THE ROLE OF SCHOOL GOVERNING BODIES

IN TRANSFORMING EDUCATION IN SOUTH AFRICA:

A STUDY OF SELECTED SECONDARY SCHOOLS

IN THE TSOMO DISTRICT OF EASTERN CAPE PROVINCE.

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Assignment presented in partial fulfilment of the requirements for the degree of
Master of Education (Education Policy Studies)
at the University of Stellenbosch.

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December 2003

DECLARATION

I the undersigned, hereby declare that the work contained in this assignment is my own original work and that I have not previously in its entirety or in part submitted it to any University for a degree.

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Date: December 2003

ABSTRACT

The year 1994 ushered in a new era in the education system of South Africa. For the first time in the history of the country all population groups were given a chance to participate in the affairs directly affecting them. To ensure that such a dream would be achieved, education needed to be transformed. This kind of transformation was envisaged to include all stakeholders in education. From the National Minister of Education down to the provinces and at the local level of ordinary public schools, all those who were considered to have a stake in education were to be given a chance to participate, especially through new forms of governance. The most significant of these at community level were school governing bodies.

School governance was to be developed through participative structures. At local level parents, educators, non-educator staff members and learners, identified as the relevant stakeholders, were allowed to participate in the governance of their own schools. The principal, by the very position he/she holds, was an automatic member *ex officio*. All the other members could only become members by being elected to this governance structure. With the passing of the South African Schools Act (Act No. 84 of 1996), this new structure to delegate governance functions to all schools in the Republic of South Africa came into being. This marked the birth of School Governing Bodies (SGBs) for all schools.

The researcher as a teacher and resident in the Eastern Cape Province became interested in the functioning of these newly formed governing bodies. The interest to carry out a systematic research project was stimulated by what the researcher experienced in the practical situation of schools in his environment: what he observed being done appeared to be different from what the legal policy frameworks suggest in order to achieve democratic participation by all stakeholders in all schools. In addition, studies during course work as part of a Masters degree programme in Educational Policy Studies made the researcher particularly aware analytically of concepts like transformation, democracy, governance, empowerment and stakeholders, especially as regards their application to school governance. This

reinforced the researcher's desire to find out whether the SGBs in rural senior secondary schools of Tsomo are really able to fulfill their roles using the democratic principles as part of the overall transformation of South Africa.

To evaluate the role of the SGBs in transforming the education system through democratic governance, the researcher aimed to investigate aspects such as whether SGBs really existed in schools in a formally constituted way; i.e. whether all the stakeholder-components were included in these bodies, whether they had constitutions and if such constitutions were drawn up with reference to the country's Constitution and the SA Schools Act. Further questions were how these SGBs performed their duties (functions) and whether they arrived at decisions using democratic principles, such as voting on issues. It was the researcher's aim to assess whether the parent, non-educator staff members and the learner components were really playing an active role in these structures, such as at times when there might seem a deadlock in decision-making in the SGB. How did the role players perceive their different and new roles, and to what extent were the principal and educators empowering the other components as light-bearers. The research mainly aimed at discovering progress and problems of the SGBs in this rural area, chiefly in order to determine what kind of capacity building might be necessary to improve their functioning to achieve democratic governance through active participation in these structures.

To do all this, the research follows five steps. Step one is to provide a very brief background history of main characteristics in the development of the education system up to 1994. Step two identifies and discusses the main concepts that are considered relevant to the study. Step three is to present a survey of relevant documents that gave rise to the establishment of the SGBs, including the NEPI reports (1992–3), the Hunter Report (1995), and the South African Schools Act of 1996 (Act No, 84 of 1996). In addition the importance of the Interim Constitution of 1993 (Act No. 200 of 1993) and the final Constitution of 1996 (Act No. 108 of 1996) are emphasised. Step four is an empirical investigation into the actual functioning of the SGBs in three senior secondary schools in the Tsomo district. These schools were investigated through using an interview schedule in which representatives of the five stakeholder components of the SGB were interviewed individually while a questionnaire was also used in the two senior secondary schools with hostels. The

questions and responses for both the interview schedule and the two questionnaires are included as Appendices Two and Appendix Three. In addition, an extract from the South African Schools Act of 1996 (Act No, 84 of 1996) is included (Appendix One) showing only the important aspects of the Act in relation to the working of the SGB. Step five provides a summary, conclusions and recommendations regarding the functioning of SGBs in an area like Tsomo.

OPSOMMING

Die jaar 1994 het 'n nuwe era vir die onderwysstelsel in Suid-Afrika ingelei. Vir die eerste keer in die land se geskiedenis is alle bevolkingsgroepe die geleentheid gegun om deel te neem in die besluite wat hulle raak. Om hierdie ideaal te verwesenlik, sou dit noodsaaklik wees om die onderwys te transformer, o.a. deur alle rolspelers met 'n direkte belang in die onderwys die geleentheid vir demokratiese deelname te bied. Vanaf die Minister van Onderwys op nasionale vlak, tot by elke provinsie en selfs die plaaslike openbare skool is belanghebbendes geïdentifiseer en die geleentheid gegun om deel te neem in besluitneming, veral deur middel van nuwe strukture van beheer. Op gemeenskapsvlak is die belangrikste hiervan skoolbeheerliggame.

Die doelwit was om skoolbeheer te ontwikkel deur middel van deelnemende strukture. Op plaaslike vlak is ouers, opvoeders, nie-opvoeder personeel en leerders geïdentifiseer as die legitieme belanghebbendes vir deelname in die beheer van hulle skole. Die skoolhoof, vanuit sy/haar amp (d.w.s. *ex officio*), is outomaties ook lid van die beheerliggaam. Elkeen van die ander belanghebbendes mag net lede word deur verkiesing tot die beheerliggaam. Die aanvaarding van die Suid-Afrikaanse Skolewet (Wet Nr. 84 van 1996) het dus nuwe strukture in die lewe geroep wat 'n mate van deelname in die beheer van hulle skool gedelegeer het aan gemeenskappe van alle openbare skole. Dit was die geboorte van Skool Beheerliggame (SBLs) vir alle skole.

As opvoeder en inwoner van die Oos-Kaap Provinsie het die navorser met die instelling van SBLs begin belangstel in die funksionering van die nuut-gevormde beheerliggame in die streek. Die behoefte om 'n sistematiese navorsingsprojek uit te voer, is gestimuleer deur wat die navorser se persoonlik deelname in die praktiese situasie van die skole in sy omgewing: wat hy in die praktyk waargeneem het, het geblyk asof dit afwyk van sy vertolking van die relevante wetgewing en beleidsraamwerke se bedoelinge om demokratiese deelname in skoolbeheer te bewerkstellig. Verder het sy formele studies as deel van 'n Meesterprogram in Opvoedingsbeleidstudie die navorser beïnvloed om sterker analitiese aandag te gee aan sleutelbegrippe soos transformasie, demokrasie, beheer, bemagtiging en belanghebbende, veral met betrekking tot skoolbeheer. Dit alles het die navorser se

belangstelling gewek om ondersoek in te stel na die SBLs in senior sekondêre skole in die landelike gebied van Tsomo: slaag hulle daadwerklik daarin om hulle rolle te vervul om demokratiese beginsels toe te pas as deel van die algehele transformasie van Suid-Afrika?

Om die rol van SBLs te evalueer in onderwystransformasie deur demokratiese skoolbeheer, het die navorser die volgende ondersoek: of formeel gekonstitueerde SBLs in die geselekteerde skole bestaan, d.w.s. of elke belanghebbende komponent wel ingesluit is; of elke SBL 'n grondwet besit, opgestel in pas met die Grondwet van Suid-Afrika en die SA Skolewet. Verdere doelwitte was om probleme te identifiseer wat die SBLs ondervind met die uitvoering van hulle funksies asook om te bepaal of hul besluitnemingsprosesse op demokratiese beginsels staatmaak, soos die reg om te stem. Nog 'n doel was om te evalueer of die drie komponente wat, in teenstelling met die skoolhoof en opvoeders, nuut toetree tot deelname in besluitneming, d.w.s. die ouers, nie-opvoeder personeel en leerder-komponent, wel aangemoedig word om aktief deel te neem, veral in gevalle wanneer besluitneming op die dooie punt beland. Ook belangrik was om die verskeie rolspelers se begrip van hul nuwe rolle te dokumenteer, asook of die skoolhoof en opvoederslede die ander drie komponente doelbewus bemagtig as ligdraers. Die algehele doel was om die vordering te identifiseer sowel as die probleme van SBLs in hierdie landelike gebied, met die oog op aanbevelings vir kapasiteitsbou om die effektiewe funksionering van SBLs te bevorder – en daardeur die ontwikkeling van demokratiese skoolbeheer deur aktiewe deelname.

Om die navorsingsdoelwitte te bereik, is vyf stappe gevolg. Eers, as kontekstualisering is 'n kort historiese oorsig van prominente eienskappe in die ontwikkeling van die onderwysstelsel tot 1994 geskets. Stap twee identifiseer en bespreek relevante kernbegrippe. Derdens word 'n oorsig aangebied van belangrike dokumente in die ontstaan van beleid t.o.v. SBLs, insluitend die NEPI-verslae (1992-3), die Hunter-Verslag (1995), en die Suid-Afrikaanse Skolewet van 1996 (Wet Nr. 84 van 1996). Daarby word die belangrikheid van die Tussentydse Grondwet van 1993 (Wet Nr. 200 van 1993) en die finale Grondwet van 1996 (Wet Nr. 108 van 1996) beklemtoon. Stap vier is 'n empiriese ondersoek van die praktiese funksionering van die SBLs in die drie geselekteerde skole in die Tsomo-distrik,

gebasseer op 'n onderhoudskedule waarvolgens verteenwoordiges van die vyf onderskeie belanghebbende komponente individueel ondervra is. Verder, is 'n aparte vraelys ook benut om sekere inligting te bekom by die twee senior sekondêre skole met koshuise. Stap vyf is die opsomming, gevolgtrekkings en aanbevelings t.o.v. die funksionering van SBLs in die Tsomo-distrik. Ter ondersteuning van die studie word uittreksels van die SA Skolewet van 1996 (Wet Nr. 64 van 1996) in Bylae A ingesluit. Die vrae sowel as response op die onderhoudskedule en vraelyste word in Bylae 2 en Bylae 3 gedokumenteer.

DEDICATION

I dedicate this piece of work to my late mother NOWEZILE who was inspirational to me through hard days of school work in every respect. May her soul look around and bless me and may it also rest in peace.

ACKNOWLEDGEMENTS

My gratitude goes to God, the almighty, who gave me the wisdom to pursue a study of this nature. He has also given me the strength and courage as well as the skill of putting my thoughts on paper.

I would also like to thank all the people who, in any form contributed to the writing and completion of this work. Their help is appreciated. In particular, my acknowledgements go to the following people:

1. My supervisor Dr David JL Taylor for his untiring efforts in motivating and guiding me through the process of writing this work.

2. All the lecturers in the Department of Education at the University of Stellenbosch, especially those who imparted knowledge to me during the course - work period cannot be forgotten.

3. My late parents, who planted the seed of love for education, although they were not learned and helped me to be where I am today.

