratisation of education systems is a global phenomenon and not just a South African occurrence, the question arises as to whether the establishment of school governing bodies at all public schools in the country is significant for the democratic transformation of South African society.

What does it mean to make a society democratic? The Schools Act has devolved power and responsibilities to school communities in the form of school governing bodies, but it is actually in the implementation of the Schools Act that problems arise. Problems that arise include the building of a new style of shared governance amongst the various parties serving on the governing body with their different interests, the potential for conflict between professional management and governance, the lack among some stakeholders of education, experience and capacity, the changing of attitudes and expectations, as well as apathy and disinterest in some communities.

Transformation is never easy, and the South African context does not improve matters. For example, democratic responsibilities may seem commonplace to the previously

privileged section of South African society, but to large sections of the rest of the society they often seem very daunting. Parents who used to be allies in the struggle against authoritarianism, now have to adapt to new roles of democratically elected community-based authority groups. Among other things, this requires a redefinition and acceptance of concepts and experience of authority.

In brief, the main problems in the context of this study may be formulated as follows:

- What implications does the establishment of school governing bodies at all public school in South Africa have for school communities and society at large?
- What new possibilities and opportunities do participation in school governance hold for school communities and society at large?
- Given the fact that many communities come from a background where democracy was previously curtailed or completely denied, how can democratic school governing bodies help to improve the situation?

## 1.5 RESEARCH METHODS

The principal method used in this study is a literature review and an analysis of educational policy documents. However, because the **Schools Act** is relatively new, there is a concomitant scarcity of authoritative published documentation on the topic under discussion.

This thesis is, then, basically a critical discussion and argument in support of the assertion that school governing bodies are significant in the democratic transformation of South African society.

It is an analysis of the Schools Act and a critical reflection on its implications, and how these relate to the widening of democracy. It examines the key concepts "governance", "democracy" and "transformation", and also the Schools Act in order to determine what the intentions of the legislation are and to what extent the Schools Act creates opportunities to further democracy.

I also attempt to answer questions such as: Is school-based governance an international trend? How was the education situation in South Africa before the new legislation? What were the conditions that prevailed that led to the promulgation of the Schools Act? What does it mean for school governance to be democratic, and what does it mean to democratise society? To what extent do school governing bodies have the potential to make schooling and society democratic?

In addition, the research methodology used in this thesis includes a conceptual study. Since the research is based on certain fundamental concepts that actually form a conceptual framework within which the study is dealt with, concepts such as "governance", "school governing body", "democracy", "decentralisation", and "transformation" are fully defined and clarified in the next chapter.

The study also identifies some of the main strengths and weaknesses of community participation in decentralised school-based governance under the new dispensation and concludes with some challenges facing the newly established democratic school governing bodies.

#### 1.6 OUTLINE OF STUDY

Chapter 1 comprises the introduction and orientation to this study. Included is an outline of the motivation for the study, aims and objectives, statement of the problem and research methods used.

In Chapter 2 the definition of key concepts, such as "school governing body", "democracy" and "transformation", is dealt with, with a view to clarifying their use in this study.

The focus in chapter 3 is on community involvement in school governance in three other countries in order to gain an international perspective on this issue. A critical comparison between the systems of educational governance of these countries and that of South Africa, is also attempted, especially as regards parent and learner involvement in school governance.

Chapter 4 attempts to put school governing bodies in South African schools in historical context. A brief historical overview is given of especially parent involvement in education, to indicate the course of events that led up to and culminated in the promulgation of the **Schools Act**.

In chapter 5 the **Schools Act** is examined. Attention is paid to, amongst others, the legal categories and status of schools, the role, powers, functions and composition of school governing bodies, and capacity enhancement.

The implications and democratic significance of school governing bodies for the democratisation of South African society is analysed in chapter 6. Special consideration is given to aspects such as decentralisation, the

statutory nature of school community governance, participative governance and a new style of governance.

Finally, in chapter 7 a summary of this thesis is given, which includes some of the strengths and weaknesses of community participation in school-based governance. The chapter concludes with a few challenges faced by school governing bodies to ensure greater democratic participation in school governance.

## C H A P T E R 2

### CLARIFICATION OF CONCEPTS

#### 2.1 INTRODUCTION

Education in South Africa has historically been a central arena in which struggles for social and political leadership have been fought. Interest in school governance is presently widespread because it is one of the results of the long fight against the inequities of segregation in education and the struggle for educational equality. The longstanding focus on and demand for democratic participation in the running of schools have been realised with the establishment of school governing bodies, consisting of the school community, at all public schools. The school community basically consists of those grassroots people who are directly affected by the decisions made in schools, such as parents, learners, educators and non-educator school staff.

Since one of the most basic principles of democracy is the participation of all stakeholders in decisions affecting them, the democratic nature of the **Schools Act** is apparent in the provision it makes for school community

participation in school governance. To the extent that school governing bodies are a product of the democratic nature of the **Schools Act**, they have the potential to serve as democratising agents in the transformation of not only schools, but also of society.

Democratic transformation is thus the context in which school governing bodies will be dealt with in this study.

For a meaningful study of the significance of school governing bodies in the democratic transformation of South African society, certain concepts to which reference is made in the title and in the course of this study need to be clarified at the outset. The rest of this chapter is, then, devoted to the clarification of primarily the concepts "school governing body", "democracy" and "transformation". The purpose of the clarification is not to provide comprehensive definitions, but rather to indicate what these concepts mean in this particular study.

## 2.2 THE CONCEPT "SCHOOL GOVERNING BODY"

In order to arrive at an informed understanding of "school governing body", an explanation of what is meant by "school or educational governance" is first needed.

### 2.2.1 EDUCATIONAL GOVERNANCE

According to The New Shorter Oxford English Dictionary "governance" basically has to do with authority, controlling, influencing, regulating and directing. Governance is thus closely aligned to concepts such as "power", "legitimacy" and "authority". Coulter (1981: 4-6) defines these terms as follows:

Power: The capacity to cause a thing to happen that would not happen without that capacity.

Legitimacy: The popular perception of a justifiable and acceptable use of public power.

Authority. The "right" to use public power deemed to be legitimate.

Monahan (1982: 267) expands on this:

Authority is customarily understood as the quality that secures obedience from a specific group of people. In a sense, it is one form of power. ... power, then, can also be understood as formal or legal authority.

Power may, therefore, be seen as formal or legal authority, and authority as legitimate power.

As regards "governance", and "educational governance", Bauman (1996: 19) offers the following explanation:

Governance refers to formal systems as well as informal procedures for controlling and managing people and organisations. In education, governance is about running schools and deciding how, when, and where they will operate.

According to Sergiovanni et al (1987: xiii):

Educational governance is concerned with the organisation and machinery through which political units such as federal agencies, state departments and local school districts exercise authority, laws and customs that are the basis of the performance of administrative functions and responsibilities.

Governance should thus be seen in a much wider context than mere management or administration, two terms often used inter-changeably with governance. Gold and Evans (1998: 25) offer the following definitions for these two terms:

management: the structure for and process of planning, co-ordinating and directing the activities of people, departments and organizations; getting things done with and through other people.

administration: the processes required to support the implementation of policies in organizations.

Educational governance is, in fact, a whole process, as

Buckland and Hofmeyr (1993: 1) point out:

By governance we understand not simply the system of administration and control of education in a country, but the whole process by which education policies are formulated, adopted, implemented and monitored.

Another aspect of educational governance is the variety of

people involved in it. According to Bauman (1996: 6):

Governance includes legal systems for making authoritative decisions, but it also includes the multiple actors and interest groups involved in schooling. Governors, administrators, teachers, parents, students, and reformers are governing when they become active in making important decisions about how schools operate.

For educational governance at school level to be democratic, a democratic body needs to be responsible for such school governance. This is why the **Schools Act** has made school governing bodies, representative of all stakeholders, responsible for the governance of schools.

### 2.2.2 DEFINING SCHOOL GOVERNING BODY

Governance is basically concerned with power and the distribution of power. In the past decision-making power in education was centralised, leaving little if any room for community participation. A democracy recognises the right of communities to make meaningful decisions, so educational governance in a democracy is decentralised to take place at different levels in the education system. In this way decision-making power is devolved to school communities at grass-roots level, via school governing bodies.

The concepts "centralisation" and "decentralisation" as manifestations of power relations need closer examination in order to arrive at an adequate understanding of the concept "school governing body".

#### 2.2.2.1 CENTRALISATION-DECENTRALISATION

Buckland and Hofmeyr (1993: 7, quoting Winkler 1989: 4) advance the following succinct description for the concept centralisation-decentralisation:

Centralisation-decentralisation can be viewed as a spectrum ranging from a unitary governmental system where the central government has more power or decision-making authority to a governmental system where local governments and community organisations exercise large amounts of power. The ultimate centralised system is one in which all decisions are made in the nation's capital ...

It is clear from this definition that decentralisation is a relative term, "referring to the degree and nature of the devolution of various powers and functions away from the central authority" (Buckland and Hofmeyr 1993: 8). One important form of decentralisation is devolution of power which basically "involves transferring responsibility for provision of a service or services to a local government or regional administration" (Buckland and Hofmeyr 1993: 9, quoting Rondinelli et al 1987).

#### 2.2.2.2 DECENTRALISED SCHOOL GOVERNANCE

But what does decentralised school governance mean?

According to Bauer (1996: 111):

Decentralization is defined in managerial terms as a wider distribution of power and authority in and among organizations. In educational settings, decentralization is the intended effect of site-based or school-based management which redistributes decision-making authority.

Decentralised school governance thus refers to governing power that has been transferred or devolved to school level. In certain other English speaking countries this is also known as either "school-based or site-based management" (SBM) or "local management of schools" (LMS).

Levacic (1995: 3, quoting David 1989: 46) defines SBM as:

autonomy plus participatory decision-making consisting of:

- 1 increasing school autonomy through some combination of site budgetary control and relief from constraining rules and regulations; and
- 2 sharing the authority to make decisions with teachers and sometimes with parents, students and other community members.

And Gamage (1993: 134) describes it as:

a formal alteration of governance structures, and a form of decentralisation that identifies the individual school as the primary unit of improvement and relies on the redistribution of decision-making authority through which improvement in schools might be stimulated and sustained.

This implies that a school's performance might improve if decisions were taken at the lowest level where they apply, and when the whole school community takes ownership of the decisions. The concept "school community" could perhaps be clarified here. Gold and Evans (1998: 105) offer the following definition for this concept:

All those who think that they have a legitimate interest in and commitment to the school.

This definition thus includes all those who work in the school as well as those who feel they have a stake in the school, such as parents, educators, non-educator staff and learners. This is, then, also how this concept will be used in this study.

#### 2.2.2.3 LEGAL POSITION OF SCHOOL GOVERNING BODY

Since the purpose of school-based governance is the improvement of the individual school, some formal structure or body, consisting of the school community, needs to be created so that the participants can be directly involved in all important decision-making concerning the school. This is necessary because, as Gamage (1993: 135) points out:

The devolution of power and the creation of the new structure for the participation of all stakeholders are envisaged to foster autonomy, flexibility, productivity and accountability.

This formal body at the school level is known by various names, such as school committee, school board, management

committee or school council. The **Schools Act** terms it a "governing body".

The second amended education **White Paper** of 14 February 1996, on which the **Schools Act** is based, gives the following definition for governing body (section 3.8):

The term "governing body" will be used uniformly to describe the body that is entrusted with the responsibility and authority to formulate and adopt policy for each public school in terms of national policy and provincial education regulations.

The **School Education Bill**, 1995 (section 25(1)) gives the following reason why governing bodies should be established at all public schools in a Province:

For the purpose of promoting the participation of the people of the Province in the governance of public schools.

And this is why the **Schools Act** (section 16(2)) emphasises that:

A governing body stands in a position of trust towards the school.

Here a governing body refers to the body of people occupying the legal position at the school level of the educational governance system. Taking all the above into account it is possible to arrive at a defensible definition for a school governing body. For the purposes

of this study a governing body will, therefore, be defined as:

The officially constituted group of elected persons to whom legal power, authority and responsibility for the making, implementation and monitoring of all important decisions in a specific school has been devolved, for the purposes of improving effectiveness and promoting the participation of the whole school community in the governance of their specific school.

Since participation is a basic tenet of democracy and since a governing body involves participation on the part of elected representative persons, the practices of school governing bodies can be linked directly to democracy. The concept democracy will now be clarified.

### 2.3 THE CONCEPT "DEMOCRACY"

Democracy, a concept dating back to ancient times, is derived from the Greek words demos, meaning "the people", and kratos, meaning "to rule/govern", thus literally "rule/ government by the people". In brief, it is a system of government in which sovereignty is vested in the people.

However, because of the complexity of modern life, the concept has evolved over time into several different

meanings, often according to the user's political purpose. But all scholars agree on at least one basic democratic principle, namely, that people should have a say on issues affecting their own lives. Hence the following definition of democracy as:

a political system of which it can be said that the whole people, positively or negatively, make and are entitled to make, the basic determining decisions on important matters of public policy (Holden 1974: 8).

### 2.3.1 TYPES OF DEMOCRACY

Since there are so many divergent definitions of democracy in circulation, it would perhaps be useful to place the concept into context by briefly mentioning some of the various approaches. Cloete (1993: 7-10) identifies the following types of democracy:

- Direct democracy - This type of democracy requires that all the enfranchised citizens take part in the making of decision.
- Representative democracy - Representatives are elected by voters who then serve as members of the legislature to speak and vote on behalf of the citizens.
- Social democracy - This type of democracy postulates radical equality in class, racial, ethnic and gender interactions (Birch 1993: 46). It is usually propagated by social democratic parties.
- Consociational democracy - Consociational democracy requires executive power-sharing and autonomy for the various groups.

- Liberal democracy - Liberal democracy demands that everybody should have protected equal rights and that majority rule should prevail.
- People's democracy - This is also known as populist democracy or populism, and is based on the assumption that all people are equal and must be treated as such.
- Pluralist democracy - Since society consists of numerous interest groups which compete with each other for power and resources, the state must be constructed with institutions and practices which will arbitrate between rival demands to keep them in balance.
- Participatory democracy - This is direct democracy, but all citizens will not take part in the final decision-making although they will be allowed to submit their views directly to the final decision-makers who could be elected representatives.

It needs to be mentioned here that the last-mentioned type of democracy is of particular significance for school governance since it has as its democratic goal the maximum participation of all the people comprising the school community. As Pateman (1970: 41) points out:

Participatory democracy ... is built round the central assertion that individuals and their institutions cannot be considered in isolation from one another ...

She is of the opinion that the development of democratic attitudes and qualities in the individual depends on "maximum participation" in all spheres of society because the development of democratic attitudes and qualities:

takes place through the process of participation itself (Pateman 1970: 42).

She emphasises that genuine participation is a process:

where each individual member of a decision-making body has equal power to determine the outcome of a decision (Pateman 1970: 70).

She maintains, moreover, that a truly democratic society exists only when:

all political systems have been democratized and socialization through participation can take place in all areas (Pateman 1970: 71).