4. My wife Nomthandazo and my three children, Loyiso the only son and Lusanda and Zezenkosi, the daughters, who always appreciate whatever step I take.

5. My elder brother, Zamuxolo, who always generously provided accommodation for me during my numerous study visits to the Western Cape.

6. My two friends, Nkosinathi Nase and Thembinkosi Luyaba and their wives who helped me financially at all times.

7. The staff of Upper Gqogqora Secondary School, where I am employed as an educator, who kept the fires burning in my absence and never grumbled at sharing my work load.

8. The Sibs of the following schools: Langalethu, Daliwonga and St. James Secondary Schools for their assistance in the interview and questionnaires for the work, are appreciated.

9. The last, though not the least are Phone Inn Staff of Phone Inn Printers and Odette of Queenstown for e-mailing facilities respectively.

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CHAPTER 1

INTRODUCTORY PERSPECTIVE

1.1   INTRODUCTION

The year 1994 brought in a new era in South Africa. In the pre-1994 period, laws for all the social aspects including education, were segregationist in nature and the people of South Africa were segregated not only racially but also ethnically. The political situation changed drastically as for the first time members of all population groups were recognized as equal citizens in the same nation and were given an unconditional franchise. From then onwards, all the laws of the country, including those affecting education, had to be changed to accommodate the new constitutional dispensation. As politics had undergone a complete metamorphosis, so did education.

1.2   BACKGROUND TO THE EDUCATION SYSTEMS 1948-1994

The social history of South Africa shows that, as different groups encountered one another, racially the population became divided into four main groups based on primarily colour, viz. the Whites, Indians, Coloureds and Blacks. That form of differentiation gave the authorities the rationale to develop separate education systems for each of the racial categories (Kallaway, 1984: 89). The situation was worsened when apartheid became an overarching political policy after 1948 and laws were designed or refined to enforce more strongly segregationist policies, even for the different language and ethnic groups of South Africa. These ethnic divisions were a result of the division of the Blacks into ethnic communities when the Bantustans were created. When that happened, each of the ethnic groups was forced to have its own education system (Barker, 1992: 425). By the end of the 1970s, these ethnic groupings and the creation of separate political entities or administrations eventually gave rise to seventeen different departments of education. These were made up, in addition

to the National Department of Education, of separate education departments or systems for Indians, Coloureds and Whites (one department in each of four provinces), a department in each of the so-called independent black states of Transkei, Bophutatswana, Venda and Ciskei (TBVC), as well as in each of the semi-independent black states and a further Department of Education and Training responsible for black education in the parts of South Africa not included in the independent and semi-independent ethnic homelands (See below, figure 1).
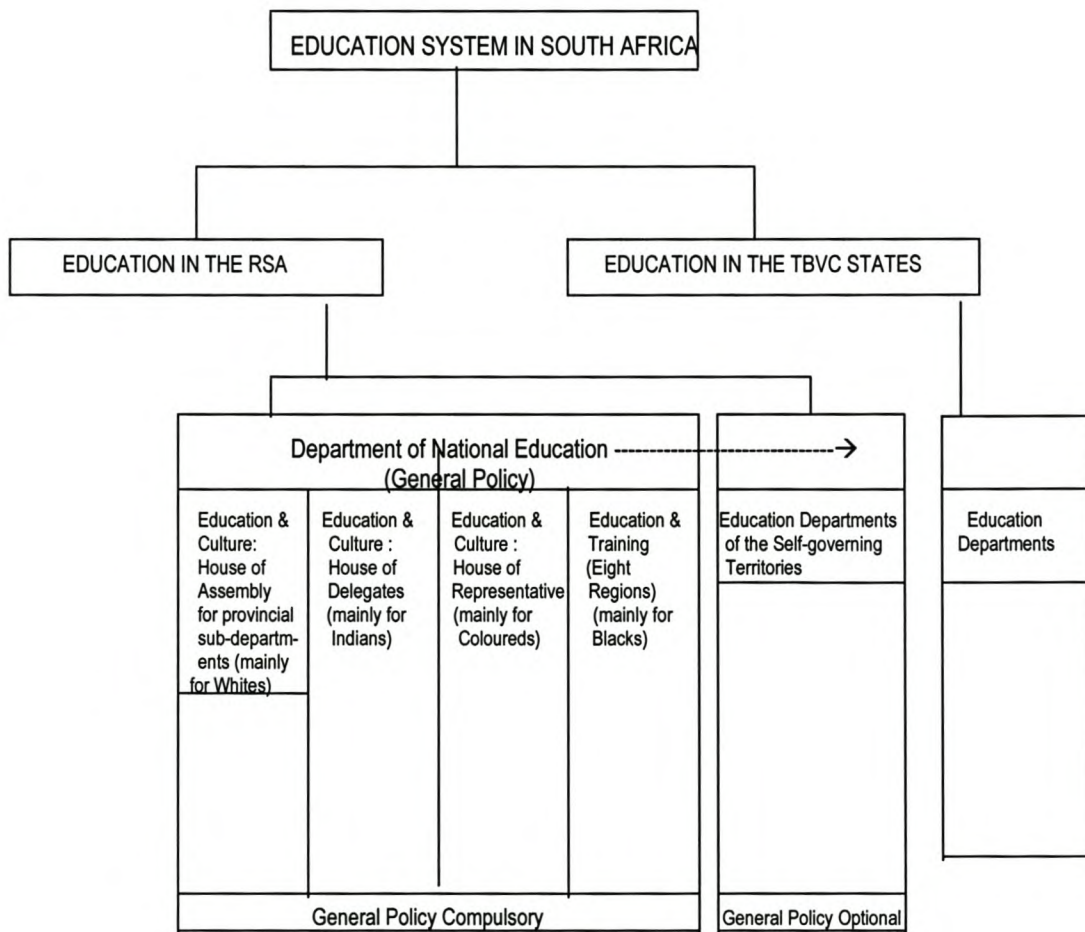

Figure 1.   A representation of the education systems of South Africa in the 1980s

(Source: Adapted from Dekker E and Van Schalkwyk OJ, 1995)

Such a division was a long process as it started systematically after 1953 with the coming in of the Bantu Education Act for the Blacks (Tabata, 1980: 19). By 1958 the Coloureds were also removed from the common voters' roll and that constitutional change necessitated the establishment of a Coloured Department of Education in 1963 followed by the introduction of the Coloured Persons' Education Act in 1965. Indians were also removed from the voters' roll and their education too had to be placed in their control. That was formalised through the passing of the Indian Education Act in 1965 (Kallaway, 1984: 89).

The Bantu Authorities Act was passed in parliament in 1951 by the National Party government under DF Malan (Barker, 1992: 378). It was the same act that began to separate the Blacks into various ethnic groups wherein each group had to manage its own affairs. From then on education, as one of the affairs of each ethnic group, was increasingly to be controlled ethnically. That resulted in the establishment of seventeen education departments albeit all of them under the direct control of the Pretoria government until the establishment of the Tricameral Parliament in 1984 when the Indians, Whites and Coloureds were incorporated into one parliament, although they remained in separate "houses" under which education resorted separately as an "own affair". Even then, under this arrangement, the power of veto and the overall balance of power remained firmly in the hands of the White House of Assembly.

The period 1948-1994 can thus be described as an era of separateness and fragmentation into divergent and unequal education subsystems directly or indirectly under overall White political control.

1.3   THE PERIOD SINCE 1994

Immediately after South Africa's first democratic elections in April 1994, a Government of National Unity (GNU) was put into place. One of the first requirements of that government was to draw up a constitution, as it was widely felt that in the new democracy there should be no government that could govern without a constitution. An Interim Constitution (RSA, 1993) that had been drafted in 1993 was used in the mean time. From this constitution, the idea of school governance was already present as a policy discourse for a new democratic

dispensation as an essential part of democracy (Tshifura, 2002: 1). The Interim Constitution also specified one single education department for the whole country with one minister as a political appointee (Dekker and van Schalkwyk, 1995: 470).

One of the duties of the national minister was to transform the education system into one that would be democratic in nature. To ensure that the education system would be transformed in this way, it would have to be non-racial, non-sexist, democratic and equal in character. These principles therefore became emphasized as basic tenets, requirements or goals in education policy aimed at the transformation of education. The first minister to be appointed therefore had to work around these tenets to ensure a real transformation in education. One thing that became apparent was that these goals had to be achieved by developing a strong sense of the decentralisation of the power of control to the nine provincial ministers who then became known as Members of the Executive Council (MECs). To ensure that they exercised freedom in their control, they were also given certain powers to exercise, although they had to exercise these powers within the parameters of the powers of the constitution and of the laws enacted by the national parliament. Each province was therefore allowed to make its own education laws. This development could be regarded as a form of real decentralization of a limited amount of power with regard to control over schools, as well as school governance, in each province.

During the period 1994–1996, governance in the majority of schools remained much as it had been prior to 1994. For example, in the majority of schools in what had previously been Black education, governance remained largely in the hands of the Parent–Teacher–Student Associations (PTSAs), particularly in those public schools where there were learners in Grade 8 and above, whereas in schools that did not offer the Grade 8 class, governance was in the hands of the Parent–Teacher Associations (PTAs) (NEPI, 1992: 37). From 1994 onwards, all the legislation that was produced had to ensure that the governance of any public school was based on democratic principles. This is evidenced by the new government's first major policy statement on education, the White Paper, Education and Training in a Democratic South Africa (RSA, 1995a). This was followed in the same year by other papers of a similar kind. The first example was the report of a government-appointed committee on their investigation into The Organisation, Governance and Funding of Schools, known as the Hunter Report (Department of Education, 1995). The Hunter Report led

directly to a further highly significant policy document in November 1995, the White Paper in which the government formulated its proposals in response to the recommendations of the Hunter Report (RSA, 1995b). This became known as White Paper 1 because, after a period of public participation and debate, it was followed in February 1996 by a revised version that then became known as White Paper 2 (RSA, 1996a). Ultimately, all three of these White Papers and the Interim Constitution could be seen to have culminated in the all important South African Schools Act, Act No. 84 of 1996 (RSA, 1996b), which became the blue print for the governance or control of all public schools in South Africa. The Act spells out the powers, functions and duties of the national Minister of Education, the provincial MEC's and confirms the establishment of School Governing Bodies (SGBs) as a new type of structure or institution on the educational scene in South Africa. The Act also outlines in detail the powers, functions and duties of school governing bodies. It is these responsibilities which are the primary focus of this study and consequently the South African Schools Act is the central document on which this research is based. In this research report, the Act will be referred to as the SA Schools Act.

With the ushering in of the SA Schools Act the governance of schools in South Africa has undergone a real metamorphosis. The involvement of the stakeholder groups in education was no a mere ideal or suggestion but a reality. This step marked the birth of the School Governing Bodies (SGBs) as the legal entities empowered by law to take charge of the governance of public schools. It should be noted, however, that such a responsibility necessitated the emergence of new challenges which had to be overcome to achieve the desired goal, which is the achievement of democratic governance of schools in which all stakeholder groups are empowered to participate by playing their respective roles fully. The new provisions and the opportunities they created applied to all schools irrespective of their geographical location. The challenge has proved to be great, especially in rural communities and areas where the local population has been disadvantaged through lack of education or political participation and high levels exist of illiteracy, underdevelopment and poverty. Such an area is the rural area of Tsomo, about 90 kilometers from the town of Umtata in the Eastern Cape Province. Because the researcher has been an educator in secondary schools in this area for nearly twenty years, the challenges and problems of SGBs in the Tsomo area are the special focus of this enquiry.

In presenting the problem of SGBs, this research has tried to compare the policy documents that help determine the functioning of these envisaged democratic structures with what actually is happening to the rural, illiterate and underdeveloped communities of Tsomo. This is an area which, by the researcher's own observation, can be seen to be experiencing a decline educationally. The Tsomo area was fully recognised and given regular attention and support by the administration of the government of the former Transkei Republic, but gradually began to receive less and less support and to fade away as from 1994 under conditions in which the area became part of the much bigger administrative unit of the Eastern Cape Provincial education system. Tsomo is not the only area to be affected by these declining conditions; the struggling condition of education in the whole province, relative to South Africa, is well known and is not unrelated to overall problems of effective government in the Eastern Cape Province as a whole. But schools in rural areas are worst affected and the implementation of effective school governance remains an almost insuperable struggle. This is worsening the situation of underdevelopment as the programme for Reconstruction and Development (RDP) seems to the people of this area to be a dream. The writer's perception is that there seems furthermore to be an over-concentration of development in other parts of the province.

The researcher, as a teacher and resident in the area of research, became sceptical about the functioning of the acclaimed democratic structures in the schools of his area. The interest was mainly prompted by what the researcher had experienced in his own school where he is troubled by the same problems of illiteracy in the governing body of the school where he is employed. Another area of concern about the viability of school governance was that the learners as novices in governance are expected to take viable decisions on important aspects of the school. The researcher suspected that, together the parents and the learners were mainly used to rubber-stamp the interests of the other stakeholder groups.

As South Africa is undergoing a process of change, so are its laws. As from 1996 the SA Schools Act expressed the parameters within which the governing bodies should be established and operate. Simultaneously, the emergence of the SGBs officially brought an end to the existence of PTSAs and PTAs. Therefore, while the year 1994 marked the beginning of a new era from the old apartheid education system, 1996 was the year in which policy gave formal impetus to, and helped to consolidate within the education system, the

envisaged democratic dispensation for the whole country. Despite that fact, while all the processes were in place, Tsomo was lagging behind in all these. It should be noted that with the introduction of democratic governance in public schools, the mindset and skills of the parents, members of the non-teaching staff and learners should have been better prepared by the authorities for the new dispensation, especially in the case of rural communities who happen to be far from the changing trends of the more developed parts of society. As this preparation was not done, a form of chaos reigned when schools in this area were confronted with the challenge to set up SGBs that would take over responsibilities for the effective functioning of their schools. While this practice was meant to create democratic participation and a balance of power in school governance, the power remained clinging in the hands of the principal and the teachers who happened to be in the limelight of the changing scenario. That therefore provided a pure recipe for the manipulation of the parents, non-educator staff and the learners of the rural schools. Bearing in mind that in deeply rural areas almost all members of stakeholder groups other than the educators have very little or no command of English, the situation was worsened by the use of English texts as sources of reference in the literature for the documents outlining the context of the SGBs.

Even the meetings that were meant for empowering the role players, especially parents, are normally conducted with a greater use of English. That makes them return from such meetings or workshops empty-handed. The result is that they feel alienated, become negative in school affairs and as a result become passive. All this is far removed from the ideals of democratic participation and empowered envisaged in the Constitution and in the SA Schools Act.

1.4   BACKGROUND TO THE PROBLEM

Sections 1.2 and 1.3 focused more particularly on the political and constitutional context of change that led eventually to the SA Schools Act. This section draws the perspective more closely to communities and schools themselves and to the whole question of the participation of communities in governance.

The problem in the governance of schools started with the return to power of the Nationalist government in 1948. Its determination to deal with the racial problem once and for all (by way of a total strategy) led it to introduce and refine the racial laws, some of which were already in existence especially from 1902 to 1910 and beyond. The introduction of the Group Areas Act in 1950 resulted in the emergence of the Bantu Education Act in 1953 (Barker, 1992: 379). The act separated the education of the blacks from the mainstream system. More power was placed in the hands of the principals who became the undisputed governors of schools. Parents under the umbrella of the School Committees became the rubber stamps of the principals' decisions. Within black communities the situation developed in which chiefs and headmen became the policy makers for the schools. That overall situation of authority structures that excluded community participation continued, albeit with a lot of conflict. People in rural areas and even more so those who had moved into urban areas and experienced more liberal political views, strongly objected to the structures imposed on them. This dissatisfaction heightened until it culminated in the notorious 1976 Soweto Uprisings (Barker, 1992: 440-444). By then Afrikaans was being enforced in all schools as a medium of instruction in subjects that had previously been taught almost exclusively through the medium of English.

After 1978, the situation began to change as the authorities instituted a commission to look into strategies to find an alternative system of governing schools. From the recommendations of the De Lange Report (Taylor, 1987), the parents began to be included in the affairs of the schools. That idea was championed by the National Education Crisis Committee (NECC), which came into being after the revolts of June 1976 (Barker, 1992: 483). From 1990 onwards, the name of the committee was changed to become the National Education Co-ordinating Committee (NECC) but this time its main focus was to co-ordinate the changes that were envisaged in the whole education system. Some of the proposals were that all those who were interested in matters affecting the education of their children should be involved in decision making about the education of their children. This development, as already mentioned, marked the birth of the Parent-Teacher-Student Associations (PTSAs) in the Secondary Schools, i.e. those schools where there were learners in Grade 8 and above, and of Parent Teacher Associations (PTAs) for schools offering the grades below the eighth grade (NEPI, 1992: 37). This whole development introduced the use of the word " stakeholders" which became a powerful metaphor. This word helped to turn the theory or

ideas of participation into a concrete expression. This idea of "stakeholders" helped to define members of the community with an interest in education as visible pressure group with rights and demands. Although all this was happening initially outside of the formal structures and apart from any official policy process, this was a very significant development in the continuing political struggle.

It should therefore be emphasised that at this stage the Pretoria government did not sanction the legality of such structures. PTSAs and PTAs therefore did not have any legal governance status, power or authority but their legitimacy in the eyes of the community was endorsed by structures that could loosely be described as part of the progressive liberation movement. Among them were: the African National Congress (ANC), United Democratic Front (UDF), the South African National Civic Organisation (SANCO), etc. These organizations were all banned or under restrictions at the time but had for a long time been agitating for change, especially in education (Cross 1992: 102). It should further be noted that the inclusion of such structures politicised education even more heavily from this time on as basically these structures were political in nature, in that they became part of the struggle for power. Their participation was also pursued as an underground activity as they were still banned in the country. Then, with the unbanning of those political organizations in 1989, followed quickly by the release of Nelson Mandela from prison on 11 February 1990, they began to exert a strong influence in education, especially in Conventions for Democratic South Africa (CODESA) I&II (Barker, 1992: 512).

To support the CODESA deliberations directed towards the establishment of democracy in South Africa, the educationists from progressive movements conducted their own investigation into education policies for a new dispensation. They compiled their own report, the report of the National Education Policy Investigation (NEPI, 1992). In addition to the main report, NEPI also produced twelve working group reports on different aspects of the education system, including one on Governance of Schools in 1993 (NEPI, 1993). The Governance report made suggestions about the policies to democratise education through school governing bodies. Such suggestions strongly influenced the inclusion of democratic education in the Interim Constitution that came into effect in 1993 just before the General Elections of 1994. These elections saw the Black majority taking over control of

government, paving the way for many of the ideas formulated in the NEPI reports to be fed into the new policy process aimed at transforming the education system.

As described above in 1.3 it was less than two years before the SA Schools Act emerged as the government's first attempt to make school governance more democratic. It is in this legal document that the five stakeholder groups are officially identified and given rights to be the governors of the schools. *The significance of this document is that it occupies a fundamental place in the restructuring not only of the whole education system but also of democratic values and practices in South Africa.* This rationale is presented as the background to the central problem studied in this research, i.e. the problem of the effective functioning of school governing bodies.

1.5 STATEMENT OF THE PROBLEM

The premise on which the research is focused is the assumption that in schools in Tsomo, the area of this study, SGBs had indeed been properly constituted (formed) as per the guiding documents. A problem arose, however, when it came to their functioning. One reason for this shortcoming in the SGBs is that the area (Tsomo) is highly rural and underdeveloped and therefore the parents, learner-representatives and the non-teaching staff members in this democratic body became easily relegated to a passive role. While the setting up of SGBs through elections was done in a smooth way, there appears to have been a general tendency in rural areas like Tsomo for the principals and educators to suppress full details of the real scope of responsibility envisaged by the legislation for SGBs. This perception was initially based on the researcher's own observations as a participant, an impression that was further supported by the research as will be seen in Chapter 4. This apparent deliberate exclusion of some stakeholder groups was one of the symptoms that the researcher identified as indicating a serious problem in the functioning of SGBs in the Tsomo area, and possibly therefore also in other areas of South Africa.

As parents in rural areas like Tsomo are mainly illiterate there was no way whatsoever that they could find out exactly what their rights or duties were, e.g. by reading departmental guidebooks or other policy documents that might help them get a basic idea of what was

expected of them. They are utterly dependent on being told what their duties are, in all cases almost always by the principals or educators. This presents itself as a very disempowering relationship that threatens the very intentions for which SGBs were created.

As the research aims at to analyse this aspect more closely and obtain a clearer view of what happens, the researcher was prompted by what he experienced as a teacher in his area. Realising that SGBs in the Tsomo area were not functioning properly in all areas of their duties and responsibilities (especially in the extent to which stakeholders were being allowed to have a role in decision-making), the researcher set out to find out whether his assumptions were true or not. The choice to focus in the study on secondary schools was prompted by the fact that the researcher is a teacher at a secondary school although he has also had experience as a teacher at a junior secondary school.

In his research readings, the researcher noted that Cohen and Manion (1994: 1) suggest that men and women have long been concerned to come to grips with their environment and to understand the nature of the phenomena it presents to their senses. They argue that the means or methods by which human beings set out to satisfy this need to understand may be classified into three broad categories: experience, reasoning and research. Taking on these key points highlighted by these writers is exactly what prompted this research on the Tsomo SGBs. A strong motivation for the research as well as one of its methodological departure points is that the researcher's position in and knowledge of the Tsomo context is able to enrich the value of the research and strengthen its findings.

Understanding that the researcher is someone who has been in the field of teaching for over fifteen years, and who has acquired significant experience in the Tsomo area gives him specific insight into how the changes are taking place in his own area. As a school principal, he was also an *ex officio* member of a SGB from the outset. This is the vantage point that convinced him that how things were done was the source of conflict and confusion in the SGBs of Tsomo schools, especially the secondary schools. To understand the processes of change and transformation in our country the researcher had already begun to read keenly some of the key guiding documents and policy statements. This process made him aware of many strong contradictions that seemed to confirm his informal analysis of the problem. He therefore decided to pursue further studies that enabled him to become involved in a kind of

research project so as to test his assumptions. The study therefore is an attempt at verifying the assumption that SGBs in the rural and underdeveloped area of Tsomo are functioning in ways that are definitely not according to the policy requirements or intentions for SGBs. Having identified the problem as the malfunctioning of SGBs in schools in the Tsomo area, the researcher set about trying to formulate a suitably rigorous approach to analyse the problem.