The inference is thus that participatory democracy extends the protection of and respect for individuals to spheres other than just the explicitly political institutions at national, regional and local levels, to all spheres of activity, including those at community and institutional level, such as individual schools.

She also sees the notion of participatory democracy as an educative process, because according to her:

... the major function of participatory democracy is an educative one (Pateman 1970: 14).

She argues that people can gain experience through more active participation in the local civic affairs that

affects them directly and that it would enable them to exercise more control over their own lives.

The difference between representative and participatory democracy is summed up in the view of Sithole (1994: 6) "that democracy is not only about people voting for government once every four or five years, but that people should participate on a daily basis in decision-making processes in all aspects of their lives, including education."

Participatory democracy makes it possible for communities to take part in all important decision-making processes affecting their lives. However, for participation to be democratic it must comply with democratic principles. For example, the participation must take place on an equal basis and each inhabitant must be given an equal opportunity to air his/her views, because equality and freedom of expression constitutes two elements of democracy. The next section deals with the constitutive elements of democracy.

### 2.3.2 CONSTITUTIVE ELEMENTS OF DEMOCRACY

The basic purpose of democracy is to ensure the well-being of the people, and this it attains through its essential democratic qualities. As Botes et al (1996: 11) put it:

The basic ideology underlying democracy is the creation of conditions whereby and according to which the individual will be able to achieve the greatest degree of individual well-being, provided that he or she abides by the law ...

For democracy to succeed it is necessary to nurture its basic qualities. Although it is difficult to gauge exactly what these essential qualities are, for the purposes of this study the principles mentioned below by McQuoid-Mason (1994: 15-19) will suffice. Although these have been slightly adapted to suit the research focus on school governance, they should still be seen as broad constitutive elements which need to be further interpreted for application in the educational context.

- Citizen participation - This is one of the most basic principles of a democracy, being both a right and a duty of citizens (or community members in the case of school governance). Participation, in fact, builds a better democracy.
- Equality - In a democracy all people are regarded as equal. Equality emphasises the equal position for all ethnicities, cultures, groups and individuals (they are not superior to one another) such as to prevent marginalisations and exclusion (Fletcha 1999: 164). This principle is of special significance to South Africa which has just emerged from an apartheid society

whose hallmark was inequality.

- Political tolerance - This means that while power is in the hands of the majority of the people in a democracy, the rights of minority groups to differ from the majority are protected. In fact, one of the goals of democracy is to consult with all interested groups in decision-making.
- Accountability - The elected and appointed officials in a democracy are accountable for their actions to the people whom they represent, that is, they provide a justification for their actions.
- Transparency - For accountability to take place, the people must be aware of what is happening, and this means that government must be transparent.
- Regular, free and fair elections - The election of officials to represent people must take place on a regular basis so that there is a constant exchange of officials. These elections must be of a free and fair nature, which means that there should be no obstacles making it difficult for people to vote.
- Economic freedom - Although it is expected of a government to play a role in the economy of a country, it should not totally control it as it is generally accepted that free markets (the freedom to buy and sell) should exist in a democracy.
- Control of the abuse of power - A democratic society sees to it that there is a system of checks and balances in place, much as citizen participation and elections, to prevent the abuse of power by elected officials.
- Bill of Rights - This is another method to protect the people against the abuse of power. A Bill of Rights usually forms part of a country's constitution, thus giving the courts the power to enforce these rights. It limits the power of government and may also impose duties on individuals and organisations.
- Accepting the results of elections - This is necessary for a democracy to function effectively.

- Human rights - The value of every human being is respected in a democracy. This is why the human rights of citizens, such as the freedom of expression or the right to equality and education, are protected in a democracy, often in a Bill of Rights as mentioned above.
- Multi-party system - The participation of different parties (or interest groups in the case of school governance) in elections and in government allows for different viewpoints on issues, thus allowing for greater democracy.
- The rule of law - This means that nobody is above the law and that everybody has to obey the law and will be held accountable if he or she should violate it. Democracy also insists on the due process of law, which means that the law has to be equally, fairly and consistently enforced. (McQuoid-Mason 1994: 15-19.)

Great significance is attached to the above constitutive elements in a democracy because they provide the climate in which democratic rights can be exercised. In the educational setup school governing bodies can contribute to the democratisation of educational governance by ensuring that their decision-making is based on the above elements of democracy.

### 2.3.3 THE DEMOCRATISATION OF EDUCATIONAL GOVERNANCE

Democracy essentially characterises a way of life in which people cooperate to achieve common objectives. In educational governance people serving on school governing

bodies cooperate and share in the democratic process by taking part in deliberations and the making of decisions.

Central to the process of democratisation is the belief in the potential of people, and the basic belief that people have the right to participate actively in decisions that affect their lives. This requires the empowerment (ability to govern) of those involved, because it is only then that the devolution of power and authority to the lowest practical level and the participation in decision-making can be truly meaningful. Power and authority are closely related concepts. According to Tronc (1977: 138) power means potential influence (a person has power if he/she can cause others to do what he/she wants them to do) and authority refers to legitimate power (the socially accepted right of someone to influence the behaviour of others and even prescribe to them what they should do).

Since the democratisation of educational governance is basically the process whereby all participants are empowered to become involved in all aspects of school governance, it implies that participation in school-based governance has the potential of contributing in the democratic transformation of whole school communities.

The next section focuses on this concept of transformation.

#### 2.4 THE CONCEPT "TRANSFORMATION"

The New Shorter Oxford English Dictionary gives the following meanings, amongst others, for the word "transformation":

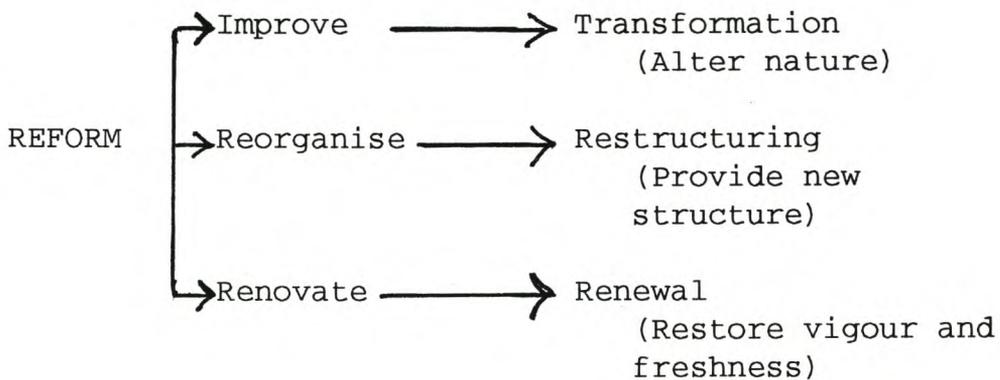
- the action of changing in form, shape or appearance; and
- a complete change in character, condition, nature, etc.

Thus, literally transformation can be said to mean "to change from one form into another". The key word "change" has to do with "making different", and "form" has to do with "shape" or "structure", thus transformation has to do with "changing from one form or structure into another", for example, the new structure of South Africa's educational governance system which now includes school-based governance.

Transformation is very closely related to the concept "reform" and is often used interchangeably by some scholars in the educational context. According to Goens and Clover (1991: 11) transformation forms one branch of reform, while restructuring and renewal form its two other

branches. They are of the opinion that the transformation branch of reform relates to improvement, the restructuring branch to reorganisation and the renewal branch to renovation. Figure 1 illustrates the relationships between these terms.

FIGURE 1: Reform's three branches of change.



This seems to be reform's three branches of change. However, I am of the opinion that the terms "reform" and "transform" are two separate entities that are easily distinguishable from each other. "Reform" basically refers to a partial change in order to correct previous faults or imperfections, whereas "transform" refers to a complete change involving both character, condition and nature.

Transformational change is thus much more profound than either reform, restructuring or renewal. Van der Westhuizen et al (1996: 142) aptly describe transformational change as follows:

This type of change is dramatic in form and rapid in impact, and will ultimately change the entire culture of the organisation radically.

The dramatic changes education has undergone under the new dispensation has changed both the nature and purpose of education radically, so that it is clear that educational transformation has taken place. But does this mean that educational transformation has been completed? The next section provides a response to this question.

#### 2.4.1 EDUCATIONAL TRANSFORMATION

Educational transformation should be seen as a process and not as an event. Makgoba (1996: 183-184) has the following to say about transformation in the South African education context:

Transformation is not only a buzz word but it is also a process. Transformation is an act or process whereby the form, shape or nature of something is completely changed or altered, i.e. a blueprint. It should be distinguished from reformation: process of modification without fundamental change, i.e. a cosmetic change. The nature of the change in education is at stake. The transformation process embraces a series of closely related, inter-linked and inter-

dependent themes. These are equity, governance, access, affirmative action, changes to curricula, effectiveness and development.

Transformation in South Africa ought to be seen as a process committed to the democratisation of the whole of society. To this end the present government has transformed the education system and put policies in place, such as the one making provision for community participation in school governance, to facilitate the democratisation process. Despite several implications of transformation for both education and school communities, the expectation is that the democratising ripple effect of community participation in school governance would eventually spread throughout the country.

## 2.5 CONCLUSION

In this chapter an attempt has been made to clarify certain key concepts, such as "school governing body", "democracy" and "transformation" in order to emphasise and elucidate their specific use in this study. This chapter has high-lighted two major features of the democratisation of South African education, namely the decentralisation of education governance and the devolvement of power to school level.

In the next chapter the focus will be on international trends regarding school governance with a view to gauging how South Africa's new democratic education governance system compares with those of other democratic countries.

### C H A P T E R 3

#### AN INTERNATIONAL PERSPECTIVE OF THE DECENTRALISATION OF EDUCATIONAL GOVERNANCE TO SCHOOL LEVEL

##### 3.1 INTRODUCTION

Control and governance of education has always been a prime concern of states all over the world. Consequently one finds that most systems of education have mechanisms established by the state for the governance of education, which usually includes some sort of provision for local school community participation in the system.

The phenomenon of decentralised or school-based governance of schools is not unique to South Africa, but is rather based on what is happening in other countries. As Chisholm (1997: 50) notes, "Education policies for a 'new' South Africa show remarkable congruence with international trends."

In this chapter a brief look is taken at the educational governance systems of three other western democratic countries, namely that of the United States of America,

England and Australia, with a view to indicating international trends in the decentralisation of educational governance to school level. This will provide a framework within which South Africa's new educational governance system can be understood in a broader international context, and will indicate to what extent South Africa is conforming to international trends.

### 3.2 INTERNATIONAL DEVELOPMENTS IN EDUCATIONAL GOVERNANCE

The 1980s and early 1990s saw several western democratic countries around the world, including the three countries under discussion, embarking on sweeping educational reforms. However, only a limited number of aspects of the three foreign education systems under discussion, will be dealt with here, with the emphasis on reforms regarding school-based governance. These aspects are:

- type of governance and control (centralised/decentralised);
- levels of governance and control (central/regional/district/local/institutional);
- powers of school body (curriculum, policy-making, appointments, finance, etc.); and
- participation (learners, parents, business community, etc).

### 3.2.1 THE UNITED STATES OF AMERICA (USA)

The USA's federal system of government has a written constitution which limits the powers of the federal or central government in certain respects, for example, the constitution makes the fifty states responsible for education, and not the central government.

Since the school system in the USA is determined primarily by the principle of democracy, it serves as a classical example of a decentralised type of education system. Governance and control basically take place at three different levels, namely, federal, state and school district levels, but it is at the lowest district level that the greatest contribution to the control of school education is made.

The central or federal government plays only a limited role in education due to constitutional provisions that delegate authority to lower levels of government. According to Bauman (1996: 63) the federal government is only responsible for such aspects as congressional policies and the administration of federal programs through the Department of Education.

At the next state government level the states have been empowered to establish their own school systems for which they are responsible. Each state thus enacts its own education legislation and establishes its own state-wide educational policies. There are often great differences between the education systems of the various states.

At the local level of governance the many school districts are the central organisational structures responsible for providing elementary and secondary education. These school districts are powerful entities because the states have delegated such extensive powers to them that the local authorities are practically running the schools on their own initiative. Bauman (1996: 65) defines school districts as:

... units of government, possessing quasi-corporate powers, created and empowered by state law to administer schools and systems.

School districts are unique to the United States education system, and provide for considerable variation in American education. As Vos and Britz (1990: 152) put it:

Due to the fact that local authorities control education to such an extent, school curricula, syllabuses, text books, compulsory attendance, education standards and school buildings vary, in practice, from school district to school district within the same state.

However, during the 1980s a movement, motivated by economic concerns and a desire to raise educational standards, was set afoot to procure excellence in education, and this saw a shift in emphasis to organisational factors and school governance. This gave birth to the concept of site-based management (SBM). In SBM political authority is at the school site level "and this has since been categorised as a fourth level of educational governance" (Bauman 1996: 63). The aim of SBM is the improvement of schools by altering the ways in which they are governed. According to Gamage (1993: 142) the following two strategies were adopted to achieve this goal:

First, the transfer of power to make decisions regarding budget, staffing and instruction, from the central/regional offices to the individual schools. Second, participation of all stakeholders such as administrators and staff, teachers, parents, and the local community in decision-making at the individual school level.

Besides the above-mentioned participants, SBM teams or site councils also include representatives from the private sector, from non-profit/special interest groups, and the media (Bauman 1996: 55). Senior learners without voting rights also serve on site councils. SBM was developed in response to the need felt by especially educators for greater decision making powers to improve

education and "above all, to meet the needs of students" (Hanson 1990: 524).

However, in most cases SBM continues to be highly controlled and confined by the district structure since, according to Bauman (1996: 63), "they still have only limited legal and regulatory authority and are rarely involved in significant policy changes." School districts remain the basic govern-mental unit through which local control of education is exercised.

The 1990s are starting to see an ever-increasing movement away from the district system. The focus of the reforms of the past decade, which were directed primarily at pedagogical issues and the quality of teaching, is increasingly being shifted to a privatised approach to schooling. As Bauman (1996: 2) notes:

Discussions about overhauling public education in the 1990s are focussing on privatising public schools, increasing the use of home schooling, creating independent charter schools, and changing the management and control of public education in other essential ways. In many cities, school administrators are sensing that outright revolution against the traditional district system is on the minds of many Americans.

Thus, since privatisation of public schools implies greater parental control, it would appear as if the

district system would soon be losing its substantial authority as SBM increases in popularity.

### 3.2.2 ENGLAND

England forms part of the United Kingdom which has a parliamentary democracy.

According to Dekker and Van Schalkwyk (1995: 188) the English system of education can be regarded as a compromise between a centralised system on the one hand, and a decentralised system on the other.

In the past England basically had a two-tier system of educational governance, with the central government being responsible for national policy-making while a network of Local Education Authorities (LEAs) were made responsible for the general running of the schools. The considerable powers of these LEAs included the appointment and payment of teachers.

School Governing Boards used to provide a link between the LEA and individual schools. Although parents, educators, members of the LEA, and other interested individuals, including learners, could be appointed as members of these

Governing Boards, the LEAs continued to keep a firm grip on schools for many years. As Preedy (1993: 205) points out:

governing or managing boards were often of little educational significance, and their activities and discussions were frequently dominated by the local education authority (LEA) nominees of the main political parties.

However, because of the 1977 Taylor Report, a movement was set afoot to give greater autonomy to schools. The subsequent 1980 Education Act introduced elected parent and teacher governors onto governing bodies, and this was followed by the 1986 Education Act which altered the composition of governing bodies in maintained schools as well as clarified and extended the powers of governors. However, the later 1988 Education Reform Act which, amongst other things, further extended the powers of governors, brought about the greatest changes to date. According to Gamage (1993: 140) the 1988 Education Reform Act:

...was enacted for the purpose of promoting higher standards of education by strengthening the involvement of parents and the local community and by raising expectations of what can be achieved in schools.

One of the most important of the new powers and duties the 1988 Act granted to school governors, was the control of the school budgets for, amongst other things:

- 1) teaching and other staff;
- 2) the cost of day-to-day premises maintenance including heat and light, etc.; and
- 3) purchase of books, equipment, stationery and other goods and services (Gamage 1993: 140-141).

The 1988 Act also enabled parents to vote for schools to opt out of LEA control, and become a grant-maintained school instead. This set in motion the concept of the local management of schools (LMS) which Levacic (1992: 16) defines as:

a coherent and comprehensive organisational form termed decentralised management, applied in this instance to school systems.

She expands on this and describes LMS further as:

... an organisational form which changes the way resources are allocated, the incentives and sanctions facing decision makers and the information to which they respond. With LMS more of the information to which schools respond is expressed in monetary terms and this changes incentives and decisions. (Levacic 1992: 16.)

She proceeds to list the governmental aims with LMS as follows:

1. To enhance the powers of parents and governing bodies at the expense of the LEA;
2. To improve accountability for the use of finance and resources;

3. To improve the efficiency with which resources are used in the education service;
4. To provide a more equitable distribution to schools of the available public funds; and
5. To improve the quality of teaching and learning.

(Levacic 1992: 16.)

Thus under LMS school governing bodies were empowered to take over many of the responsibilities of the LEAs at the school level, such as managing the budget of their school, deciding how many teaching and ancillary staff to employ and for appointing, disciplining and dismissing staff (although LEAs remain the employers of staff in LEA-maintained schools) (Levacic 1995: 8).

The 1988 Education Reform Act was a watershed in the decentralisation of educational governance to school level as well as the transformation of the education system to a more market-driven one. As Gold and Evans (1998: 65) point out:

The 1998 Education Reform Act, together with other legislation during the 1980s and 1990s, was geared towards changing the purposes, governance and accountability systems, and the content of schooling. The fundamental change was from a system of bureaucratic control through LEAs, which contained elements of democratic accountability, to a market-driven system, where accountability and control are exercised, to a much greater extent, through the power of parents acting as consumers.

The devolution of decision-making power to school governing bodies thus effectively reduced the considerable powers of the LEAs whilst at the same time increasing the power of parents, school management and governors on the one hand, and tightening the control of central government on funding and the curriculum on the other. LMS has been introduced into the United Kingdom (UK) education system because "(t)he new philosophy is that decisions about managing are best taken by those who are closest to the users of the services" (Brown 1992: 30).

### 3.2.3 AUSTRALIA

Australia's federal system of government consists of six states and two territories. The constitution assigns the responsibility of education to the various states and territories. Each state and territory makes its own educational laws and provides for its own system of education. However, the state systems depend on the federal government for most of their funds.

There are basically two types of schooling in operation in Australia, which Chapman et al (1996: 196) term a governmental sector (about 78% of all students) and a non-governmental sector (about 28% of all students). Although

the government school system in each state is constitutionally bound to provide schooling for all children of school-going age, parents have the right to choose non-governmental schooling for their child if they are prepared to pay for it.

As far as decentralisation and devolution of education systems are concerned, Australia has been experimenting with these concepts since the 1960s. However, it has been a rather slow process to implement because of opposition from the powerful centralised bureaucracies. Decentralisation became popular only in the 1970s, whilst devolution of authority is taking much longer to show progress. Nevertheless, some Australian states have been pioneers as regards participation in school governance. As Gamage (1993: 147) indicates:

... South Australia, Victoria and ACT have been operating with school councils/boards in the form of mandatory, statutory bodies since the mid 1970s and in NT from the early 1980s.

Although several initiatives in this direction were also taken in the other states, they were not particularly successful. However, Australian education is currently going through a process of restructuring, and although the form of restructuring may vary from state to state, the

states have all introduced the self-management of schools into their education systems. Chapman et al (1996: 197) describe the process as follows:

In all states, a decentralization of decision-making and devolution of control over resource decisions has been taking place, generally bringing the locus of decision-making either to schools, or as close to schools as possible, and reducing the size of central or state bureaucracies.

Because the role of school councils or boards varies considerably across the states, the decision-making power they have been allocated involves varying degrees of control for the schools. Chapman et al (1996: 197) put it as follows:

Devolution of decision-making involves varying degrees of control for schools themselves over educational and curriculum matters, management of school physical and financial resources and management of aspects of human resources and work organization.

Thus, in a number of states there is already a degree of local staff selection taking place and wider use of merit selection principles, and these are undertaken with the involvement of school community members. As regards financial resource management, schools are now allocated an annual budget, which has to be managed within agreed

accounting and accountability practices. However, final responsibility for financial management still rests with school principals, although school councils or boards are now able to play a significant role in the government school sector of many states in resource allocation in schools (Chapman et al 1996: 199).

In Australia the self-management of schools has to be pursued with the principles of equity, access and quality education in mind. This means that due regard has to be given to such aspects as the just distribution and sharing of resources, keeping the channels of communication open between governors and the governed, and the provision of education of a high standard.

Because it is believed that effectiveness of schooling will be enhanced when a partnership is developed between parents, principal, staff and students in a school community, school development planning is aimed primarily at increasing community participation (especially that of parents) in education and the cultivation of accountability (Chapman 1996: 209).

### 3.3 THE REPUBLIC OF SOUTH AFRICA (RSA)

Since South Africa's new school governance system will be dealt with in detail in chapter 5, only a brief outline of it is given here.

The unitary state of South Africa is divided into nine provinces with concurrent powers, with the third and lowest level of government being at municipal level.

As regards South Africa's new single education system, provision is made for only two types of schools, namely public (government) and independent (private) schools. The vast majority of schools are public schools.

Educational governance basically takes place at three levels: national, provincial and institutional. The central government is responsible for overall national educational legislation, whilst each of the nine provinces is responsible for education below university and technikon level in its own province "subject to a national policy framework" (Draft White Paper 1994: 26). There is presently no form of educational governance at municipal level, although "provinces such as Gauteng have also introduced a new administrative level, the district" (Chisholm 1997: 64).

The **Schools Act** has further decentralised major elements of school governance and finance to institutional or school level, the level closest to the community. To this end the **Schools Act** has made the establishment of school governing bodies, consisting of parents, educators, non-educator staff, and learners (at high schools), compulsory at all public schools. Learner governors have full voting rights and are not there only in an advisory capacity.

The main aim of the establishment of governing bodies at all public schools is to involve parents and make sure they take part in decisions affecting the education of their children, and to advance the principle of equity (fairness). Democratic school community participation and equity are therefore basic principles on which school governance is based.

School governing bodies have the power to decide on, amongst other things, admissions, religious and language policies, a code of conduct for learners, and the times of the school day. They also control the school property and buildings, make recommendations to provincial Members of the Executive Council (MECs) on the appointment of staff

at the school, and raise funds for the school (**Schools Act**, sections 5-7, 20 & 36).

#### 3.4 SCHOOL-BASED GOVERNANCE IN COMPARATIVE CONTEXT

It is clear that despite differences in political and social contexts, there are striking parallels in the educational governance restructuring and change that have been taking place in the past decade in several western countries.

Even though the form of government may vary in these countries, and even though the reason for decentralising education differs from country to country, they have all opted for some form of school-based governance. School communities have been empowered to serve on the school bodies and in all countries some sort of recognition has been given to learner participation in school governance.

Figure 2 depicts in summary form some of the most common features in the educational governance systems of the above-mentioned countries.

FIGURE 2

COUNTRY	FORM OF GOVT.	ADMIN. AND CONTROL	LEVELS OF ED. GOVERNANCE	SCHOOL BODIES	LEARNER PARTICIPATION
USA	Federal	Decentralised	Federal State District	PTA - very influential	SRC - in advisory capacity
ENGLAND	Unitary	Compromise between centralised & decentralised	Central LEAs Institutional	Governing bodies (with decision-making powers)	Students in advisory capacity
AUSTRALIA	Federal	Decentralised/centralised	Central States Institutional	School Council/ Board (with decision-making powers)	Students in advisory capacity
SOUTH AFRICA	Unitary	Centralised/ decentralised	Central Provincial Institutional	Governing bodies with decision-making powers	RCL has voting powers on governing body

Although decentralisation of authority to the school level is common to all these countries, each country is developing its own version of school-based governance and at its own pace. The extent of decentralisation thus differs from country to country.

### 3.4.1 EXTENT OF DECENTRALISATION

Although school-level governance in the above countries is based on the basic principle of decentralisation of decision making power to the school level, the extent of that decentralisation differs from country to country.

There seems to be an inclination for countries to

... combine both centralisation of management decision-making to schools and a tendency to stronger centralization of control over specifying and monitoring educational standards (Levacic 1995: 1, quoting Boyd 1992: 511).

On the one hand, even though the US education system is completely decentralised to the district level, there has been a movement afoot to reduce the great number of school districts to a more manageable number, and there has even been talk of districts working together and sharing the same curriculum. On the other hand, the UK education system has always been a mixture of centralisation and decentralisation, but because the Conservative government felt the LEA bureaucracy was too expensive to maintain, the 1988 Education Reform Act was enacted to try and solve this problem by strengthening the decision making powers of school governing bodies and at the same time tightening central control. In Australia and South Africa the

different levels of educational governance are subject to central government legislation.

#### 3.4.2 REASONS FOR DECENTRALISATION

Concerns about what has been termed the four E's (Effectiveness, Efficiency, Economy and Equity) is at the heart of all the reform and restructuring of educational governance in these countries, although the focus in each country differs somewhat. Especially the British government

has been very keen to extend the influence of business on schools. According to Gold and Evans (1998: 70)

(t)he government's claims were that markets would bring about the three 'Es' that were desirable for the provision of schooling: Efficiency, Economy and Effectiveness. ... With regard to the other E, Equity, the markets are not concerned with equitable outcomes for all, which means unequal funding for all.

The introduction of the market into education is not unique to the UK, because similar moves have been made in all the other countries under discussion. However, whereas the focus in the USA and the UK is primarily on the effectiveness, efficiency and economic aspects, the

focus in Australia and South Africa is more on the equity (rectifying imbalances) aspect.

Together with economic reasons, there is often also political development that influence education, such as a change in government (as was the case in the UK, Australia and South Africa). The reasons for education restructuring correspond and overlap in all four countries. As Gold and Evans (1998: 68) remark:

In practice, many explanations for the global phenomenon of restructuring education systems appear to overlap. Economic crisis, concerns for efficiency, the rise of consumers' rights, over-bureaucratization, all interact with each other and have resulted in a move from the administration of schools within a centralized bureaucracy towards devolved management to the level of the school.

### 3.4.3 SCHOOL BODIES

In South Africa and the UK school governing bodies are compulsory at all government schools. The most important groups represented on school bodies are the principal, educators and parents, but learners and other people from the community also get to be included. In the US the school district must also be represented on the school body, and in the UK the LEA. The co-option of business people are greatly encouraged in these two countries. In

South Africa and Australia parents have to be in the majority on school governing bodies. Learners are allowed to participate in school governance in all the countries, but it is only in South Africa that they have voting rights.

The focus of empowerment also differ from country to country. Whereas the emphasis in the US is more on educator empowerment, the emphasis in the UK is on the empowerment of the principal (or head-teacher as he/she is known in the UK and the US). In the US the head-teacher has to operate according to the directions of the district authorities, whereas in the UK the head-teacher has the important task of leadership to governors who are required to support the school in a balanced way. Such a delegation of power increases the head-teacher's influence greatly. In South Africa and Australia the emphasis is on the empowerment of parents, although school-based governance has necessitated a revised management role for principals.

With regard to the powers devolved to school governing bodies, the most important one is the delegation of financial control. In the UK governing bodies have been made formally responsible for school budgets, including

the hiring and firing of staff. Australian school bodies have also been empowered to employ staff to a certain extent. In South Africa the governing body plays a determining role in new educator appointments through recommendations, and it may also utilise schools funds to employ extra educators.

### 3.5 CONCLUSION

The international trend to decentralise educational governance to the school level is an important development in the democratic governance of education.

It is clear that there are many aspects of the South African variation of school governance which are similar to that of SBM in the USA, LMS in England and the self-management of schools in Australia. They are all based on more or less the same principles, although the focus is on different aspects. The delegation of decision-making power to schools, and thus to the community in which the school exists, is an international trend that has also made itself felt in South Africa.

But how exactly did school-based governance in South Africa come about? The next chapter addresses this

question in the form of a broad historical overview of school community involvement in education in South Africa up to and including the promulgation of the **Schools Act**.

## C H A P T E R 4

### A BROAD HISTORICAL OVERVIEW OF SCHOOL COMMUNITY INVOLVEMENT IN EDUCATION IN SOUTH AFRICA

#### 4.1 INTRODUCTION

In the previous chapter I looked at school-based governance in three other comparable countries in order to highlight the global trend in the decentralisation of educational governance to school level, and to indicate to what extent this trend has impacted on the South African educational governance system.

In this chapter a broad historical overview of school community involvement (primarily parents) in South African education is given. The period covered is from the time the National Party came to power in 1948, up to the promulgation of the **Schools Act** at the end of 1996, which made the establishment of school governing bodies at all public schools compulsory.

The focus, on the one hand, will be on key legislation regulating education during this period (with the emphasis

on provision made for school community participation) and, on the other hand, the struggles of anti-government forces for democratic community participation in education. The pre-1990 period is sketched in brief outline only, while the post-1990 period is dealt with in more detail. The aim is to place school governing bodies in South Africa in context by tracing the course of events that led up to and eventually culminated in the promulgation of the **Schools Act**.

#### 4.2 THE APARTHEID PERIOD

For the purposes of this study, the period stretching from 1948 to 1990 will be regarded as the apartheid period.

##### 4.2.1 SEGREGATED EDUCATION

Since 1948 the former government passed a number of pieces of legislation, based on its policy of separate development, which provided the minority white population with a high quality of education and impoverished educational conditions for the majority.