1.6   THE AIM OF THE RESEARCH

1.6.1 General Aims

The aim of the research is to suggest in broad outline how the education system in South Africa especially in rural areas can be transformed through becoming more integrated into the new unitary education system, especially through the successful operation of SGBs as one of the key areas of democratic transformation. Associated to this is the further general aim of contributing to the expansion of and improvement of knowledge about the functioning of SGB.

1.6.2 Specific Aims

The specific aims are:
- To show that theory and practice are not easily reconciled.
- To demonstrate that a lot of skill and expertise as well as dedication and transparency are necessary in order for any change to take place.
- To demonstrate that transformation will always have some hiccups and that time as a factor should be considered in any change to be achieved.
- To demonstrate that the same policy/policies are interpreted differently by different people.
- That the same policy/ policies need to be adapted to the needs and levels of the different location or geographical area in which they are implemented.
- To demonstrate the disconnection that exists between the department of education and the schools it purports to serve.

- To demonstrate that if educational change is to be successful, management competence, and academic and professional expertise should be the most important criteria in the appointment of administrators and personnel within education departments, rather than political affiliation or prominence.

1.7   METHODS OF THE RESEARCH

This study uses mainly a qualitative and interpretive approach based on literature study, including the analysis of key policy documents, and an empirical investigation of limited scope in three schools in the Tsomo area.

To find the information on the topic under research, the researcher was faced with a choice and decided to use a combination of methods. Two broad main methodological approaches have been used: the deductive and the inductive. These were chosen so as to counteract the weaknesses or possible limitations of either one of them. They have been chosen therefore because of the strong contributions they can make to a research project of this type. There is thus the deliberate attempt to combine the information gained from *experience* – i.e. the researcher's own experience and the experience reported by respondents – with *theoretical and conceptual analysis* obtained from the relevant literature. Both approaches involve the use of literature analysis, firstly to clarify conceptually those concepts that are central to school governance and secondly, to give a clear picture of what the relevant legislation says about the functioning of the SGBs. In the empirical work, the interview was used as one of the tools to gather information based more directly on the experience and interpretation of those involved in the practical implementation of governance at school level. In this way the researcher aimed to create a space in the study that allowed respondents to provide information from within the school context itself.

It should be noted that of the three types of interviews commonly described in the literature (Cohen and Manion, 1994: 271), i.e. the formal, the less formal and the informal interviews, the researcher has chosen the less formal as this format allows the interviewer to freely modify the sequence of questions, change the wording, explain them or add to them. Questionnaires were also used as an additional attempt to gather information in an

environment where the respondents would be possibly be more candid than in the case of the interviews. That is made possible because the respondent completes the questionnaire on his/her own without being subjected to the pressure of the interviewer. Cohen and Manion (1994: 92 – 3) propose guidelines for what a self-completion questionnaire should be like: "it should … be clear, unambiguous and uniformly workable. Its design must minimise potential errors from respondents … and coders". They go on to say that, since peoples' participation is voluntary, a questionnaire has to help in engaging their interest, encouraging their co-operation and eliciting answers as close as possible to the truth.

Conceptual analysis remains the overall method in that the researcher draws together and interprets the findings produced from these different sources in the final summary and conclusions.

1.8 ARRANGEMENT OF THE CHAPTERS

The chapters of the research are arranged in a manner that would give any reader a clear picture of how the research was planned and shaped. **Chapter 1** served as an introduction and overview to orientate the reader to the problem, its background and the researcher's broad approach.

Chapter 2 deals with the identification and clarification of some selected concepts that form the main part of the research. The aim of that chapter is to give clarity on some of the concepts that are considered to be problematic to many people and therefore lead to the problems encountered in the proper functioning of the SGBs, especially in rural underdeveloped area like Tsomo. Concepts thus explored are: Transformation, Democracy, Participation, Governance, Power, School Governing Body, Stakeholders and School Management. Certain additional concepts were considered to be important but subsidiary to the above core concepts. Subsidiary concepts identified in this way were Representative Council of Learners (RCL), Parent, Public School and Duty.

Chapter 3 provides an outline of what a selection of relevant literature advocates on the establishment and functioning of SGBs. An important theme researched in this literature

study was on the shift from PTSAs and PTAs to the idea of SGBs, as revealed for example in the NEPI documents, the White Papers released in 1995 and 1996, the Hunter Report, the Constitutions, both the Interim Constitution (1993) and the new South African Constitution (Act No. 108 of 1996). Finally, of course, the South African Schools Act (Act No. 84 of 1996) serves as a primary document in the study. Other relevant documents are also studied, especially those that were issued to schools by various organizations to assist in implementing the new SGBs, such as: Understanding the South African Schools Act of 1997, First Steps: School Governance Starter Pack: a Resource for School Governing Body members, Towards Effective School Management Teams of 2000, Education Law and Policy (1999) and many others documented in Chapter 3.

Chapter 4 is a small-scale empirical investigation into the functioning of actual SGBs in a specific school district. This involves the researcher's chosen tools of the interview and questionnaires, described above. The data was obtained by using mainly an interview schedule (less formal) and two questionnaires. Three senior secondary schools in the area of Tsomo were used in the collection of the data. The interview schedule appears as Appendix 1 while the questionnaires are reflected in Appendix 2. In conducting the interviews all the components of the SGB of one selected school were interviewed. The components interviewed were: the chairperson of the SGB, the principal, one representative of the educator staff, the representative of the non-educator staff and one learner representative from the RCL. Each member interviewed gave responses that appear next to the questions that were set (See Appendix 1).

Two questionnaires were given to two different schools where there are hostels. The objective of selecting these two schools was to find out whether SGBs were really aware of their rights and exercised their power to use the school buildings for other activities other than for teaching and learning. The aim of giving the schools the questionnaires was to allow them to give the questionnaire to the relevant people (representative members on the SGB) so as to avoid one member dominating the answers. It was also hoped that since there would be more freedom, the answers would be closer to the truth as they would hopefully be given after much thought. The questionnaires were divided into three sections, so as to avoid one member completing a questionnaire alone. The responses to the questionnaires were recorded on the questionnaires as spaces were provided for the answers. This was done to

avoid some excuses and unnecessary expenses that might be incurred by the respondents, such as having to use their own paper or being uncertain of what was required.

Chapter 4 is completed with an analysis and interpretation of data from the interview and questionnaires. An attempt is made at the end of the chapter to draw on insights from the literature to throw light on the empirical findings and reach clearer understanding of underlying problems.

The final chapter **Chapter 5** provides a summary of the findings derived mainly from Chapters 3 and 4. This puts the researcher in the position to test initial assumptions in the research, reach certain conclusions and clarify aspects of the research problem. Finally the researcher makes some proposals and recommendations to improve the functioning of SGBs, especially in rural settings such as in the schools of the Tsomo area.

1.9 LIMITATIONS AND SCOPE OF THE RESEARCH

As the research was conducted as a limited assignment as part (25%) of a Masters Programme in Education, the scope had to be contained within tight boundaries of time, cost and opportunity, especially as the researcher was occupied in full-time teaching. Distance from Stellenbosch University also imposed severe restrictions as regards access to relevant sources and frequency of contact with study supervisors. Technology, or the lack of it, also presents itself as a significant factor in limiting the scope of a research project for a student from a rural area when, as in this case the researcher had never encountered a computer before entering this study programme, the nearest typist was at a distance of 25 kilometers and the nearest e-mail 100 kilometers away in Queenstown.

Another limitation of the study could the smallness of the sample of schools studied. This was also related to the difficulties of a typically rural setting. Only three schools within reach of the researcher were willing to co-operate in the study. Only one school permitted the researcher to conduct the interviews while only two were willing to participate in the questionnaire. Even in those schools that participated in the questionnaire, one of them took

about ten weeks to return the finished questionnaire. That resulted in an unnecessary delay in the completion of the work.

The researcher was also aware that some of the school principals refused entrance to their school as they were disbelieving that the research would not be made public or that data about what was happening in their schools would become more public. It seemed apparent that there was a fear of exposure of incorrect or bad practice in schools – and of discovery, especially by the department. This was in spite of a full explanation by the researcher. In such situations, the researcher had no alternative than to leave these principals knowing that no meaningful research could be conducted without co-operation.

1.10 SUMMARY

In this chapter, the topic of the research was introduced and the origins of the problem outlined by giving a history on the political changes that took place between 1948 and 1994, showing the fragmented and racially divided education system in which there was little or no democratic participation in school governance.

The first part of the chapter focused particularly on the political and constitutional developments to provide a background against which to understand the democratic ideals that led to the SA Schools Act in 1996 as a possible framework for expanding democratic participation at school and community level. This included noticing how aspects of constitutional development were paralleled by grassroots processes in the formation of PTSAs and PTAs, even in contradiction of the law.

It was seen that in less than two years after the first democratic elections of 1994, the SA Schools Act emerged as the government's first attempt to make school governance more democratic: five stakeholder groups were given rights to participate in school governance. It was argued that this made the SA Schools Act fundamentally important in the restructuring of the whole education system and establishing democratic values in South Africa. This concern explained the focus on the research problem, namely the malfunctioning and

breakdown of effective school governance in the SGBs of some schools in rural areas of the Tsomo district.

The chapter also set out the aims, methods and structure of the research and drew attention to the scope and some limitations of the study.

The next chapter aims to identify and clarify those concepts that are most necessary to forming an understanding of school governance in particular and of how the effectiveness of SGBs relates to broader democratic development.

CHAPTER 2

CLARIFICATION OF IMPORTANT CONCEPTS

2.1   INTRODUCTION

The aim of the chapter is to outline the concepts that are considered as key concepts in the study.   This introduction therefore first attempts to identify which concepts stand out as important and relevant in relation to the research problem, i.e. effective school governance. This is followed by the clarification of these concepts primarily by interpreting their meaning within the specific context or application of school governance.   It is pointed out that while conceptual clarification does rely on analysis in a narrow intellectual and linguistic sense, in this study conceptual clarification is also seen as strongly context related and therefore that any attempt to "define" concepts requires the researcher to combine or interchange both these forms of investigation, i.e. analysis and contextualisation of concepts.

In the following paragraphs, important concepts will first be identified (section 2.1.1). Thereafter a section follows in which a short introductory comment on each of the selected concepts takes place, mainly to construct a rationale (section 2.1.2) for treating these in a certain order.   Taken in this order they help the researcher to present a logic that supports their importance and relationship to one another.

2.1.1   Identification of concepts

The concepts that are considered as key concepts are: Transformation, Democracy, Participation, Governance, Power, School Governing Body, Stakeholders and School Management. These concepts were chosen because they recur throughout the investigation: they appear repeatedly, in the first place, in the SA Schools Act and secondly in other relevant policies, guide books and documentation on school governance, as well as in the literature sources selected for this research study. Speaking metaphorically, they are used as

the frame or skeleton of the study. The literature, empirical investigation and researcher's own interpretation (i.e. the conclusions and recommendations) are considered as the flesh and blood. Certain other subsidiary concepts are also included in this chapter and were chosen to give the study its ligaments so that it could become a moving object. These subsidiary concepts have been identified as: the Representative Council of Learners (RCL), Parents, Public school and Duty.

2.1.2 Rationale for sequence of concepts

Special attention should be directed at the rationale for the sequential arrangement of the key concepts used. Basically, what was in the researcher's mind was that the majority of South Africans want a far-reaching change in virtually all aspects of a social system that has up to now been unequal and inadequate to the needs of all of the population. Education was therefore seen as one of the most conspicuous areas where this change could most constructively be channeled in a way that would produce real transformation. The point of view emanates from the fact that education, among the many social aspects that could be targeted for transformation, could be dealt with in a way that would produce change that would be recognizable to the majority of the people. This is especially so, as the majority are young and are still in the classrooms. For any change to be fruitful, therefore, it has to be sown in the lives of those who still have the openness and potential to benefit through such learning opportunities. Also, as the schools are formal institutions where teaching and learning take place in a planned and organised way, it is also reasonable to believe that a systematic approach, such as the implementation of clear policies by trained people in the education system, would bring about the desired transformation.

Transformation: Although the changes are initiated in the parliament through the acts, the best places to implement them would be schools with teachers as experts. While it could be argued that the basic aim of the change was to democratise schools, it should also be noted that for the envisaged democracy to be realised, a change from the old order becomes necessary if the change is to be for the better and not for the worst. For this reason, the concept transformation is chosen as the concept to be discussed first: it is thought to precede all the other concepts as it is seen as the one that should determine the outcome. This implies

that if democracy is to be realised, everything has to be transformed or changed from one phase to the other.

Democracy: Democracy has been viewed as the key outcome of the envisaged change. Here it will be of importance to look deeper into only two forms of democracy so as to enable those who might not be aware of other forms of democracy to widen their understanding. This emphasis is made because the researcher's own experience has revealed to him that there are many persons who are not aware of these different forms of democracy.

Participation: Participation is placed third as it is hoped that for any democracy to thrive it is important that those who are governed should take an active part in the making of decisions that directly affect them. It is hoped that the study will help those who might be claiming to practice democracy to revisit their actions so as to preserve democracy.

Governance: Obviously central to the study is the concept of governance, where the real transformation has to be seen taking place in reality. From the beginning transformation was aimed at changing the mode of governance in schools with the purpose decentralising the power to the lowest level of the hierarchy. If the governance in schools cannot transform for the better, the whole dream of democracy will end as a pipedream.

Power: Power is to do with giving effect to something: power becomes the best tool to strengthen the democratic transformation. If the envisaged transformation deprives or disempowers the would-be practitioners of democracy, i.e. the ordinary members of the community, transformation might remain only a theoretical idea and policies aimed at transformation end up only as mere lip service. Similarly, there is a danger that political demagogues can misuse the idea of transformation for rhetorical purposes to gather support, without ever taking responsibility to ensure that the necessary changes are carried through to grassroots level and that members of the community receive and exercise actual forms of power. To avoid that, for example, in the context of school governance, elected governors should be given the necessary and relevant power to exercise the authority of approval and veto on other aspects. School governing bodies are the real carriers of the envisaged transformation in the whole system of democratic governance. School governing bodies are therefore the visible and tangible form of this change. If such a body does not exist in a

school or does not function effectively, it becomes easier to conclude that democracy is still far from realization, as this body is an expression of inclusiveness and empowerment.

Stakeholder: Next, to include stakeholders in the concepts is an attempt to portray that the envisaged change has to be inclusive. This inclusiveness would help ensure that many people would share in the exercise of power as a move away from the old order in which power was a preserve of only one person or group. Another advantage was to ensure that those affected by decisions would be given the right or power to participate in taking those decisions. Those affected include parents, teachers, non-educator staff members, learners and the principal. The principal is included as an *ex-officio* member so as to ensure that whatever he or she plans or does as professional manager of the school (see next paragraph) carries the blessing of the stakeholders. That would help reduce the likelihood of strikes by any of the groups mentioned, as they would have shared in making and be bound by decisions jointly made within the governing body.

School management: The management here refers to the professional management of schools. The purpose of focusing on this concept is to help those who might be confuse governance and management in the school context. Sometimes these two concepts are mistaken for the same thing or used interchangeably. Governance has to do with power in the form of taking decisions while management refers to delegated authority to pursue professional activities.

The other subsidiary concepts will be explained in the last section of the chapter, as they play a less pivotal role in the study. The main body of the chapter, however, now turns attention to a full discussion towards the clarification of the major concepts.

2.2 TRANSFORMATION

While many people view this concept as new because it is currently used a great deal in the context of redefining South Africa under democracy, it should be understood that it is far from being new. As a starting point, the simple definition for the concept according to the Concise Oxford Dictionary is "a sudden dramatic change of scene or stage" (Fowler and

Fowler, 1995: 1481). The underlying meaning here is that of *change*. The second point of meaning is that such change is of *significant scale*, i.e. it is far-reaching, happens suddenly or on a large scale so as to attract obvious attention. Taking this meaning further, it can be seen to imply the need to take into consideration an understanding that the change refers to the ways people do things as *participants* in such a process, both as agents and as those affected. If one understands the change in the South African situation over 40 years from 1953, when the Bantu Education Act was passed, to 1994 when the Government of National Unity (GNU) came into being, one is in a position to realise that there was a real transformation not only in the ways things were done, but also in how the South African society was organised. As this transformation was taking place in society at large, so it also needs to be reflected in the same scale of change in education.

From 1993 when the Interim Constitution was drafted the concept of change in education was given serious attention. It was stated that the future education should be:

- Non-racist
- Non-sexist
- Democratic
- Unitary, and should aim at
- Redress (Steyn, 2001: 11)

The basic aim was to have the most fundamental changes in the education of the country as a move away from the old apartheid system that was basically segregated and non-democratic. To achieve these aims, the Bill of Rights already entrenched in the New Constitution had to be made the cornerstone in shaping the future education system of the country (Dept. of Education, 1997: 20). If the education system was organised along these lines, it was hoped that real change would be for the better of the whole society and not for certain racial groups only.

It should be noted, however, that this transformation was aimed to be for the benefit of all the social groups as against the previous forms of transformation. Previously, any form of transformation was aiming at benefiting certain groups of the society as against the post apartheid society after 1994. For example, when the first school was established on 17 April 1658 at the Cape, it was meant for the slaves of the Dutch East India Company (Kallaway,

1984: 46). Kallaway draws attention to the fact that "The Colonists' real concern was that the slaves should serve the purposes for which they had been bought, namely to labour for their masters. They would be able to do so more effeciently if they understood the language of their masters" (Kallaway, 1984: 46).

From this extract, it becomes clear that the first education was designed on an unequal basis whereby a distinction was drawn between one group, referred to as slaves, and the other who regarded themselves as masters or owners. Therefore the lives of the former group had to be transformed towards meeting the needs of those in power.

From then on, changes in the education system occurred albeit all of them in a segregationist way. For example, with the establishment of the second school in 1663 for the children of the colonists, there were three groups of children in the same school. Twelve were the children of Colonists, four were slaves and one a Khoikhoi. By 1676, the church that provided education did not recommend or insist that the children of different colours be separated but rather that there was a desirability of having a separate school for the slaves. By so doing the class division between slaves and colonists could be kept adequately clear (Kallaway, 1984: 47). From that early tendency towards separation into different groups onwards, it appears that further concentration was placed on refining the policy of schooling, such as the one in 1685 whereby children were separated not only according to colour but also according to sex.

Kallaway (1984) describes the emerging pattern that developed over the decades and centuries, whenever a new government assumed power in one or other part of South Africa. Changes and developments in education did indeed take place but the separation of groups was based on practice and not on deliberate laws or policy aimed at separating the other racial groups from the whites. This was so until the beginning of the 20th Century when Hertzog introduced the Free State Education Act in 1903, while in the Transvaal the Transvaal Education Act of 1907 had the clear principal aim of catering for the preservation of the Afrikaner language and culture (Cross, 1992: 125). In the aftermath of the conflict caused by the Anglo Boer War of 1899-1902, the primary purpose in the minds of Afrikaner policy makers in those former Boer republics was to create equality between the Afrikaans and the English languages so as to preserve the culture of the Afrikaners. In this way the

emphasis on cultural identity and group membership became a prominent feature of thinking about educational provision in the South African context. That situation continued until 1953 when a final strategy was found for dealing with how to incorporate the Blacks and thereafter the Coloureds and Indians in the overall educational system. As mentioned in Chapter 1, those were all part of a pattern of change that transformed educational provision in South Africa into a system consisting of many separate systems. Prior to 1994 all examples of educational transformation in South Africa can therefore be conceived as being within the overall direction of establishing and refining a segregationist system. There was no real change in this direction until 1994, when there was a fundamental change of direction towards an integrated system of education for all citizens of South Africa. From then on the education system was to be made unitary, non-sexist, non-racist and democratic as it was aimed at accommodating all the nationalities of South Africa by providing one system for everybody irrespective of colour and religious beliefs. This becomes an example of a real transformation as the change envisaged was sudden, far-reaching and was intended to affect all. For example, the whites would learn to share the same resources with the other nationalities, something they were not familiar with. Other nationalities would learn to use some of the new technologies and opportunities that used to be a preserve of the whites.

2.3 DEMOCRACY

As democracy is a Western concept, it might pose a problem to actually describe it satisfactorily. As it is understood, it entails numerous rights that can be achieved through respect of others. One of the rights encouraged in a democratic society is the right to education. Within this, the participants or stakeholders have certain rights protected, usually by laws. To ensure that such rights will be protected, they are constitutionalised. The South African Schools Act (Act No. 84 of 1996) outlines the rights of each group or stakeholder in education. The rights entrenched in the Constitution of the country are the ones that make the country to be a democratic state. As Steyn (2001:p 2) notes, democracy has two cornerstones i.e. freedom and equality, and without a constitution to protect these notions, democracy becomes difficult to implement or practice.

From the preamble of the SA Schools Act, it is stated clearly that the country requires a new national system for schools which will redress the past injustices in educational provision as well as advance the democratic transformation of the society and combat racism, sexism and intolerance (RSA, 1996: 5). From the principles outlined, it becomes clear that democracy is a concept that incorporates values. It is therefore the values contained in the rights that make a country or any institution to be democratic. It should be noted, however, that the practice of democracy becomes another issue. How democracy is expressed in practice and behaviour is what makes it visible. Values affect the choices people make and how they choose to deal with their relationships in society. This is made apparent by the fact that democracy has many versions. The most common of these are broadly expressed as *participative* and *direct* democracies.

In trying to draw a distinction between the two types, let us have a brief look at each of them.

2.3.1 Participative Democracy

This kind of democracy is the most commonly used in many Western countries. It usually occurs when the masses elect people to represent them. It is therefore sometimes referred to as representative democracy. The people representing the masses are empowered to take decisions on issues affecting the masses. In return, the representatives have to report back constantly to those they represent to keep them informed of new developments. Briefly, it is assumed that those that are represented have a thorough knowledge of the affairs that affect them while those who represent them must ensure that they safeguard the interests of those they represent in whatever they do (Steyn, 2001: 2).