The first of these pieces of legislation was the **Bantu Education Act of 1953 (Act 47)**, in which racially divided

education was first entrenched. This was followed by a series of subsequent Acts which, although aimed at improving education, only succeeded in further institutionalising and entrenching apartheid education. These included the Coloured Persons Education Act of 1963 (Act 41), the Indians Education Act of 1965 (Act 61) and the Education Policy Act of 1967 (Act 39) (for white education). The various Acts were designed to provide for separate and unequal educational provision for the different racially segregated population groups.

All the above Acts made provision for parent and educator involvement in school education as contained in the Education Policy Act of 1967 (EPA) for white education (section 2 (1)):

- (h) the parent community be given a place in the education system through parent-teachers' associations, school committees, boards of control or school boards or in any other manner;
- (i) consideration shall be given to suggestions and recommendations of the officially recognised teachers' associations when planning for purposes of education (EPA 1967: 4).

However, these Acts only succeeded in increasing the resistance by disadvantaged communities to the long-felt injustices of the inequities of segregation and apartheid

education. After decades of peaceful protest, the 1950s and 1960s saw a definite increase in resistance to the state's apartheid policies. With time, this resistance intensified and became more and more organised. In the early 1970s it increased rapidly, until it eventually exploded in the 1976 Soweto student uprising. Of significance for the purposes of this study is that high school learners had now, for the first time, joined the resistance to apartheid education, and were starting to demand and build Student Representative Councils (SRCs) at their respective schools whilst endeavouring to work with parents and others in resisting the state's apartheid educational policies.

The state's response was to enact the **Education and Training Act of 1979** (Act 90) (ETA), which effectively replaced all existing legislation relating to African education. However, the Act also made provision for local communities to advise the Director-General on matters affecting the control and management of their schools (ETA, section 7).

#### 4.2.2 THE DE LANGE REPORT

Due to the intensification of the resistance to apartheid education, the state felt compelled to appoint a Human Sciences Research Council Commission of Enquiry into Education in 1981, under the chairpersonship of Prof J P de Lange, which proved to be its most significant initiative to date to reform the education system. Of particular significance is the emphasis the subsequent De Lange Report placed on the participation of the whole community in the provision of education. Amongst others, it recommended:

... a three-level pattern of education management with strong, built-in structures and procedures for participation, consultation and negotiation at each level, ensuring that all the people and interests concerned have a "say" and an influence in both educational policy and practice ...

It further recommended that:

At the third (local) level the basic unit of management would be the school, in which the most effective response possible would be made to the diversity of culture, religion and language and to the differing needs of the children and adults  
(Van Wyk 1983: 116).

#### 4.2.3 THE TRI-CAMERAL CONSTITUTION

Because the new **Constitution Act, 1983** (Act 10 of 1983) defined education as an "own affair" (part IV, section 14(1)), the state's subsequent **White Paper on the Provision of Education in the Republic of South Africa of 1983**, which was based primarily on the new **Tricameral Constitution**, declared that education for whites, coloureds and Indians would in future each be run as an "own affair". Blacks were excluded from this Tricameral arrangement, and were only provided for in 1986 when the Department of Education and Training (DET) was established to cater for the educational need of Africans living outside the homelands. The state ignored some of the most important recommendations of the **De Lange Report** and South Africa's fragmented education system now consisted of nineteen separate education departments in all (including the four provincial departments for white education and the independent states of Transco, Bophuthatswana, Venda and Ciskei).

The 1983 **White Paper** did, however, make the following provision for the involvement of school communities, based on the **De Lange Report**:

... that the State shall be responsible for

the provision of formal education, but that the individual, parents and society shall share responsibility and have a say in that regard. (Behr 1988: 75).

Moreover, on 1 April 1986 the National Education Policy Amendment Act (House of Assembly) stipulated the following principle regarding education for whites:

... the organised parent community and the organised teacher community ... to be consulted by the Minister of Education and Culture in the determination of general policy which would be pursued in respect of education in schools (Cooper et al 1988: 411).

#### 4.2.4 THE NATIONAL EDUCATION CO-ORDINATING COMMITTEE

In October a new period of resistance to apartheid education was heralded in when the Soweto Parents Crisis Committee was formed, from which body the National Education Crisis (later Co-ordinating) Committee (NECC) evolved in March 1986.

The NECC, consisting of parents, students, teachers and civic organisations, was responsible for introducing the alternative education model of People's Education for People's Power, which emphasised the involvement of the total community in matters serving their own interests.

The main objective of the NECC was to get community control over schools from which it would be able to pursue its wider political objectives, hence its call to the government "to hand over control and management of the schools to the community (Christie 1991: 280). It, therefore, continued to call for Parent-Teacher Associations (PTAs) to be established at primary schools, and Parent-Teacher-Student Associations (PTSAs) and SRCs at secondary school.

#### 4.2.5 INCREASED PARENTAL POWER

A general trend had, in the meantime, developed in many white private schools to open their doors to black pupils, and this added greatly to the mounting pressure on the government to open up all schools. The government's Education Affairs Act (House of Assembly) 1988 (Act 70 of 1988) was a response to this pressure. The Act significantly increased parental power by giving white school management councils the power to, amongst others, decide who may, or may not, use the school's facilities. There were, therefore, many signs indicating the end of the apartheid period.

### 4.3 THE PRE-DEMOCRATIC PERIOD

This period saw a flurry of political education activity from both sides of the political spectrum. The former government, on the one hand, made a final attempt to reform education as South Africa stood on the threshold of a dramatic change of government, and the ANC and its allies, on the other hand, attempted to equip themselves in anticipation of government.

#### 4.3.1 THREE NEW EDUCATION MODELS

With the release of Mr Nelson Mandela in February 1990 and the unbanning of all political organisations, South Africa entered a new era, also as regards education. Since racial differentiation in education was no longer acceptable practice, the state proceeded to launch an investigation into a comprehensive education renewal strategy to begin the process of deracialising the whole education system.

At more or less the same time, in September 1990 the state announced three new additional education models (A, B and C) for change in white government schools which would allow them to admit non-white pupils if white parents were

in favour thereof. The rationale for the introduction of these models was to cut down on state expenditure in white education and to narrow the gap between racial groups (Claassen 1995: 27).

#### 4.3.2 THE EDUCATION RENEWAL STRATEGY

The state also produced its **Education Renewal Strategy: Discussion Document** (ERS) in June 1991 which provided not only for a single, deracialised education system, but also recommended that:

- management councils be established at all schools. Steps should be taken to devolve to councils decision-making and executive functions in regard to the provision and financing of infrastructural services, capital and educational equipment, and the management of school hostels and transport schemes;
- these councils take responsibility for appointments and remuneration of teachers and extramural educators, as well as admissions policy for schools (subject to a framework determined by the education authorities); and
- opportunity be provided for various types of management models so that schools could gradually attain greater autonomy in decision-making (Cooper et al 1993: 186).

A year later, in November 1992, the state released a second policy document entitled: **The Education Renewal Strategy: Management Solutions for Education in South Africa**, in which it advocated especially two standpoints, namely:

1) a three tiered education system with devolution of power to institutional level based on the principle of the more parents pay for schooling, the greater should be the control they exercise in the school; and

2) the sharing of educational responsibilities among political and education authorities at different levels: parent communities, the organised teaching profession and other stakeholders, to ensure effective education for all (Karlsson et al 1996: 32).

It also proposed that education authorities should, as far as possible, establish management councils at all schools. However, where such councils already existed and were operating effectively, as many decision-making and executive functions as possible should be devolved to them (Cooper et al 1994: 694).

#### 4.3.3 STATE-AIDED (MODEL C) SCHOOLS

Another development from the state's side was the sudden declaration that all white schools were to be converted into Model C schools. Heavy financial constraints and pressure to equalise government spending on education for all race groups, were forcing the government to continue to show strong signs of moving away from an apartheid education system. The state, therefore, realised that it would not be able to maintain the three model (A, B and C)

system of education it had attempted to implement in 1990, and this led to the dramatic announcement by the Minister of Education (House of Assembly) on 28 February 1992 that all white state schools would be changed into state-aided (Model C) schools.

Under the Model C scheme the state was responsible for 75% of the school's running expenses (including teachers' salaries), while the school's management body was made responsible for raising the remaining 15% through school fees and other means. The result was that almost all schools changed to state-aided (Model C) schools, and many white schools opened their doors to children of all communities.

The most significant component of the Model C school system was, however, the prominent role it gave to parents. The Department of Education and Culture (DEC) (1992: 5) puts it as follows:

As a consequence of the declaration of public schools as state-aided schools, parent communities, through representative governing bodies, gain a greater measure of autonomy with reference to the management and control of the schools. The governing body is the mouthpiece of the parent community, with the statutory power to implement decisions which have been made.

Thus, for the first time, schools were given extensive powers in the form of school governing bodies. According to a DEC manual (Manual for State-aided (Model C) Schools, 1992: 6-7), such a governing body:

- acts as the official mouthpiece of the parents of school-going pupils.
- implements decisions with respect to:
  - maintenance of grounds;
  - maintenance of buildings and physical facilities.
- has ... policy-making powers.
- has the power to:
  - levy fees and enforce payment thereof ..., and
  - administer, possess and allocate the school fee.
- appoints educational, administrative and other staff on the approved staff establishment.
- appoints staff to promotion posts.
- has the power to:
  - appoint and recommend additional staff over and above staff on the departmental establishment;
  - implement bursary schemes.
- determines the school uniform of the pupils of the school.
- determines ...:
  - the school's daily opening and closing times;
  - the type of extra-mural activities to be offered by the school; and
  - the code of conduct of the pupils of the school.
- has the power to make and implement decisions with regard to:
  - the admissions policy and requirements of pupils;
  - the parents' or parents/teachers' association;
  - the age limits for each standard;
  - the exercise of choice ... with reference to courses and subject packages;
  - extra-mural activities.

- has the power to accept, retain and administer donations from the community; and
- has the power to make the physical facilities of the school available to the community, to determine payment therefor, and to retain and administer the funds so obtained.

Meanwhile, the ANC and its allies were also busy with some initiatives of their own regarding their vision of a single, equitable, post-apartheid education system.

#### 4.3.4 THE NEPI AND OTHER INITIATIVES

In anticipation of government and a need for policy alternatives, the NECC launched its **National Education Policy Investigation (NEPI)** in July 1991. The section on educational governance was a response to the government's ERS document. As Karlsson et al (1996: 37) remark:

(t)he NEPI report on Governance and Administration (1992) discussed the issue of the centralisation / decentralisation of educational governance in the context of a critique of the NP's ERS document and provided policy options for the mass democratic movement to consider.

The ANC also produced a **Discussion Document on Education Policy** in June 1991, in which it expressed the view that, in accordance with democratic principles, all people should be consulted so that all interested parties can

participate in the development of a new post-apartheid education policy.

In August 1991 a joint working group of the state and the ANC agreed on a number of guidelines for effective provision and utilisation of education resources, which included the following principle:

democratically elected structures should be established to allow for constructive participation by parents, pupils and teachers in the provision of education (Cooper et al 1992:187).

The full results of the NEPI research, consisting of thirteen volumes, was published in 1993. In the volume on **Governance and Administration**, which was brought out in 1992, a proposal was made for a four-level educational governance system, namely a national, regional, local (district) and institutional (school) level. One recommendation made in the NEPI report was that decentralisation should filter right down to school level, and that:

(t)he school management committee, which would include the principal and senior staff, and could involve student participation in the main committee and sub-committees, would be responsible for the implementation of policy and the day-to-day administration of the school (NEPI 1992: 41).

Of particular significance in this report is the proposal that internal efficiency within the school system needed to be promoted through the strengthening of the local governance of schools, and the recommendation that learners be included in the school management committee.

In January 1993 the Urban Foundation published its report **Education Governance in South Africa** which basically analysed education governance and suggested policies for the future. Among the principles it regarded as essential to the structuring of a new education governance system are:

- the desire to include as many "constituencies" as possible in the governance of the system (which) needed to be balanced against the need to ensure efficiency, coherence and national unity in the education system;
- decision-making needed to occur at a level as close to the people directly effected by such decisions as was compatible with efficient and effective administration (Cooper et al 1994: 680).

Although schools were still segregated and the majority of parents were still excluded from school decision-making processes during the pre-democratic era, there have been a number of initiatives from both sides of the political spectrum to move in the direction of the democratisation of the education system.

#### 4.4 THE DEMOCRATIC PERIOD

The promulgation of South Africa's new interim Constitution of the Republic of South Africa 1993 (Act 200 of 1993) with its Bill of Rights, opened up the way for substantial changes in South Africa, also as regards education legislation. Amongst others, the Interim Constitution enshrines the right to education in section 32 and makes the nine provinces (section 126(1)) responsible for "Education at all levels, excluding university and technikon education" (Schedule 6). The Interim Constitution set in motion a series of intense educational activity that was to culminate eventually in the Schools Act.

##### 4.4.1 ANC DOCUMENTS

In January 1994 the ANC released a draft discussion document A Policy Framework for Education and Training (PFET), with the aim of getting contributions from interested parties on the reconstruction and development of the education and training system. Amongst others, the PFET proposed a four tier system of government, and argued that:

Institutional governance within the school system has been one of the weakest and least coherent aspects of education. It will require investments of time and energy from all concerned in order to design and strengthen institutional governance to be the participatory and efficient support that it needs to be (ANC 1995: 24).

The public process of consultation which had been embarked upon, culminated in April 1994 in a national **Education Policy Conference** convened by the ANC. The result was another document in July 1994 entitled: **Implementation Plan for Education and Training (IPET)**, which basically addresses the issues of how and by whom the Policy Framework is to be implemented and under what conditions it can be implemented successfully. It suggests, amongst others, that the term "school board" be used for organs of school level governance and proposes that a consultative process to review the whole issue of school governance be embarked upon immediately after the elections (IPET 1994: 56).

#### 4.4.2 WHITE PAPERS

The new democratically elected Government of National Unity (GNU) published two **White Papers** on education that were to lead up to the **Schools Act**.

#### 4.4.2.1 FIRST WHITE PAPER

On 23 September 1994, the GNU published its first official policy document in the form of a draft **White Paper** entitled: **Education and Training in a Democratic South Africa: First Steps to Develop a New System**. In it is set out the envisaged drastic restructuring of education, including the intended controversial abolition of Model C schools which was commonly believed to have been a strategy by the former government to secure white privilege before relinquishing power. According to this **White Paper** (section 37):

The present pattern of organisation, governance and funding of schools is a patchwork from the past. It contravenes the rights of equality and non-discrimination which the Constitution guarantees. It is dysfunctional and cannot continue unchanged (DoE 1994: 50).

The principles on school governance in this draft document include the following (section 41(2)):

- school governing bodies should be representative of the main stakeholders in the school, and reflect the principle of ownership of the school by the community which it serves;
- in primary schools the main stakeholders ... comprise at least the following groups: parents, teachers and representatives of the broader community served by the school;
- in secondary schools the main stakeholders ... comprise at least the following groups: parents, teachers,

students and representatives of the broader community served by the school;

- the decision-making powers of governing bodies should reflect their capacity to render effective service (Draft White Paper 1994: 52).