2.3.2 Direct Democracy

As the name indicates, this is a situation where people should be present whenever decisions that affect them are to be taken. In other words, no person has the power to decide about another person. It must be noted that this is a very rare type of democracy as it is difficult to exercise as it is most impractical – or almost impossible – to facilitate in practice (Steyn, 2001: 3-4).

As South Africa had chosen the former type, i.e. participative democracy, it becomes imperative that all institutions should accept it. Schools, as part of the larger society, are no different as it is the intention of the Constitution that the basic aim for the transformation of the country would be to build a united and democratic country that can take its rightful place in the world as a sovereign state (RSA, 1996: 1). Even the Constitution itself was adopted by elected representatives; any law or conduct therefore that is inconsistent with it is invalid and the obligations imposed by it must be fulfilled (RSA, 1996: 3). This explains why schools have to be governed democratically through elected representatives. Democracy therefore entails the rule by law, based on the consent of those for whom the law is meant. Entrenched in democracy is a Bill of Rights that is another cornerstone of democracy. This document enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom (RSA, 1996: 6-18).

The discussion on transformation, in 2.2 above, aimed to indicate the overall vision of the government, namely the achievement of democracy. In order to achieve the goals of democracy it became imperative that participation by all people of the Republic be promoted in the affairs affecting their lives. This drives us to the next concept, participation, as a means to achieve democracy.

2.4   PARTICIPATION

This is a derivative concept as it is a noun taken from word indicating the actual action, to participate. This participation is what actually makes democracy live. It is the action of taking part that gives democracy physical and visible expression. The question is who should participate in what?

To try and answer the question above, it seems a good idea to state that one of the reasons for the clamour for a change in South African education was to open the avenue for all those with a stake or interest in education to make their views heard. This view concerned every aspect of education. The intention was that aspects such as the Curriculum, including both the academic and extracurricular activities that take place in every school, should be a product of the inputs of those with an interest. To enable this, there has to be a direct

involvement of all interested parties in the affairs of education. It is not unexpected that in the shift to a democratically elected government, the greatest focus politically was on restructuring aimed at incorporating those groups of the population that had up to 1994 been excluded from such participation. In relation to schools in particular therefore, parents, learners, teachers and the non-teaching staff members working in schools were considered to be the relevant people.

By involving these groups of people in the affairs of the school, it was expected that transformation from the grassroots level would be attained. It was also hoped that by the inclusion of these groups, some amount of power which lies at the center in determining the new structures would be handed out to community level, i.e. that there would be a decentralisation of governance through this widening of participation. It should be noted that the interest groups mentioned above would not be the only ones to take decisions about the affairs of the schools in which they would be operating. It is emphasised in the relevant Green Paper (Dept. of Education, 1998: 74) that the power given to them would be derived from the provincial legislation and the supreme law of the country that is the Constitution, as well as from other relevant documents similarly derived from the Constitution. The answer to the question "who should participate in what?" is probably that interested parties taken from a number of different levels should all find a place in the participative process: from the local school communities and district officials right up to the provincial authorities and the National Ministry of Education. If such a practice is maintained, democracy, which is a goal of the present government, can be obtained.

2.5   GOVERNANCE

When for many decades the people of South Africa demanded change, basically they wanted a change in the governance of the whole country, i.e. a redistribution of power. The way the country was governed during those decades was totalitarian as the power to make laws was in the hands of only one group who controlled the political system. When the politicians failed to effect the improvements or confer any real power to the people and, at the same time, Afrikaans was more systematically enforced as a language of teaching and learning, opposition came to a head and students rose up against that law. Slogans like "Apartheid

education must go" became the order of the day (Hartshorne, 1992: 79). Such slogans were agitating for a change in the laws governing the education of the country. As we have shown in section 2.4 above, this demand was not just for a change to be made in some superficial way, but it was a demand to take part or have a voice in making the decisions about what that change should look like. This was a demand to participate in the governance of the education system.

After 1994, therefore, this demand created a political pressure on the new government. The laws governing education had to be quickly changed so as to accommodate those that were considered to have an interest in the education. This was to change the traditional way of governance whereby the power rested with only very few individuals. The new method was aimed at sharing the power. That resulted in the separation of some powers that used to be a preserve of the principals only. The principals then had actually to relinquish some powers to other newly created structures (SGBs) in the school. The principals' duties were in fact redefined so that the sole duty became concentrated in the idea of the professional management of the school and not the governance.

By coming with this new form of governance, it was hoped that education in the new South Africa would be transformed for the better of all those with an interest in education. Stakeholders in education were given an opportunity to exercise power in the form of decision-making at schools. It should be noted that such decisions were taken within the parameters of the legal documents like the SA Schools Act, the Education Law and Policy Handbook, the Constitution of the country and numerous other documents, including the various new education legislation enacted by each separate provincial government in line with their powers under the Constitution. Through this practice of power sharing, it was hoped that democracy would be secured as the goal of the South African government. Governance therefore was introduced to ensure that no single individual would ever again hoard the power. Another advantage was that decentralisation of power would be exercised down to the lowest level, i.e. to communities and their schools. If such a practice does succeed, all the unnecessary actions like strikes by students, parents or teachers against some issue in the school will be eliminated or reduced. That would help create stable environments conducive to teaching and learning and contribute to improving the overall quality of education.

It should be stated that while this power-sharing model for governance appears to be promising, some schools seem to remain immune to the introduction of new practices and continue to hoard power or hold onto non-democratic models of running the school. This happens all the more easily in situations where some of the elements in the new governance body are still novices in the situation. As governance is a new concept in the education field in South Africa and particularly in rural areas, a lot of work needs to be done to have all the parties fully participating in the taking of decisions. This lack of participation by some of the members will hinder the realisation of the government's dream. This highlights the need for an improvement in the working of the structures intended for the democratic governance of public schools before the whole idea seems to lose credibility, or even collapse. This brings us to the next concept of " power" which is expressed in the very existence of the new form of government, from the Constitution and Parliament down to provincial and local government and school governance.

2.6   POWER

At the center of every government lies the power to make laws. Without power no government can claim to rule. According to the Concise Oxford Dictionary, "power" is the ability to do or act (Fowler and Fowler, 1995: 1071). Applying this definition school governance, SGBs are the governors of public schools (RSA, 1996: 14), i.e. they have been delegated the power to govern or act in the context of their own school in those areas of responsibility assigned by legislation. This quality bestowed on these bodies therefore necessitates that as governors, they should be given very clear guidelines defining these powers exactly. It because of this need for precise definition of their powers that the place and function of SGBs should be understood to flow from the Constitution; it is this fact in the first place that gives SGBs their legal status. The need for clear definition of powers of SGBs is met in numerous documents that deal intensively with the role and functioning of SGBs. The most important statement, however, is found in the SA Schools Act (RSA, 1996) which outlines in detail the establishment, roles, responsibilities, powers and duties of SGBs.

It is also important to note that the power given to the SGBs is not absolute as they have some limits on the power they exercise. The power they exercise should be congruent with both the provincial and national departments of education to ensure that at least all the South African schools are governed on the same basis (RSA, 1996: 54). From the very beginning, it was realised that SGBs would differ in their strengths in exercising the same powers. A provision was therefore made for those who would quickly understand and master these powers to move forward. The concept of "self-managed" and "self-reliant" schools was seen to be a fitting description to accommodate or differentiate between those schools that would be more ready than others to get extra responsibility (Dept. of Education, 2000: 2).

Since power is to do with the ability or right to act in a given context, it follows that with power goes a measure of responsibility. Therefore the giving of power to the local people in the form of SGBs was a kind of sharing the responsibility with the people closest to the schools. This is helpful also in shortening the lines of communication in securing the basic needs of the schools. This makes the schools progress quicker in aspects like choosing the curriculum that the community believes will help their children. With the power given to the local communities, people will begin to take responsible decisions for whatever they do. In this form of power distribution, no one group will have its decisions imposed over others. That will also help democracy to flourish, as the inclusion of all the groups in sharing the power will allow the principle of checks and balances, an important principle for the survival of democracy.

2.7 SCHOOL GOVERNING BODY

As has already been anticipated in analysing the above important concepts, a School Governing Body (SGB) is a group of people that is entrusted with the responsibility to govern the schools. It is a legitimate structure sanctioned by the South African Schools Act (Act No. 84 of 1996). For this body to carry out its duties accordingly, i.e. within the envisaged democracy, it is given certain basic powers. These basic powers apply equally to all school governing bodies. All school governing bodies are therefore expected to operate in line with these powers, within the framework of the provincial and national departments of education which in turn operate within the country's Constitution.

The SGB is composed of the various elements that constitute the school community and have an interest in the school. The constituencies that are designated to participate in school governance are, on the one hand, learners and parents as the "clients" of education and on the other hand, educators as the providers of that service. Members of the non-teaching staff also have a right to participate as they have an interest by way of being employed within the school as an organization. School principals as the managers of the school and as the professional leaders of the teachers are essential participants in the process and are therefore given a right *ex officio*, i.e. because of the position they occupy.

Bringing about the participation of the various groups in this body serves as a pure example of practising democracy.

It should be noted that all the members of these bodies get their membership through being elected by the various groups except the principal. Learners participate in SGBs by being elected to represent the larger mandatory body of learners, i.e. the Representative Council of Learners (see section 2.10.1 below). Also the learners become members for only one year while others elected members serve a term of office as governors for a period of three years. The principal therefore is the only permanent member as he/she is not elected but is there as the school manager appointed by the Department of Education and accountable to the Department for everything that takes place at the school (Dept. of Education, 1997: 17). It should be noted that only schools with learners from Grade 8 upwards are allowed to include learners in the SGB. Slightly different conditions apply to the composition of SGBs in schools for learners with special educational needs (RSA, 1996b, paragraph 22).

On taking decisions, these bodies have to follow certain procedures so as to ensure that no single component would dominate others. For example options like consensus, voting when there is a deadlock on an issue, etc. are considered to be the best strategies to maintain democracy (Dept. of Education, 1997b: 18-25).

It should be noted that while this body has some powers, it does not mean that they operate on their own or are unaccountable. The Head of Department (HOD), i.e. the head of the provincial education department, becomes the supreme figure to decide whether or not a

school governing body can be empowered to carry out certain functions. Once the HOD becomes convinced that a governing body has failed to perform a particular function, the HOD has the authority to withdraw such functions. There are two alternative procedures that the HOD must follow, depending on the context. The HOD may not take action unless the following three conditions have been met. The HOD must:

- Inform the governing body of his/her intention to do so, and the reasons for the decision;
- Give the governing body a reasonable chance to make representations to him/her by talking or writing to him/her about the matter; and
- Give proper attention to such representations.

In urgent cases, however, the HOD is empowered to act without prior consultation, provided that he/she thereafter meets the following conditions. The HOD must:

- Give the SGB reasons for taking away the function;
- Give the SGB a reasonable chance to make representations to him/her by talking or writing to him/her about the matter; and
- Give proper attention to such representations.