In March 1995 the GNU published its amended White Paper entitled **Education and Training in a Democratic South Africa: First Steps to Develop a New System**, after it had been approved by the Cabinet. It shed some light on the question of the distribution of powers and responsibilities between the different levels of educational governance, identifying essentially three tiers of governance, namely, national, provincial and institutional, as opposed to the four tier system of governance proposed by the PFET. It also contained policy guidelines on school governance, such as the following (chapter 4(11)):

The principle of democratic governance should increasingly be reflected in every level of the system, by the involvement in consultation and appropriate forms of decision-making of elected representatives of the main stakeholders, interest groups and roleplayers (DoE 1995: 22).

This **White Paper** differed very little from its draft published the previous year, except for its greater emphasis

on the role of parents as the main stakeholders in education.

#### 4.4.2.2 SECOND WHITE PAPER

On 31 August 1995 a major report, the **Hunter Report** of the **Review Committee on the Organisation, Governance and Funding of Schools**, was released. One of its key recommendations was that only two types of schools, public and independent, be accommodated, which would, in effect, abolish the controversial white Model C schools. Another key recommendation was that all public school governing bodies should have the same basic powers, and should consist of parents, educators and learners (in secondary schools), as well as representatives of the wider community.

Some of the **Hunter Report's** proposals were accepted and subsequently published in another draft **White Paper** in November 1995 for comment. Included was the confirmation of the **Hunter Committee's** proposal that only two categories of schools (public and independent) be recognised, and also support for the principle of giving public school governing bodies responsibility for a number of basic functions.

The education ministry released its second **White Paper** in February 1996 entitled: **Education White Paper 2: The Organisation, Governance and Funding of Schools**. This **White Paper** was significantly amended from its draft form. Although it also effectively abolishes white Model C schools to either public or independent schools (section 2.2), it goes further and basically proposes that all public schools be run along the same lines as the old Model C system, with governing bodies as top structure at schools. Parents should be in the majority on these governing bodies because they are deemed to have the most interest in their children's education (section 3.15). Moreover, governing bodies would be allowed to set their own compulsory fee structure and sue those who defaulted, but no child could be expelled or excluded from school if their parents did not or could not pay (section 3.21). Model C schools would thus, in effect, really see very little change in the way they had always operated following the release of this **White Paper**.

#### 4.4.3 THE SOUTH AFRICAN SCHOOLS BILL

In April 1996 the GNU released, for comment, its concept **South African Schools Bill**, based on the above-mentioned

two White Papers. This Bill basically envisages the transformation of the whole schooling system and the democratisation of school governance, and also introduces the funding policy of schools. Under the new policy school governing bodies would, amongst others, be able to decide for themselves on their admissions policy and how they would raise revenue and spend the proceeds for the benefit of their schools.

However, because of opposition to the proposed changes in the Draft Schools Bill, this Bill was soon followed by another document entitled Proposed Alterations to the Rights, Powers and Functions of Public School Governing Bodies. A second South African Schools Bill was subsequently released in August 1996 with a number of amendments in it.

#### 4.4.4 THE SCHOOLS ACT

On 15 November 1996 The South African Schools Act was finally gazetted, providing for a new form of school organisation. Essentially, the Schools Act is based on cooperative governance in the form of representative governing bodies consisting of all stakeholders. This

would thus, for the first time, bring about representative governance at all schools in the country.

The **Schools Act** came into effect on 1 January 1997. Since the various provinces are responsible for the implementation of the policies contained in the **Schools Act**, various provincial legislation, such as the **Western Cape School Education Law 1997**, and other publications, such as **Measures Relating to Governing Bodies for Public Schools**, followed in rapid succession before governing bodies were finally elected at all public schools.

#### 4.5 CONCLUSION

This chapter has attempted to trace the process that led up to the transformation of the South African education system, from a fragmented and autocratic one to a unified and democratic one. It shows the shift that has taken place from a centralised education system, which used to be prescriptive, to a general belief that school communities should govern their own schools.

The **Schools Act** effectively places education on the road to democracy because it provides for such democratic aspects as the decentralisation of educational governance

to school level, the participation of the school community in school governance, and the giving of a prominent role to parents as main stakeholders in education.

In the next chapter, a closer look will be taken at these aspects of the **Schools Act**, as well as at such aspects as the composition, powers and functions of school governing bodies.

## C H A P T E R 5

### THE SCHOOLS ACT AND SCHOOL GOVERNING BODIES

#### 5.1 INTRODUCTION

The Bill of Rights, which is included in the **Constitution** (chapter 3), plays a significant role in the ordering of the everyday life of people in South Africa. It is, therefore, not surprising that the **Schools Act** undertakes to "uphold the rights of all learners, parents and educators" (**Schools Act 1996: 1**).

One of the basic aims of the **Schools Act** is to establish democratic governance in schools, from which would flow a climate for effective teaching and learning. To this end, it has made school governing bodies essential institutions in developing and maintaining areas in which schools can function effectively.

In this chapter attention is paid to the **Schools Act** as it pertains to school governance of public schools. Aspects such as levels of governance, legal categories and status of schools, and the role, powers, functions and composition of school governing bodies will be discussed and examined briefly with a view to highlighting the democratic nature of the **Schools Act** and the strong foundation it lays for the democratisation of the whole of South African society.

## 5.2 LEVELS OF GOVERNANCE

One of the results of the implementation of the **Schools Act** is the significant change it brought about in the governance levels of education. The decentralised South African educational governance system now consists of three levels of governance, namely a national, provincial and institutional level.

### 5.2.1 NATIONAL LEVEL

The **Constitution** makes the central legislative authority responsible for orderly overall educational governance. Public education is regulated by the legislation of parliament, for which the Minister of Education (MOE) is

responsible. Legislation passed by parliament forms the framework within which all other levels of education legislation is drawn up and applied. As the White Paper 1 (1995: 67) phrases it:

... the provisions on fundamental rights which guarantees equality, non-discrimination (except for purposes of redress), and equal access to educational institutions, set the standards which all levels of government are bound to observe in legislation and administrative action relating to school ownership, governance and finance.

One such piece of national legislation is the Schools Act, which has as basis the interim Constitution of 1993. The Schools Act forms part of the first or national level of education governance and provides the lower levels of governance with a national policy framework for school organisation and governance.

In brief, the national level of governance is basically responsible for overall education policy formulation and for the overall co-ordination of education financing.

#### 5.2.2 PROVINCIAL LEVEL

The system of provincial educational governance has also undergone radical change. According to the first White Paper (1995: 47):

The Constitution has vested substantial powers in the provincial legislatures and governments to run educational affairs (other than universities and technikons) subject to a national policy framework.

Because the Constitution assigns each of the nine provinces its own legislature, each province is able to pass legislation on matters within its functional area, subject to constitutional and national legislation. This means that all provincial education legislation and regulations will also be subject to the national **Schools Act** which the provinces are responsible for executing.

At the provincial level of school governance, the Member of the Executive Council (MEC) for Education (provincial minister for education) is the person responsible for the determination of policy and the provision of school education, while the Head of Department (HOD) is responsible for the professional management of schools in the province.

### 5.2.3 INSTITUTIONAL LEVEL

School governing bodies, at institutional level, form the lowest level of educational governance. Section 16(1) of the **Schools Act** provides for the establishment of school

governing bodies, comprising of all representative stakeholders in the school community, at all public schools.

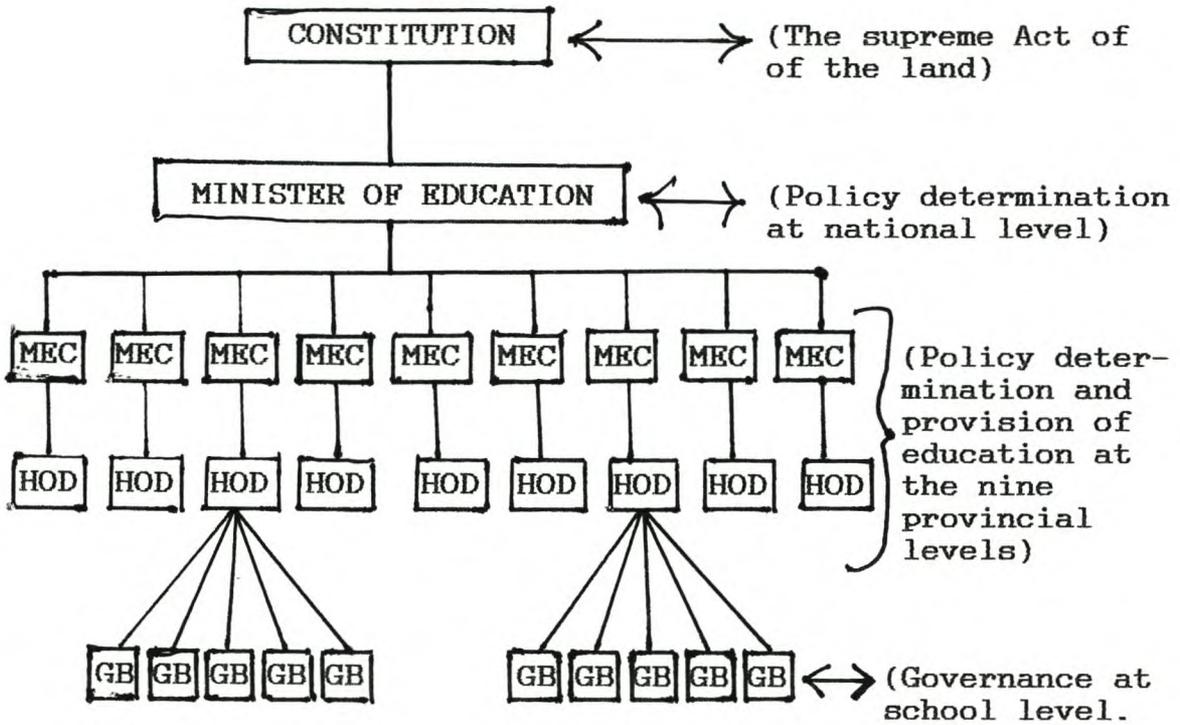
Institutional governance forms the third level of educational governance, and is subject to the authority of both the national and provincial structures of governance. However, this does not mean that national and provincial governments can arbitrarily interfere in the rights, powers and functions of governing bodies because the Constitution protects them from such interferences.

According to the first White Paper (1995: 44):

The Constitution includes, at section 247, special provisions which are designed to prevent national or provincial governments from making summary changes in the rights, powers and functions of the governing bodies of state or state-aided schools ...

School governing bodies are responsible for the making of policy at institutional or school level. They form part of a co-operative educational governance system in which national, provincial and institutional levels of governance, although distinctive, are completely interrelated and inter-dependent. All levels of governance are also subject to the Constitution, which means that they are required to conduct their activities

within its parameters. Figure 3 below illustrates the place governing bodies occupy in the education system and the interrelationships between the levels of governance:



**FIGURE 3:** The governing body (GB) forms part of the educational governance system under the authority of the national and provincial structures of governance.

The new structure of governance is intended to "create the conditions for developing a coherent, integrated, flexible national system which advances redress, the equitable use of public resources, an improvement in education quality across the system, democratic governance, and school-based decision-making within provincial guidelines" (Education

White Paper 2 1996: 10). To achieve these democratic objectives the Schools Act has also reduced the number of the different types of schools in existence to only two, namely public and independent schools.

### 5.3 LEGAL CATEGORIES OF SCHOOLS

South Africa's new single, national education system created by the Schools Act, makes provision for only two categories of schools, namely public schools and independent schools.

#### 5.3.1 PUBLIC SCHOOLS

The vast majority of schools are categorised as public schools, comprising primarily the former state, farm, community, church and state-aided (Model C) schools.

According to Education White Paper 2 (1996: 14):

The decision to bring all present varieties of public sector schools into a single broad category of public schools ... marks the start of a process of orderly change which is intended to maintain the positive characteristics of all existing models, and enable a spirit of partnership between provincial education authorities and local communities to thrive.

The Schools Act further categorises public schools into ordinary schools and special education schools (schools

for learners with disabilities or learning problems) (section 12 (3)), although ordinary public schools are obliged to admit learners with special education needs, wherever this is reasonably practicable and providing the schools can give the necessary support (section 12(4)).

The **Schools Act** also distinguishes between public schools on state property and schools on private property. A public school on state property has the right to occupy and use the land for the benefit of the school and for educational purposes in connection with the school, but it may not sell or otherwise dispose of such property unilaterally (section 13(2)). A public school on private property (such as a farm school or a mining school) is subject to an agreement reached between the provincial authorities and the owner of the property (section 14(1)).

### 5.3.2 INDEPENDENT SCHOOLS

Schools formerly known as private schools, now fall under the category of independent schools. Private schools, in this instance, do not only refer to the traditional type of white private schools of the past, but include all other types of private schools, such as those set up by

communities, church-owned schools and some private colleges.

According to the **Schools Act** (section 46) any person may, at own cost, establish and maintain an independent school, subject to registration with the provincial education department and provided the school will not discriminate on the grounds of race. Conversely, an independent school may become a public school, subject to agreement between the provincial authorities and the school's owner (section 49).

#### 5.3.2.1 HOME SCHOOLS

Home schools also fall under the category of independent schools. The **Schools Act** makes provision for the education of learners at home (section 51). Parents may apply to the provincial authorities to have their children registered as home learners, which request cannot be refused if it complies with the conditions laid down by the province (section 51(2)(b)).

The recognition of home schooling as a specific type of independent school is an example of the equitable and inclusive nature of the **Schools Act**. Another example of

its democratic nature is the legal status it has given to public schools.

### 5.3.3 THE LEGAL STATUS OF PUBLIC SCHOOLS

A public school is a juristic person in terms of the **Schools Act** (section 15), of which its governing body is the official organ.

Oosthuizen (1994: 139) defines a juristic person as "an entity to whom the law ascribes a legal personality (similar to a natural person) thereby enabling it to be a bearer of rights and obligations and to participate in commercial activities". As a juristic entity a public school has the legal capacity to perform its functions in terms of the **Schools Act**, which basically means that it has rights and duties in its own name as if it were a natural person.

Because a public school is regarded as a juristic entity, it performs all legally binding functions through its official organ, the governing body. The governing body can bind the school legally, therefore the **Schools Act** has endowed it with governing powers.

#### 5.4 GOVERNANCE AND CONTROL OF PUBLIC SCHOOLS

The Schools Act stipulates that all public schools must have elected representative governing bodies, in which each school's governance is vested (section 16(1)). It makes provision for both the governance and the professional management of a school. Potgieter et al (1997: 11) make the following distinction between these two terms: "governance" may be said to refer to the determination of the policy and rules by which a school is to be organised and controlled (for which governing bodies are responsible), and "professional management" as referring to the day to day administration and organisation of teaching and learning at the school (for which the school principal is responsible).

Monitoring or control forms part of the governing body's governance function. Van der Walt and Du Toit (1991: 201) defines control as "the process that ensures that actual activities correspond to planned activities." In this way governing bodies are empowered to exercise influence in matters affecting their own lives, as required by a democracy.

## 5.5 ROLE, POWERS AND FUNCTIONS OF GOVERNING BODIES

According to the **Schools Act** (section 16) the role of the governing body is basically to determine the policy of the school, without infringing on the professional autonomy of educators. This means that non-educator governors, as lay people, should not undertake to interfere in professional matters of which they have little knowledge, but rather leave such matters to those qualified to deal with them. Governing bodies have also been allocated extensive powers and functions by the **Schools Act** (section 20) to equip them for their wider task of maintaining and promoting the well-being of all learners under their jurisdiction. Amongst the most important are the following:

### 5.5.1 CONSTITUTION AND MISSION STATEMENT

A school governing body is obliged to draw up and adopt a constitution and develop a mission statement for its school (section 20). Because this has to be done in a democratic way, the governing body is required to work together with the school community to decide on the vision, goals and aims of the school. In this manner the governing body, in consultation with all stakeholders, is

to decide on and develop the ethos of the school.

#### 5.5.2 ADMISSIONS, LANGUAGE AND RELIGIOUS POLICIES

Governing bodies have been empowered to determine admissions, language and religious policies of schools, subject to national and provincial laws and regulations (sections 5(5), 6(2) and 7 respectively). However, governing bodies must be careful not to discriminate unfairly when drafting admissions and language policies as this would be in conflict with the Constitution which guarantees every person the right to equal access to educational institutions and to instruction in the language of his/her choice where this is reasonably practicable (section 32 of the interim Constitution). Of great democratic significance is the recognition the Schools Act has given to the right to education of a formally marginalised interest group such as the hearing impaired. The Schools Act has effectively raised the status of Sign Language (any recognised one) to that of an official language for the purposes of learning at a public school (section 6(4)).

As regards religious policy, a governing body has the power to decide on the religious observances of a school, provided that the observances are conducted equitably (all religions at the school are treated equally) and that attending them is free and voluntary for both learners and school staff members (section 7). Learners are also not to be discriminated against for their religious beliefs.

In this way the **Schools Act** seeks to protect the basic human rights of all involved and encourages the cultivation of shared values and beliefs.

### 5.5.3 CODE OF CONDUCT

Since the **Schools Act** prohibits corporal punishment (section 10), it has instead empowered the governing body of a school to develop and adopt a code of conduct for learners at the school (section 20(1)(d)). The aim of the code of conduct must be to establish a disciplined school environment where quality learning can take place (section 8). This the governing body has to do in consultation with learners, parents and educators, as required by

democratic practice. The purpose of the code of conduct is twofold: on the one hand it will ensure that the governing body is well-equipped to handle disciplinary issues, and on the other hand it will provide learners with the information they need to make informed decisions and judgements.

The fact that all those affected have to be involved in the drafting of such a code of conduct, contributes to the democratisation of the school and its community.

#### 5.5.4 PROMOTION OF SCHOOL

The **Schools Act** (section 20(1)(a)) makes the governing body responsible for the promotion of the interests of the school, which includes the development of the school and the provision of quality education to learners of the school. To this end, the governing body is required to support the principal, educators and other school staff in the carrying out of their duties (section 20(1)(e)), and to encourage parents, learners, educators and other school staff members to volunteer their time and services to the school (section 20(1)(h)). The governing body should, therefore, ensure

that communication channels are kept open between itself and these sectors of the school community by reporting regularly to them.

However, the Schools Act has also empowered the MEC for education of a province to close down a school should he/she deem it necessary. In such a case the MEC is required to follow a prescribed democratic procedure by first notifying the governing body of the proposed closure and the reasons for such closure, and then giving the governing body a reasonable time to petition against such closure (section 33).

For democratic participation to work people need information about the school. The promotion of the school should provide this information. When promoting the school the governing body should keep the democratic value of transparency in mind as this will assist in the democratisation of the school community.

#### 5.5.5 SCHOOL TIMES

Governing bodies have the power to determine the times of the school day, in accordance with the school's needs and circumstances, and with due consideration of staff

conditions of employment (section 20(1)(f)). School timetables may therefore vary from one school to another.

#### 5.5.6 RECOMMENDATIONS FOR STAFF APPOINTMENTS

Section 20 (i) and (j) of the **Schools Act** make it the task of the governing body to recommend to the provincial authorities the appointment of educators and non-educator staff, subject to the applicable employment Acts. The governing body does not have the power to make appointments directly since the state pays all staff salaries. This means that contractually it is the Education Department and not the governing body that is the employer of school staff.

Thus, as required by a democracy, those affected have been given some say in the appointment process.

#### 5.5.7 SCHOOL PROPERTY

The **Schools Act** makes the governing body responsible for administering and controlling the school's property, buildings and grounds (section 20(1)(2)). The governing body must, therefore, be consulted should the wider community want to make use of the school's facilities.

When allowing for the reasonable use of the facilities of the school, the governing body may make use of the opportunity to set reasonable tariffs for fundraising purposes (section 20 (2)).

The democratic principles of ownership and the right to be consulted are observed here.

#### 5.5.8 FINANCIAL MANAGEMENT

Although public schools are funded by provincial governments (section 34(1)), school governing bodies are required to "take all reasonable measures within its means" to raise extra funds to supplement state funding (section 36). To this end, a governing body may set school fees, in consultation with parents (section 39(1)), although non-payment of such fees cannot be used as grounds to exclude a learner from school (section 5(3)(1)). Governing bodies have thus been given considerable autonomy to raise, spend and control school funds for educational purposes connected with the school or the work of the governing body.

The governing body is also responsible for establishing and administering an account for school funds (section 37(1)) and is required to open and maintain a bank account (section 37(3)).

Other important financial functions include the drafting of an annual budget and the determining of budget priorities for the school (section 38). Based on this budget the amount of school fees must be determined. The budget and estimated school fees will then have to be approved by a parent meeting (section 38(2)). The governing body is also required to keep detailed financial records and statements which have to be audited at the end of each financial year (section 42).

Although the members of governing bodies are not remunerated for the performance of their duties, any necessary expenses incurred by governors in the performance of their duties may be reimbursed by the governing body (section 27), assuming that funds are available.

Financial responsibility goes with accountability, a cornerstone of democracy. The fact that the governing body is directly responsible for the financial management

of the school in the final instance and must account for it in public, assists greatly in the democratisation of the school and its community.

#### 5.5.9 ADDITIONAL POWERS AND FUNCTIONS

Apart from the obligatory functions mentioned above, governing bodies may request additional powers and functions from the provincial authorities (section 21), provided they can demonstrate that they have the necessary management capacity and means. These additional powers cover matters such as the maintenance and improvement of school buildings, the purchase of textbooks, educational materials and equipment for the school, determining the extra-mural curriculum and the choice of subject options in terms of provincial curriculum policy, and paying for services to the school (section 21).

However, the converse is also possible because, according to section 22, the Head of Department (HOD) has the power to withdraw a function of a governing body if he/she deems it necessary.

## 5.6 COMPOSITION OF SCHOOL GOVERNING BODIES

Participation in democratic governance means sharing, on an equal basis, in the making of decisions. This is why the **Schools Act** stipulates that the responsibility for governing schools must be shared by all stakeholders. Since the aim is to have as wide a spectrum of participation in the governing body as possible, the **Schools Act** makes provision for the proportional representation of all stakeholders on the governing body (section 23). Democratisation is being realised when co-operation, collaboration and sharing takes place among the variety of governing body members.

The composition of the governing body is another democratic feature of the **Schools Act**. The governing body may be categorised into three groups, namely elected members, the school principal and co-opted members.

### 5.6.1 ELECTED MEMBERS

As required by a democracy, the school governing body is composed primarily of persons elected (and not appointed) as members in terms of an electoral system that is prescribed by provincial legislation. Elected members,

who all have voting rights, must be from the following four categories of people identified as major stakeholders in school education:

#### 5.6.1.1 PARENTS

Parents of learners enrolled at the school (excluding parents employed at the school (section 23(3)) have to form the major component of the governing body since the **Schools Act** stipulates that the number of parents on the governing body must comprise of one more than the combined total of members with voting rights on the governing body (section 23 (9)). Parents comprise the majority of voting members on the governing body because it is recognised that "(p)arents have the most at stake in the education of their children" (Education White Paper 2, 1996: 11). To ensure that they exercise influence in the governing body the chairperson of the governing body is also required to be drawn from the ranks of the parent representatives (section 29(2)).

Ordinary parent representatives serve on the governing body for a maximum of three years while the chairperson holds office for one year, although both categories may be re-elected after the expiry of these periods.

#### 5.6.1.2 EDUCATORS

As major stakeholders educators from the educator establishment of the school are also represented on the elected governing body of the school (section 23). Their term of office is also three years, after which they may be re-elected.

#### 5.6.1.3 NON-EDUCATORS

An innovation instituted by the **Schools Act** is the inclusion of non-educators in school governance. In terms of section 23 of the **Schools Act**, staff members of the school who are not educators, such as the secretary or the caretaker, must also be represented on the elected governing body. It is thus a widening of the democratic principle of allowing all stakeholders to participate in school governance. Their term of office is also three years, after which they qualify for re-election.

#### 5.6.1.4 LEARNERS

The inclusion of learners in school governance is another innovation introduced by the **Schools Act** because "(i)t is

recognised that these stakeholders can play different roles with respect to different elements of school governance" (White Paper 1, 1995: 70).

According to the **Schools Act** learners (grade eight and higher) must be represented on the governing body (section 23(2)(d)), with full voting rights. Each high school is therefore required to establish a Representative Council of Learners (RCL) at the school (section 11), which has to nominate representatives from its own ranks to serve on the governing body (section 23(4)). However, it must be borne in mind that a learner who is a minor (under 21) may not vote on certain financial or other legally binding issues.

The term of office of learners on the governing body may not exceed one year, but they may be re-elected after this period.

As major stakeholders in the school, the participation of learners in school governance is crucial in terms of democracy. Every effort should, therefore, be made to encourage learners to take responsibility for their school through involvement in school governance.

### 5.6.2 THE PRINCIPAL

The school principal is not elected onto the school's governing body, but he/she (or his/her representative) is required to serve on the governing body in his/her official capacity (section 23), with full voting rights. Although the overall responsibility for the professional management of schools actually lies with the HOD of a province, he/she delegates some of his/her powers to school principals in order to ensure the professional management of schools (section 16(3)). The role of the principal has changed to that of school manager, although his/her role as a leader within a democratic participatory structure such as the school governing body, remains vital.

As democratic leader in a team relationship the principal needs to promote a team spirit amongst all governors since this plays a major role in democratic governance.

### 5.6.3 CO-OPTED MEMBERS

Besides the required elected members and the principal, the Schools Act has empowered governing bodies to co-opt

additional members from the wider community (such as residents of an area, experts in a field or past pupils) to assist in the execution of its functions (section 23(6)). However, because they are optional, such additional members will have no voting powers (section 23(8)). In the case of an ordinary public school that also provides education to learners with special education needs, it becomes imperative for such a school's governing body to co-opt a person with expert knowledge of the special education needs of such learners onto the governing body, where practically possible (section 23(5)). It is also advisable to co-opt the owner on whose property a public school may be situated, onto the school's governing body (section 23(7)).

#### 5.6.4 OFFICE BEARERS

After the members of a governing body have been elected, they are required to elect office-bearers from within their own ranks (section 29). The **Schools Act** stipulates that office-bearers must include at least a chairperson, a treasurer and a secretary. The chairperson must be elected from the ranks of the parent representatives on

the governing body and cannot, for example, be the principal. The chairperson may also not be somebody who is employed at the school. This is to ensure that parents as main stakeholders can exercise a greater and stronger influence on school policy. The democratic principle of equity (fairness) is therefore being applied here.

#### 5.7 PROPORTIONAL REPRESENTATION

The Schools Act does not stipulate the exact number of members that has to serve on a governing body because it has assigned this responsibility to the provinces (section 28). The number of members has to be determined according to a specific formula that will ensure proportional representation (section 28(1)(e and f) and, therefore, the number of members prescribed by the different provincial legislations may vary from province to province and from school to school.

However, according to the instruction manual distributed by the Western Cape Education Department (1997: 2-3), the Western Cape Provincial School Education Act, 1997 (Act No 12 of 1997) (section 22), stipulates that governing bodies of ordinary public schools must consist of the following members:

- (i) six parents who are not employed at the school;
- (ii) two educators at the school;
- (iii) one member of staff at the school who are not an educator;
- (iv) one learner in the eighth grade or higher elected by the representative council of learners;
- (v) the principal or his/her nominated representative;
- (vi) the owner of the property on which the school is situated, or his/her nominee, can be co-opted as a member without voting rights; and
- (vii) a member or members of the community can be co-opted by the governing body because of their special expertise, provided that no more than six such members be co-opted and none of them will have voting rights on the governing body.

The system of proportional representation ensures democratic governance by making sure that minority groups are not sidelined but are represented on the governing body in equal proportion.

#### 5.8 MEETINGS

Because a governing body is an accountable (responsible to voters) body, it is required by the Schools Act to meet at least once per school quarter and to have a public meeting at least once a year where it reports back to members of staff, parents and learners (section 18). This is an important minimum requirement to organise meetings, and to facilitate the democratic decision-making process. Meetings must be open and transparent, and to this end the Schools Act requires minutes of meetings and financial statements to be open to interested parties.

The democratic principle of transparency (open to the public) will ensure the development of a spirit of mutual trust and confidence among stakeholders which is necessary for democratisation to be effective.

#### 5.9 ELECTIONS

The Schools Act empowers members of school communities to manage the governance of their schools through elected school governing bodies. The democratic process of election requires the active participation of the wider school community to elect representatives onto governing bodies who will deliberate and make decisions on their behalf. In this way school communities are given a major voice in the running of their schools.

The provinces are responsible for stipulating who has the franchise to vote at elections. According to the **Western Cape School Education Act** (section 13), every parent (or guardian) of a learner on the roll of a school at the time of the election of parent representative members of a governing body for such a school, is entitled to vote at such an election. Every educator on the establishment of the school is eligible to vote for educator

representatives, and every non-educator on the establishment of the school for non-educators. In the case of learners (eighth grade or higher), each learner at the school has one vote to elect members onto the school's RCL, but it is only the RCL members who are entitled to elect a learner representative from among their own ranks onto the governing body.

#### 5.10 COMMITTEES

Since a governing body would be in need of assistance to carry out all its functions and duties effectively, the **Schools Act** makes provision for this by conferring on it the authority to establish committees (such as a fund-raising committee or a sports committee) to advise and assist it on specific issues, provided that such committees are chaired by a member of the governing body (section 30). A governing body is also free to join a voluntary association representing governing bodies of public schools (section 20(3)).

The establishment of committees widens the sphere of democratic participation. The principles of accountability (chairman to be a governor) and freedom of association (membership of other bodies) are also being addressed

here, both necessary in the democratisation process. However, for democratisation to take place effectively, governing body members need to have the capacity to participate meaning-fully in school governance.