If the SGB is dissatisfied with the decision of the HOD in connection with the withdrawal of the function, the HOD may approach the provincial Member of the Executive Council (MEC) and ask for the decision to be reversed (Dept. of Education, 1997: 33).

2.8   STAKEHOLDERS

The concept refers to all those people who have an interest in education. They range from the parliamentarians to the ordinary citizens who are community members. Stakeholders, according to the Concise Oxford Dictionary, "are persons with an interest or concern in something, especially a business". This definition of stakeholders fits with the idea contained in our legislation of stakeholders in education.

Above in section 2.7, by examining the composition of SGBs, we have already identified the key stakeholders with an interest at school level. The purpose of this section is to widen that

perspective to include awareness of stakeholders in the education system as a whole. In particular, this refers to the political and administrative role players with an interest at national and provincial levels.

The national Minister of Education, designated in the SA Schools Act as the "Minister", has a responsibility to ensure that education in the whole country is offered by ensuring that public schools are established in the whole country. The Minister's responsibility does not end with the establishment of such schools; he or she must also ensure that there are sufficient funds for the operation of such institutions through building enough classrooms, ensuring the payment of salaries to their personnel, including both administrative and teaching staff and ensuring that there are laws governing these institutions.

Because of the vastness of the country in terms of distance, diversity and population numbers, it is clear that for the Minister to successfully carry out this task, he or she must necessarily delegate some of these powers to the separate provinces. Each province therefore was obliged to appoint its own representative who is accountable to the national Minister. Such representatives are known as "Members of the Executive Council" or MECs (RSA, 1996b: 4). The MECs, like the national Minister, are political appointees, appointed by the premier in each province. As there are nine provinces in South Africa, there are nine MECs. The MECs and the national Minister meet on a regular basis in what is called the Council of Education Ministers. It is in that council that the national Minister and the provincial MECs discuss the overall direction of education through formulating national policies to be followed.

As all the above are political appointees, it is clear that education is inescapably an area of political contestation. This becomes evident in all the registered political parties, as one finds that each party has an educational portfolio in which its educational aims are outlined. This highlights the fact that SGBs need to be viewed as part of a political development in South Africa. It is via the SGBs that democratic practices at community level can widen participation in determining important aspects of education and ensuring that the community's views are incorporated in school practice.

As there are nine provinces, so there are nine provincial MECs responsible for the provision of education in their respective provinces. This helps decentralise the education so as to bring it closer to the people. As the law in South Africa requires all public schools to be democratically governed, it is the responsibility of every provincial MEC to ensure that governance structures, as sanctioned by the Constitution for the whole country, are democratically elected and run along the accepted lines. The establishment of the SGBs in all public schools was a means to ensure that democracy would be upheld from the lowest level nearest to the majority of the people. As has been emphasized, such bodies are intended to provide the opportunity for the participation by all those with an interest in education. Specifically how this is to be achieved will be fully explored when the composition of SGBs is dealt with in detail in Chapter 3, where it will be shown how, at school level, all the people with a direct interest in education will be accommodated in the governance structures of the school to which they are attached.

In the wider sense it could be argued that there are numerous other stakeholders with an interest in education, such as the church, religious or business sectors. How their interests in education are served within the larger spectrum of political life is beyond the scope of this study. So is the interesting question of the undoubted value of partnerships between schools and other sections of the community. For the purpose of this study the focus is limited to direct stakeholders specifically defined in terms of the Constitution and educational legislation.

2.9   SCHOOL MANAGEMENT

Although this is an old concept, the way it is used seems to be new. What gives it to a new importance is that in the apartheid years before 1994, no strong distinction was drawn between management and governance. Both were infused in the post of principal, who became the undisputed manager and governor of the school. As a result of that practice, principals still have a problem in really discerning the difference between the two. The aim of this attempt or explanation is to draw a line between the two concepts although it is not going to be an easy task.

Management is defined in numerous documents such as *Changing Management to Manage Change in Education: the Report of the Task Team on Education Management Development* (Dept. of Education, 1996b), *Understanding the South African Schools Act* (Dept. of Education, 1997b) and others. All the documents show that management as distinct from governance means the practice of the professional administration of the educational institution. This professional administration has to do with the betterment of the teaching and learning in all schools. Basically the principal of an institution is the professional manager who must ensure that the day-to-day administration and organisation of teaching and learning at the school proceeds along the lines set out in *Understanding the South African School Act* (Dept. of Education, 1997b: 14). To achieve – or manage – this, the principal must perform the departmental responsibilities prescribed by law. School management is therefore to do with carrying out departmental responsibilities in the school.

The basic aim is to decentralise decision-making about the allocation of resources to the school level and democratise the ways in which schools are managed so that there could be institutional autonomy just as in other parts of the world (Dept of Education, 1997b: 29). To achieve this ideal depends on the nature and quality of internal management. The document outlines some elements by which the goals of institutional autonomy, transformation to democracy and the devolution of power could be achieved. The elements are:

- planning according to a value-driven mission;
- managing through participation and collaboration;
- developing the school as a learning organization; and
- drawing on other levels of the system for support (Dept. of Education, 1997b: 29-32).

Therefore, professional educational management has to do with the daily running of a school's professional affairs. As this is the duty of the principal, it implies that part of his or her responsibilities is to work with all those who have an interest in the school, as he or she becomes the accountable officer for everything that takes place at school.

Collaboration is one of the skills the principal needs most to achieve the envisaged objectives. This does not mean that he or she has to dictate but has to influence all the other parties concerned. That is the reason the principal has to be an automatic and permanent member of the SGB. Although he or she does not make the laws for the school, he or she

does become directly responsible for the implementation of such laws. That explains the strong need for co-operation between the professional management and the governance of the school by both the principal as a manager and the SGBs as governors who make the laws of the schools. It is suggested that relations between the two role players or partners should always be cordial, as any discord may result in a dysfunctional and non-democratic institution. Both of these negative effects, discord and dysfunction, will nullify the achievement of the envisaged goal of the government, democracy.

2.10   OTHER RELEVANT CONCEPTS

2.10.1 REPRESENTATIVE COUNCIL OF LEARNERS (RCL)

This is a body of elected learners from the eighth grade and higher in all public schools. Schools that offer grades lower than the eighth grade do not have such a council. The establishment of this council is sanctioned by the law. Even schools that offer education to learners with special needs that are ordinary public schools are permitted to have this council. It is therefore the duty of each provincial MEC to ensure that public schools with an eighth grade (or higher) do have such councils. The document, *Understanding the South African Schools Act,* outlines what steps are to be taken in such cases.

For a learner to become a member of the SGB he or she must be elected from within the RCL, by the members of the Council. Learner representatives on the SGBs are thus not elected into the SGB directly by the mass of the learners. As learners are not permanent in any school, they are only permitted to serve in the SGB for a period of one year only. They are also not permitted to enter into contracts as they are still regarded as minors. That is the only aspect of school governance from which learners are excluded, otherwise they are full members and participate in doing everything that is necessary for the SGB.

2.10.2 PARENT

In the context of school governance, parents are given a place of primary importance. In terms of the Constitution and broadly established views in most communities, learners and –

on their behalf – parents are the primary stakeholders in school education. Parents are given prominence in school governance in that parent representatives must form the majority. In terms of the SA Schools Act, a parent is variously defined in order to cover the range of possibilities, as follows (RSA, 1996b: paragraph 5):

- the parent or guardian of a learner;
- the person legally entitled to custody of a learner; or
- the person who usually has the care and control of a learner.

These are the categories of parents who are entitled to be elected in the SGBs. They are also the only ones entitled to vote. This entitlement comes from the fact that they have a direct responsibility for the learners they serve. Therefore, to ensure that responsible decisions for the school are taken, they are given this prerogative.

It is also possible to co-opt members to a SGB because of their expertise, including people who may have children who are learners elsewhere. They may be parents in the natural sense, but this definition of "parent" is restricted to those who have learners in the school concerned. Co-opted members are not allowed to vote; they are only attached to the SGB on an advisory basis, usually to meet some need not covered by the elected members of the SGB. This inclusion helps to open the schools to all those with an interest in education and is particularly relevant to schools in rural or disadvantaged areas where those legally defined as parents may lack the expertise to function effectively in the SGB.

As mentioned, it is believed that parents have the greater interest in the education of their children, for which reason the SA Schools Act determines that parents must be in the majority on the SGB. To achieve a majority, the number of elected parents must be one greater than the combined total of representatives of the other stakeholders. When a situation arises that they are fewer, the SGB is allowed to temporarily co-opt parents with voting rights to achieve a parent majority of one (RSA, 1997b: 25).

It is also important to note that the primary role conferred on parents in school governance structures is emphasised by the requirement of the Act that in the election of office bearers, Chairperson must be a parent member.

2.10.3 PUBLIC SCHOOL

This is a school that enrolls learners in one or more grades between Grade 0 and Grade 12 (RSA, 1996b: 4). In this case this is a school that is distinct from an independent school. It is public as it offers an education that is primarily sponsored by the government of the country. The sponsorship comes in various forms as the government, as representative of the State, takes every responsibility to ensure that the community is provided with the necessary education. From building the structure to providing educators and resources to the school community, the government takes every responsibility. Such schools, unlike private schools, cannot unilaterally be closed according to the wishes of the SGBs or the general public, because they belong to the State. The government reserves every right in the school.

Because the school is a total responsibility of the State, the laws of the State have to be followed. As the government of South Africa functions on democratic principles, such schools have to be governed democratically, hence the election of the SGBs as the expression of the government's will on behalf of the people it serves.

Independent schools differ from these as they are sponsored by the government only partially or not at all. They are therefore not as narrowly bound by all the laws of the government, although they have to ensure that the syllabus they follow is approved by the education department. This is done to safeguard the interests of the public, as ultimately the people of any country are liabilities of the government.

2.10.4 DUTY

Duty refers to an activity proper to or expected of a person or institution (Fowler and Fowler, 1995: 548). When the SGBs were legally constituted as the democratic governors of schools, it became imperative that they have their duties and functions properly defined. It was essential to set out in a clear and prescriptive way in the policy for SGBs what they had to do to really transform education towards the democratic dream of the Constitution. Their duty or function is therefore framed within the Constitution of the country.

The purpose of defining the duty of these governors was to avoid or prevent them from contradicting or contravening the country's Constitution. This also helps them from relegating or excluding other groups or individuals on unfair grounds. It should also be noted that although the terms duty and function are being used in the same way here, they differ very slightly. For example while function refers to the activity proper to a person or institution, duty refers to moral or legal obligation (Fowler and Fowler, 1995: 423). Duty therefore means what a person has and must do due to a certain impetus. Function is what someone is expected to do, but no internal driving force or moral compulsion is implied, other than perhaps the law. Both imply the doing of something, i.e. action carried out to achieve a certain goal. In this case their function or duty is aimed at transforming the education system to achieve democracy as the end result where all people would participate in shaping their own future.

2.11 SUMMARY

The chapter was aimed at identifying and clarifying the main concepts considered central to a study of school governance. Taking transformation as the concept that provided the departure point for understanding where school governance fits into the whole process of change in South Africa, an attempt was made to find a logical relationship or linkage between transformation and other key concepts. In particular, the chapter explained aimed to demonstrate how all these concepts contribute to the democracy envisaged in the South African Constitution.