#### 5.11 CAPACITY ENHANCEMENT

Due to historical reasons the vast majority of stakeholders in education have never had the opportunity to be involved in the governance of schools. The **Schools Act** recognises this and has, therefore, made provision for governing bodies to be empowered with the necessary knowledge, skills, information and material resources to enable them to participate meaningfully in school governance. To this end the **Schools Act** has made the provinces responsible for instituting capacity enhancing programmes that will empower governing bodies so that they can function effectively and be in a position to improve their performance. This is not meant to be just a one-off effort but is required to be effected on an on-going basis (section 19). Capacity enhancement will advance democratisation through knowledge, information and skill.

## 5.12 CONCLUSION

The Schools Act expands considerably on the long-acknowledged principle of a voice for the community in education, by making special provision for parents as chief stakeholders in education and by including previously marginalised stakeholders, such as non-teaching staff and learners, onto school governing bodies.

Through the devolution of power these stakeholders serving on school governing bodies have gained a significant role in formal education. They now have the opportunity to participate collectively in the formulation of school rules and regulations and the determination and implementation of school policy.

In the next chapter the implications and significance that this devolution of power has for the advancement of the democratic transformation of society through institutional governance, will be dealt with.

C H A P T E R 6**SCHOOL GOVERNING BODIES: THEIR IMPLICATIONS AND DEMOCRATIC SIGNIFICANCE****6.1 INTRODUCTION**

The most important democratic feature of school governing bodies is arguably the aspect of school community participation in school governance because of "the assumption that the decision-making process is most effective under conditions of direct participation by those persons most affected by such decisions" (Bekker 1996: 13-14).

Governing bodies provide the ideal opportunity for the widest possible community involvement, which potentially holds great benefits not only for schools but also for the wider community. However, community involvement also has many implications for governing bodies.

This chapter expands on this idea by identifying a few key aspects which make governing bodies democratically significant. I also highlight some implications that governing bodies hold for the democratic transformation of South African society.

## 6.2 THE DECENTRALISATION OF EDUCATION

An overarching goal of the new education system was to transform the legacy of the apartheid period. One way in which this was done was to decentralise the former highly centralised education governance system to school level, with devolution of decision-making power. This creates opportunities for school communities to participate in school decision-making, and to improve effectiveness and efficiency through interaction between levels of governance and between governing body members.

### 6.2.1 LINKAGES AND INTERRELATIONSHIPS BETWEEN LEVELS OF GOVERNANCE

The reasoning behind the shift towards decentralised governance is based on the belief that such a move potentially stimulates the participation of people in decisions concerning their own development through institutional organisations closest to them, such as school governing bodies. The assumption is that not only would it advance development and improve the relevance and sustainability of plans and projects, but it could also ensure that better co-ordination is effected.

This is one of the main reasons as to why central government has delegated certain of its functions and devolved some of its powers to lower levels of governance so that better co-ordination could be effected. Provincial governance forms the link between central and school governance, with the essential role of provincial governance being to monitor school governance, although it may only intervene if a governing body does not fulfil its executive functions (section 25 of **Schools Act**).

At the school level statutory school governing bodies have been allocated decision-making powers which are subject to national and provincial legislation. However, the state's involvement in school governance is kept to the minimum required for legal accountability in order to safeguard the autonomous nature of governing bodies.

The **Schools Act** has put stringent checks and balances in place by means of the sanctity of the Bill of Rights in the **Constitution** and the procedural principle by which power must be shared between levels of government in order to curb interference from higher levels of government. For example, even though governing bodies do not have the power to make staff appointments directly, they have the protection of the courts against the interference of the

state in appointments, as was the case when the Grove Primary School took the MoE to the High Court when it was attempted to force the school to recommend an appointment from a redeployment list drawn up by the Education Department (Cape Argus, 20 June 1997). Just as school governance is subject to the much wider powers of national and provincial legislation, the two higher levels of government are similarly limited and must also act in accordance with the provisions of the Constitution.

Because of the decentralisation of educational governance, the control of power no longer lies solely with central government making all decisions, but rather is based on the principle of participatory governance. The different levels of governance are expected to work together and form an integrated whole. School governance, with its close relation to local issues, forms an important link between the different levels of governance.

But despite its interrelatedness with the other levels of governance, the governing body is autonomous in nature being responsible for regulating its own affairs.

### 6.2.2 THE AUTONOMOUS NATURE OF GOVERNING BODIES

Craythorne (1997: 9) defines local autonomy as "the right to govern and represent a (school) without interference from the provincial or national levels of government."

Although school governing bodies are situated at the lowest level of educational governance, they are autonomous bodies in the sense that their members are directly elected, they have executive functions, their own revenue, and are recognised as legal entities. They are, therefore, entitled to regulate their own affairs.

The autonomous nature of school governing bodies can, more-over, be gauged from the fact that the **Schools Act** makes provision for a detailed procedure to be followed before any proposed legislation which would materially affect the status, powers and functions of governing bodies can be introduced in Parliament.

The degree of autonomy the **Schools Act** has assigned to governing bodies is aimed at ensuring school community involvement and participation. This is one reason why governing bodies are required to be under the control and be representative of all the major stakeholders in the

school. Redford (1969: 19) regards participation as one of the tenets of democratic morality. Community involvement and participation can, therefore, be a means of reducing any autocratic behaviour that may come from the part of the principal or educators, and it also serves as a means of directing governance efforts at the real needs of the school community.

#### 6.2.2.1 COMMUNITY SCHOOL OWNERSHIP

School governance, ownership and financing are issues that are closely related. One of the main principles in the Schools Act with regard to school ownership, is that it makes provision for only two categories of schools. Public schools are "owned" by the school community who governs them, whereas independent schools are privately owned. There are also clearly stated conditions under which schools might be permitted to change their category (Sidiropoulos et al, 1995: 267).

A school governing body is required to reflect on the principle of ownership of the school by the community which it serves, through the proportional representation of all the main stakeholders serving on it. By empowering school governing bodies with decision-making powers,

ownership of schools by governing bodies is ensured. However, the issue of school ownership must be seen in the light of its relationship to the state. Whereas the state is in actual fact the owner of the property, the community owns the school in the sense that it is responsible and accountable for it.

Ownership of schools by school communities satisfies the democratic principle of empowering those affected by decisions to be in a position to assist and develop themselves and society. Ownership ensures responsibility, which in turn ensures accountability, both democratic constitutive elements necessary for democratisation to take place.

#### 6.2.2.2 ACCOUNTABILITY

Accountability forms the basis of democracy. According to Du Toit & Van der Walt (1997: 94) "accountability essentially means that a government must accept responsibility and that it is responsible for accounting to society for what has or has not been done."

Schools are made to account for educational concerns by means of state regulation of public schools. As autonomous

bodies, school governing bodies are accountable to their electorate, consisting of the school community, parents and the wider community.

It is clear that a considerable shift of responsibility and accountability from the state to the school governing body has taken place in respect of matters such as governance, control and financing of education. Whereas in the past the school body was a mere a link between the education department and the school community, it is now the actual educational government of a particular school, serving the community of that school. The statutory governing body is no longer responsible and accountable to the education department, but rather to the school community that elected it, that is, it is the bottom-up democratic approach in favour of the autocratic top-down approach.

### 6.3 STATUTORY NATURE OF SCHOOL LEVEL GOVERNANCE

School governance, by means of a school governing body, is of a statutory nature, which means that the school community officially enjoys a major say in the governance of public schools through the school governing body. The fact that governing bodies are statutorily entrenched,

helps to ensure that democratic transformation takes place since "Governing policy for public schools is based on the core values of democracy" (White paper 2, 1996: 16). The statutory nature of school-based governance has many implications for governing bodies, such as those mentioned below.

#### 6.3.1 DEMOCRATIC GOVERNANCE AND CONTROL

The school, as an entity capable of being a bearer of rights and duties, has the right to participate fully in all types of transactions in its own name, as well as to take on obligations for the school. Thus, when the school acts through its official organ, the democratically elected and representative governing body, its conduct, when acting within its capacity, will be legally binding on the school.

School governing bodies, representative of all stakeholders, are a good example of a democratic form of governance where local bodies manage local affairs and interests. They are held accountable for their actions at the same time. In fact, the principle of giving a central role in school governance to major stakeholders at school level (parents, educators, non-educators, learners and

other community members), is an important goal in the democratisation of education.

### 6.3.2 PARENTAL REPRESENTIVITY

One implication of the devolution of power to school level, is the important role the Schools Act has allocated to parents to play in the school, based on the belief that:

because of the legal and financial decisions for which school governing bodies (are) responsible, elected representatives of parents and guardians should be in the majority on public school governing bodies. (White Paper 2, 1966: 18).

Parents also occupy the office of chairperson on the governing body, as well as on the committees brought into existence by the governing body. Their involvement in schools is crucial and can best be assured by giving them a meaningful voice in the governance of schools.

However, it must be borne in mind that governing bodies will comprise different types of people (with different class positions, ideological beliefs and cultural practices), which could potentially slow down the processes of decision-making or even render the governing body's functioning ineffective. These kinds of divisions

may be obvious and healthy in a democratic arrangement, but they should be managed carefully otherwise they might affect the smooth functioning of the governing body.

With regard to proportional representation, care should also be taken that those elected onto the governing body to represent a particular interest group, are aware of the fact that they are required to serve the welfare of the whole school community and not only those of the group they represent.

### 6.3.3 LEARNER REPRESENTIVITY

The Schools Act pays special attention to the rights, duties and responsibilities of learners, whose relationship with the rest of the school community has been largely overlooked in the past.

Learners enjoy full representivity on school governing bodies, with voting rights, and thus have the right and duty to contribute to school policy-making and to be consulted in matters affecting them.

Some other rights learners now enjoy are admission rights, language rights and freedom from corporal punishment. According to the Schools Act every learner has the right

to be admitted to any public school of his/her choice, and no discrimination, in whatever guise, will be tolerated in this respect. This calls to mind the Potgietersrus (Cape Argus, 16 February 1996) and Vryburg (Mail and Guardian, 3-9 May 1996) issues of 1996 where cases of racism were disguised as the protection of language and cultural rights in an attempt to discourage and prevent black parents from enrolling their children at the schools.

The right to be taught in one's home language is also non-negotiable. In this respect the **Schools Act** has extended the inclusivity principle to include the hearing disabled by raising the status of sign language to that of an official language, thus widening the sphere of democratic participation.

The **Schools Act** also effectively abolishes corporal punishment for learners (section 10), and instead empowers governing bodies, of which learners form a part, to draw up and adopt a code of conduct for learners (section 8) after consultation with the whole school community. Such a code of conduct must provide for due process which safeguards the interests of the learner, in the same way as it would for any other party involved in disciplinary proceedings (section 8(5)).

#### 6.3.4 THE CHANGING ROLE OF THE PRINCIPAL

A further major way in which the **Schools Act** changes traditional practices, is in the role of the principal. The **Schools Act** challenges the role of the traditional imposing bureaucratic aloof principal. It encourages principals to act as professional managers who work closely with co-workers in ways that change both manager and co-worker, enhancing the capacities of both in the process. This major shift in role holds many challenges for both the principal (now called a professional manager) and his/her teachers (now also called his/her co-workers). As the second White Paper (1996: 25) notes: "Democratic institutional management makes considerable demands on school principals and their teachers." The changes in the role of the principal are clearly visible in especially the principal's normal functional roles of administration, mediation and leadership.

##### 6.3.4.1 ADMINISTRATION

The implementation of governing body policies is the responsibility of the principal, as administrative official. The monitoring function has also been assigned

to him/her, so his/her duties include the setting of targets and the provision of information. The democratic principal needs to be transparent (open) at all times because the success of his/her monitoring function depends on his/her making information about education publicly available.

#### 6.3.4.2 MEDIATION

The new democratic principal is also required to contribute to the humanation of the school, which requires of him to work closely with fellow workers. His responsibilities now also include aspects such as conflict resolution, consultation, negotiation, bargaining and the supply of information. One of his/her main functions is to keep the lines of communication open to both internal and external constituencies.

#### 6.3.4.3 LEADERSHIP

The shaping of school goals and the guiding of school processes is no longer the principal's sole prerogative, but rather that of the school governing body, of which he/she forms a part. However, as a leader within a participatory structure such as the school's governing

body, his/her role is vital. As leader of the school itself, the principal's chief task is to motivate staff so that he/she leaves them functioning at even higher levels.

#### 6.3.4.4 PROFESSIONAL MANAGEMENT

The Schools Act makes a distinction between the governance and professional management of a public school in order to minimise the potential for friction between governing body and staff because of what some staff might consider as the trespassing of lay people on professional terrain. The second White Paper (1996: 16) defines "governance" as "policy determination, in which the democratic participation of the school's stakeholders is essential", and "management" as "the day to day organisation of teaching and learning, for which teachers and the school principal are responsible." Since these spheres overlap in the case of the principal, his/her role is of vital importance in both governance and management, even though he/she does not actually represent the school community directly on the governing body but rather supervises on behalf of the provincial authorities.

#### 6.3.4.5 MEMBER OF GOVERNING BODY

The principal's position as member of the governing body is a rather unique one in that as a permanent administrative staff member, he/she is also a professional educator with knowledge of school management. He/she is also the only member who remains on the governing body while other members come and go all the time. He/she also provides the governing body with a sense of continuity and stability.

The principal occupies a very powerful position on the governing body, and his/her involvement in policy-making is crucial. Yet there is the danger that, as a key official, he/she could exercise undue influence by virtue of the post he/she occupies and the information to which he/she has access. The ex officio status the **Schools Act** has assigned to him/her on the governing body is, however, essential not only to enable him/her to participate in the development of school policy, but also so that he/she can be in direct contact with the thinking of stakeholders, thus enabling him/her to provide the governing body and all other stake-holders with up to date information. Also, as a major stakeholder his/her participation in school governance is required for democracy to prevail.

#### 6.4 PARTICIPATORY GOVERNANCE

The transition to democracy is characterised by the provision made for the greatest possible participation of the community in education. According to section 4(m) of the National Education Policy Act of 1996, community participation in the development of an education policy should be realised as one of the guiding principles in education and all interested parties should be involved in all aspects of the education system. Participation is, therefore, a right, and it is also necessary for devolution of power to work.

De Valk and Wekwete (1990: 8, quoting Uphoff and Esman) define participation as "involvement in the choices and efforts producing benefits." In order to get people to participate in school governance, it will be necessary to convince them of the benefits that would accrue to them and their community from such participation. One means of achieving this is by having regular awareness programmes and information sessions, especially at parent meetings. However, De Valk and Wekwete (1990: 8) also warn against three types of possible perversion of the participatory process that must be guarded against:

- 1) When participation becomes instrumental to

internal government objectives (then they will just turn back into advisory boards).

- 2) In so far as real decisions are made, participatory organs can also be highlighted by individuals with their own interests (for example, a unionised educator pushes for decisions benefiting them).
- 3) Channels for participation can be turned into their opposite when ministries implement their own plans through them and when they are given instructions that are controversial.

Care should also be taken not to isolate the less educated and underprivileged groups as this could lead to the negation of the inclusivity principle of participatory governance.

#### 6.4.1 DIFFERENTIAL PARTICIPATION

The Schools Act makes provision for differentiated participation in the form of differentiated inputs from a wide cross-section of interest groups. For example, parents with skills in a particular field that falls outside the expertise of the educator, are in a position to make a meaningful contribution to school activities. One obvious area in which community participation can take place is thus via membership of various committees or sub-committees brought into existence by the governing body.

The freedom the governing body has to co-opt non-members with expertise to serve on its committees, contributes greatly to the school's development and the enhancement of the capacities of everyone involved, while at the same time also serving the democratic goal of widening participation.

Provision is also made for the differentiated rights of the various participants, such as the right to make decisions, the right to be consulted and the right to be informed about decisions. However, these rights are so intertwined that they cannot be separated. For example, it is a legal requirement for any policy formulation to be done through consultation with stakeholders. When deciding on such important matters as school fees, governing bodies are obliged to consult the whole parent community. The **Schools Act** (section 39(1)) stipulates that a governing body must draw up an annual school budget which should include the proposed school fee. This budget then has to be presented to the whole parent community for their approval before the amount for the school fees is fixed. The parent community's democratic right to be consulted and to participate in matters affecting themselves, is being recognised in this way.

#### 6.4.2 PARTNERSHIP

In democratic participative governance there is a significant shift away from an autocratic relationship to a team or partnership relationship. Team spirit is, therefore, important in participative governance.

In formal education there are many stakeholders that need to co-operate as partners and strive collectively to achieve the objectives of the school. According to the second White Paper (1966: 17):

Good public school governance requires a flourish-  
ing partnership, based on mutual interest and mutual confidence, among the many constituencies which make up and support the school.

A parent who serves on a governing body acquires, by virtue of his/her membership, a certain status which places him/her in a specific legal relationship with both the education authorities and the educators. This is why:

major role (has been included) for parents in school governance, to be exercised in the spirit of a partnership between the provincial education department and a local community (White Paper 2, 1996: 12).

Bondesio et al (1995: 102) define a partnership as:

... an agreement by which two or more parties

commit themselves to jointly do something with a common purpose of mutual benefit in mind.

The school community partnership can be said to refer to the mutual cooperation between both the school and the community and between the different levels of governance.

Bondesio et al (1995: 102, quoting Claassen) identify four essentials necessary for the effective functioning of a partnership:

- The aspect of gain (i.e. the joint effort of all parties aimed at forming the learner into a productive adult of the society to which the partnership belongs);
- The common activities of the parties should be aimed at their "joint benefit";
- The agreement should be placed on a legal basis to confirm the structured division of mutual rights and duties; and
- Each partner is expected to make a contribution to the partnership.

When these essentials are present, it is possible for the school community to make a democratic contribution to education through school governance. Should meaningful mutual authority be absent in the governance of their school, it would seriously negate the school community's status as partners in education. It is, therefore, essential that the school community, as full partners in

education, be involved not only in such matters as fund-raising for the school but also in the overall governance of the school.

#### 6.4.3 THE VALUE OF COMMUNITY PARTICIPATION IN EDUCATION

The whole community, namely the principal, educators, learners, parents and the wider community, benefits from community participation in education. Oosthuizen (1994: 136) lists the following benefits, amongst others:

- The learner benefits from the potential development of a more meaningful relationship between educator and parent;
- Cooperation among the different parties promotes mutual trust;
- Education may be improved by the constructive criticism of any of the parties; and
- An increased willingness on the part of the parent and the community to support the school financially, morally and in other ways.

In essence, correctly utilised, community participation in education through governing bodies holds much promise for the democratic process.

## 6.5 NEW STYLE OF GOVERNANCE

South Africa's new democratic style of governance, where all stakeholders work together as partners, is significant also in education where it has managed to filter right down to grassroots level in the form of school governing bodies at all public schools.

### 6.5.1 LEGITIMACY

The historical basis of the school community partnership has influenced the form it has taken. For the new style of governance to be regarded as legitimate (acceptable), it needed what has been termed an "African style" of governance. Smit and Morgan (1996: 368) describe an African style of governance as follows:

The process whereby an objective is achieved, demands that a new African style of governance be used for it to be regarded as legitimate. This means that a legitimate, representative group must work together in a transparent, democratic manner to achieve the objectives. In practice, this means that all the stakeholders must identify the problem together, propose solutions together, and pursue their achievements together. This process will ensure that it is democratic.

A requirement for legitimacy is that a legitimate, representative group work together in a transparent,

democratic manner to achieve their objectives. The school governing body complies fully with this requirement and has, therefore, effectively addressed the crisis of legitimacy that the education system used to suffer from.

Because the governing body sets the direction and pace for change for the school, the members need to be empowered in order for them to be seen as democratic and participative leaders who involve and consult their electorate in decision-making.

#### 6.5.2 EMPOWERMENT

The introduction of a new style of governance requires that those who have to do the governing, be empowered to do so. Capacity enhancing programmes and other means of support for governing bodies are essential "since large numbers of members will be performing their roles for the first time" (White Paper 2, 1996: 26).

The **Schools Act** makes provision for capacity enhancing programmes to support its allocation of decision-making authority to governing bodies. It obliges national and provincial governments to provide support to and enhance the capacity of school governing bodies to enable them to

perform their functions and manage their own affairs so that they may effectively realise the objectives of governance to the full.

A pillar of capacity enhancement is the emphasis on skills development through education and training. Such development is vital as it empowers both individuals and the community, enabling them to participate actively in and contribute to the social, economic, political and cultural affairs of the school, and ultimately, of the wider community.

Since democratic educational governance demands the active participation of all stakeholders at all levels of education and expertise, it follows that many stakeholders will have to be empowered through capacity enhancing programmes to take on this responsibility. Such empowerment will strengthen democracy.

### 6.5.3 CONSENSUS, TRANSPARENCY AND TRUST

The new style of governance is built on such democratic values as consensus, transparency and trust which are enshrined in the Constitution. The Schools Act (section 16) stipulates that the governing body stands in a

position of trust towards the school. It is, therefore, necessary for the governing body to develop a culture that places a high value on these democratic values by, for example, always striving for consensus and openness, while at the same time valuing those who think differently.

By placing a high priority on these democratic values, a democratic culture will be cultivated which will ensure the democratisation of school governance.

#### 6.6 CONCLUSION

The inclusion of ordinary community members in South Africa's new educational governance system, can be regarded as a manifestation of the powerful role community members can play in the democratic functioning of schools and of education.

All the major changes brought about in the governance of education, are basically aimed at democratising the system. Decentralisation of power have major implications for educational governance. At the lowest level parents and other school community members have acquired great authority concerning school governance affairs. Thus, the school community should make use of the substantial voice

they have been given to work together as partners in education.

The next chapter summarises this thesis, sets out the conclusions reached, and develops an argument to encourage community participation in school governance.

## CHAPTER 7

### SUMMARY AND CONCLUSION

#### 7.1 INTRODUCTION

In this chapter an overview is given of some of the most important aspects of school governing bodies discussed in this study. First a brief summary will be given, which includes the democratic characteristics of school governing bodies and the strengths and weaknesses of community participation. This will be followed by some general observations. Finally, an argument to encourage greater democratic community participation in school governance is developed.

#### 7.2 SUMMARY

The dramatic transformation undergone in South African school governance can briefly be summarised as follows:

- In the past legal control of education used to be the sole prerogative of the state, and local communities had little or no control over their schools.

- In 1994, under a new and democratically inspired Constitution, South Africa joined the global trend to democratise South Africa and its education system, especially in respect of school-based governance.

▪ Democratically the **Schools Act** can be regarded as a very good piece of education legislation, especially as regards school governance, because it makes provision for, amongst others:

- the establishment of school governing bodies at all public schools country-wide;
- the composition of school governing bodies based on elected membership;
- membership that includes all stakeholders, including learners;
- proportional representation on governing bodies, with a proviso that ensures that parents, as the biggest stakeholders, form the majority on the governing body, thus making it more responsive to school community needs;
- a partnership in governance by which schools are run jointly by professional managers (principals), community representatives (parents), educators, non-educator staff and learners;
- the devolution of substantial decision-making powers, including school policy-making, to the governing body.

▪ School governing bodies have the potential of greatly influencing not only schools, but also the wider community. They can further the democratisation process in South Africa, because the practice of school governance, as envisaged by the **Schools Act**, offers the following possibilities:

- it provides for wider community participation;
- it serves as a platform for minority groups; and
- it serves as a vehicle for preparing ordinary people to express themselves democratically.

### 7.2.1 DEMOCRATIC CHARACTERISTICS

Since school governing bodies are based on democratic principles, they display many democratic characteristics.

Some of these are the following:

- Trust, responsibility and accountability to their electorate;
- Free elections in which voters have a free and informed choice;
- Checks and balances, such as limited terms of political office and disciplinary committees;
- Civil and human rights, including fair hearings and respect for private property;
- Principles of responsibility of leadership, and openness to ideas and criticism from outside;
- Equality, and the absence of discrimination of any kind;
- Law and legality which are respected by all;
- The principle of differentiation which caters for the different stakeholders and interest groups;
- Reasonable autonomy from the power of the state;
- Constitutional basis, especially of human rights; and
- Office bearers.

### 7.2.2 STRENGTHS OF COMMUNITY PARTICIPATION

The aspect of community participation can be said to be an important democratic feature of school governing bodies.

Some significant strengths of community participation in school governance, include the following:

- it ensures the fulfilment of community needs;
- it leads to the taking of initiatives and forms part of a learning process;
- it is collective action which includes collective decision-making;
- it leads to action at grassroots level;
- it creates among participants an awareness of their school's situation and of their ability to address that situation;
- it leads to community development through enhancing matters such as leadership and organisational ability; and
- it invariably leads to further development.

In a very real sense school governing bodies can be said to hold the key to the empowerment of communities at grass-roots level because of their involvement in decisions affecting their own lives and situations.

### 7.2.3 WEAKNESSES OF COMMUNITY PARTICIPATION

Community participation in school governance also has weaknesses. These may include:

- The failure of parents to participate through such factors as apathy, lack of time and low self-esteem;
- Opposition from different stakeholders, individual insecurities and rivalries;

- Conflict among stakeholders due to resistance by parents or principals to the involvement of educators, learners or non-educator staff in the running of the schools;
- Inadequate infrastructure and lack of education and capacity which would hamper the ability to participate in governance, especially in poorer communities;
- Possible central or provincial government interference in the internal affairs of governing bodies; and
- The danger of an emphasis on the individual as opposed to the community, or an emphasis away from equity to efficiency.

Democratic school governance has little prospect of flourishing under these circumstances because they create a negative climate that will lead to disunity, disharmony, bad faith, and lack of understanding and enthusiasm for the goals of school governance. The result might be inefficient and ineffective school governance, the opposite of democratic governance.

#### 7.2.4 SOME OBSERVATIONS

The particular focus in this study has been on the significance of school governing bodies in the democratic transformation of South African society. From the above discussion it is clear that this lies in the importance of community participation in the formal education of the

learners of that community. An appropriate way in which participation and involvement can take place, is by means of formal parent and community structures, such as school governing bodies. Parents and other community members should, therefore, be encouraged to become involved in these bodies so as to maximise their effect on the daily functioning and governance of schools. Of particular significance is that participation in such bodies is also a means of contributing to establishing a democratic tradition which, in turn, can contribute towards the transformation process in South Africa.

Besides its governing function (decision-making), the governing body can also be said to have a democratic function (through the democratic participation in school governance). This is also one of the aims of the **Schools Act**, namely "to advance the democratic transformation of society." School governing bodies display an abundance of democratic characteristics, and owe their very existence to democracy. Because they cannot exist without democracy, it may safely be assumed that the implicit function of every governing body is to democratise.

The link between the education system and democracy needs to be a strong one. Society is diverse, which makes a

democratic education system necessary to help consolidate national democracy and prevent fragmentation in society.

By implication democracy demands that:

- individuals of whatever group or class of society, have free access to and can remain in their schools; and
- the decision-making process is open to participation by members of the whole school community, including minorities.

The whole education system needs to build on the democratic principles on which it is based so as to ensure that the needs of society are met in an increasingly equitable (fair) manner.

### 7.3 CHALLENGES POSED BY DEMOCRATIC EDUCATION

Since community participation forms such a vital part of democratic school governance, the following challenges could contribute towards enhanced community participation in South African school governance. These challenges include:

- (a) Public accountability from education: Community participation needs to be encouraged to promote educational accountability (the taking of responsibility and the obligation to justify action) to the public. Ways

to increase accountability include increasing the knowledge of community members about education in the community. This can be achieved by means of the development and dissemination of information about schools and by encouraging school officials successfully to organise and share information with community members by way of meetings, circulars, newsletters, etc.

(b) Leadership development: To augment the leadership shortage in the communities, new approaches to leadership development needs to be found. Leadership development centres, sponsored by a coalition of relevant community interests, could be established. Leadership training sessions for laypersons should focus on especially two aspects, namely, improving the knowledge base in relation to particular educational problems, and emphasizing leadership skills development. Colleges and universities, in cooperation with school systems and other community bodies, could assist in the establishment of such centres.

(c) Forming supportive networks and alliances: School systems need to establish and refine new links to other sources of strength within their communities. This can be done by forming alliances among schools, businesses and

industries, colleges and universities, and other agencies within cities.

(d) Consolidating existing structures: Existing structures for community participation must be strengthened. For example, the traditional Parent-Teacher Association could be revitalized since community members concerned with improving school programmes find them more receptive to their efforts.

(e) Nurturing of community participation by outside agencies: Leadership and sanctioning agencies should encourage community participation in school affairs. For example, they could act as strategic sources of stimulation to community members advocating changes in school programmes, or outside agencies could act as catalysts for bringing diverse local groups together.

The challenge to school governing bodies is, therefore, to cultivate a democratic culture through participation in school governance, by accepting responsibility and accountability for school governance, through co-operation and consultation between leaders and followers, by linking up with other governing bodies to form a larger unit, by developing existing structures and by widening democratic

participation to include outside agencies. It is on the development of a democratic culture in schools that the hope of democracy rests.

#### 7.4 CONCLUDING REMARKS

The idea that the quality of education as a whole is closely bound up with democracy in society, needs to be inculcated into communities whose task it will be to chart the course of education in South Africa in future through school governing bodies.

Democratic educational governance, however, must not be seen as an end in itself but rather as a process. The educational organisation of other countries has indicated that only in a democratic state, where the parents, community, educators and all other stakeholders, actively participate, can governance be an effective means to achieve democratic education in schools.

In brief, it can be said that school governing bodies are significant not only because they provide evidence of the degree of democratisation of school governance that has already taken place in South Africa, but also for the potential and promise they hold to further the process of

the democratic transformation of the whole of South African society.

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