The next chapter surveys a selection of relevant literature and the legal documents that specifically outline the functioning of the SGBs in public schools.

CHAPTER 3

IMPORTANT DOCUMENTS RELEVANT TO SCHOOL GOVERNANCE

3.1 INTRODUCTION

As the previous chapter was an attempt at the identification and classification of the basic and subsidiary concepts central to understanding school governance, this chapter provides a survey of a important documents relevant to school governance. In particular, the chapter aims to identify and discuss the role of specific reports, White Papers and legislation that changed the discourse about the control of education and gave rise to the establishment of the School Governing Bodies (SGBs) in the whole country.

This analysis will point out some of the factors that explain how the control of education is shaped. To understand the structure of the education system in the present era, the study uses specific relevant documents to trace changes in the process of control. Documents such as the reports of the National Education Policy Investigation (NEPI) published during 1992 and 1993 are briefly described, as these could be regarded as the first examples of documents, representing the broad democratic movements, that open a discourse explicitly suggesting a participatory form of school governance as against the centralised and rigid old system of education control with its top-down approach.

Next, the Hunter Report, produced in 1995, is discussed. This was the first official document on school governance published by the new Government of National Unity. The Hunter Report was based on a thorough investigation into schools in all nine provinces aimed at getting first hand information at grassroots level. The recommendations of this Report were hugely influential in shaping the subsequent legislation.

Thereafter, the chapter deals with a selection of significant documents that enabled the government to synthesise and direct the policy discourse. This selection includes laws aimed at furthering the democratisation of education and led eventually to the enactment of the SA Schools Act in September 1996. Documents included in the selection discussed are:

- the Interim Constitution of 1993;
- the White Paper on Education and Training of 1995;
- and the two education White Papers, the so-called White Paper 1 (1995), and White Paper 2 (1996), which culminated in the all important South African Schools Act (Act No. 84 of 1996)
- the Constitution of South Africa Act (Act No. 108 of 1996).

This selection will be considered as the key documents defining the policy framework and paving the way to legislation that brought about the democratic control of the education system, from the Minister of Education at national level down to the SGBs at the grassroots level. The importance or value of examining these documents is that this exercise provides a way of tracing the origins and functioning of the SGBs within legal parameters.

Also, the relationship between the above documents and the final Constitution of the whole country, i.e. the Constitution of the Republic of South Africa (Act No. 108 of 1996), will be given a special emphasis. It is also important to mention two other sources of value in this research, but which are not examined specifically. These two documents are *First Steps: School Governance Starter Pack: A resource for School Governing Body Members* (Dept. of Education, 1997a) and *Understanding the South African Schools Act* (Dept. of Education, 1997b). These have been very valuable to schools as important guidebooks in finding their way in school governance.

3.2   THE NATIONAL EDUCATION POLICY INVESTIGATION (NEPI) REPORTS 1992 – 1993

As already stated above, these reports gave rise to a new and more nuanced discourse about the control of the education system in South Africa, including a differentiation between aspects such as participation, governance and administration. The NEPI documents (NEPI,

1992 and NEPI, 1993) are a product of the many discussions held even before the unbanning of the liberation movements in 1989 (Barker, 1992: 488-490). These debates gained momentum especially after the release of Nelson Mandela from jail on 11 February 1990. As these reports were mainly driven by the interest of the people or groups who were previously largely relegated from participation determining the policies controlling educational affairs, they were mainly focused on the inclusion of such groups in the affairs of education. Much of the main report, the Framework Report (NEPI, 1993), is concerned mainly with new perspectives on the control structures of education and participation of the masses in the education of their children (NEPI, 1992: 26), hence the introduction of all the stakeholders in education for the first time in the development of education in South Africa.

The reports were mainly concerned with the governance and administration of the whole education system. As a discourse, the thinking in NEPI about educational control or governance marked a strong change of direction from the heavily centralised system under apartheid, in which there was very little participation by the masses. Rather, the move was towards the democratisation of the education system through mechanisms aimed at increased participation. As a first attempt to achieve that goal, the inclusion was accepted in some schools of parents, teachers and students in a structure known as a Parent-Teacher-Student Association (PTSA), while in other schools Parent Teacher Associations (PTAs) were to be instituted (NEPI, 1992: 41).

The documents also proposed a four level structure with a strong central department under one ministry, as follows: the national, the regional, the district and the school level. Each of the levels was to have its framework within which policy could be developed so as to achieve and maintain the five guiding principles that were chosen by the participants in the NEPI exercise. These principles were framed as the core values to shape a new democracy; they were the principles of non-racism, non-sexism, democracy, a unitary system and historical redress (NEPI, 1993: 6-7). Throughout the documents, the basic aim was to democratise the whole education system from the national level to the school level.

To achieve all these aims the reports examined two policy perspectives as a means to that end. The two policy perspectives appeared to be different but are complementary as they both sought to take the five principles into account in the development of their policy

framework. That gives them something in common. These two perspectives are, firstly, the macro (or system) perspective and, secondly, the micro (or school governance) perspective (NEPI, 1992: 37).

The *macro-perspective* focuses on the structures and processes required to render the whole system more democratic and accountable. It is therefore referred to as 'macro' as it focuses on a large scale because of its concern in the democratisation of the whole system, starting from the lowest level, which is the school, up to the highest level, which is the national ministry.

The *micro-perspective* takes as its starting point the National Education Co-ordinating Committee's (NECC) commitment to expanding the role of PTSAs in the governance of the system (NEPI, 1992: 37). The NEPI Report outlines each of the perspectives in detail. Of interest to this study and a fact of importance is the amount of agreement or convergence between the two perspectives. This shows that the thinking in NEPI attempted very thoroughly to think through the governance implications for democracy, both at national level and at the level of community, as well as in the individual institution such as the school. Such a consensus exists in the areas of:

- the four-tier (level) system of education governance with a strong equalising center;
- the need for effective and broad based participation;
- the need for clear and precise specification of the functions and powers of the structure that operate at the various levels;
- the need for some form of monitoring; and
- the need for a clearly defined national policy framework (NEPI, 1992: 51).

It should be noted that the NEPI reports paved the way for the new government policy initiatives as a discourse from the stereotyped apartheid system especially with the emphasis on the five principles. The principles have helped to guide the government in shaping the future of the education system in South Africa. Although the discourse is not new, the inclusion of the various interest groups with a stake in the policy formulation of the education system serves as an important new emphasis. Basically, the NEPI reports proposed a new approach distinct from the one proposed by the Department of National Education in 1991, in the closing years of control by the National Party government, namely

the Education Renewal Strategy Discussion Document (ERS) (see NEPI, 1992: 17). According to the writers of the NEPI reports, in the proposals of the ERS, there seemed to be a hidden calculated strategy to enable the already privileged groups to retain their privileges while the disadvantaged groups would be more disadvantaged. In fact the proposals of the ERS were distrusted by the majority of the relegated groups as such proposals seemed to be lacking signs for a real transformation to address the historical imbalances. For example, it is stated in the NEPI Report that the committee that drafted the ERS Report consisted of government bureaucrats with only one representative of the business sector. It was therefore seen as emanating from the authority structures, or bureaucracy, as against the democratic ideal envisaged by the majority of education proposals in which the grassroots would have participated. It could therefore not be accepted for the new South Africa in which all people would participate freely.

The NEPI reports have therefore helped to pave the way for the present democratic dispensation in the education system. They have also helped to come up with a cohesive structure on how the educational governance of a future South Africa could be moulded so as to bring together the racially segregated groups in a unitary system. That resulted in all the future documents pointing to the direction of democratic governance in schools. This is evident in all documents that followed, starting with the Interim Constitution of 1993 (Act No. 200 of 1993). The NEPI reports therefore helped to consolidate what emanated from the multi-party negotiations in Kempton Park as members of the Congress for Democratic South Africa (CODESA I and CODESA II) were trying to shape a new democratic and united South Africa, free from the prejudices of the past racially segregated system of the apartheid era (Barker, 1992: 499).

3.3   THE HUNTER REPORT

Following the 1994 Election, the new Government of National Unity (GNU), set out in broad outline their intentions for restructuring education in their first major policy document on education. This was the *White Paper on Education and Training in a Democratic South Africa. First Steps to Develop a New System* (RSA 1995a). After releasing this White Paper on 15 March 1995, the Minister of Education, Professor Bengu, appointed a Commission to

carry out an investigation in the envisaged new controlling structures that would democratise the education system. Professor Peter Hunter was appointed to lead the Commission, with the brief to review the "Organisation, Governance and Funding of Schools".

In its review, the committee undertook to get first-hand information by visiting all the nine provinces, where it met the various stakeholders in education. In some cases, written reports were presented as well as oral evidence from respondents to commissioners. From those submissions, the committee drafted its own recommendations before it submitted the whole report to the Minister in August 1995.

What emanated from the report was not unexpected: the commission found that as South Africa was racially divided, so was the schooling system. In order to ensure that the present government would be able to carry out its constitutional obligation of providing education to all South Africans free from any forms of discrimination, as well as its legal responsibility to protect the rights of all, the commission recommended that there should be only two types of schools. These were public schools and independent schools (Dept. of Education, 1995: 44). *Public schools* constitute the largest proportion of education provision and should therefore be under the strict control of the State, through the Department of Education as the main bursar or provider. Any activity taking place in these public institutions should uphold the principles of democratic governance, as enshrined in the Constitution for the whole country. The second category of schools, i.e. the *independent schools*, would have a fair measure of self-rule as the government would only assist partially in funding them. As the government would nevertheless have a limited stake in these schools, they too should be expected to observe some of the regulations, such as having to register with the Provincial departments of education, as well as refraining from any kind of discrimination, in line with the Constitution and laws of the country (Dept. of Education, 1995: 44 - 49).

Once the committee had finished its task and had submitted its report to the Minister, the national Department of Education processed the recommendations and reformulated these in the form of a policy proposal or White Paper. The Minister then presented this document to be discussed in parliament. That became the Draft Education White Paper 1, entitled: "The Organisation, Governance and Funding of Schools: A Draft Policy Document for Discussion" in November 1995 (RSA, 1995b). As the document was prepared from the

report, it showed a strong resemblance of the report. For example, chapters, three to seven of the White Paper deal with the same issues as are dealt with in the report in chapters three to nine. The only exception is that in the White Paper, they are more refined.

Public sessions were held at which the White Paper was explained and questions could be asked. The public was given several months in which to submit written comments on the policy proposals contained in the White Paper. After the comments were received from the public on the Draft Education White Paper, the Minister of Education revised White Paper 1 and issued a new version in February 1996, that became know as White Paper 2, also with the title "The Organisation, Governance and Funding of Schools". After an opportunity for further public comment and debate, this version was prepared as a Bill for presentation to Parliament. The Minister succeeded in getting the approval of Parliament after some few changes in the draft Bill. The Bill was adopted as the policy to be followed by all education departments in the RSA, including the schools under their control. Once this Bill was adopted it became legislation in the form of the South African Schools Act, Act No. 84 of 1996. This is the piece of legislation that is of central importance to this study of school governance and is the focus of section 3.5 below.

What is significant about all the documents mentioned, from the Hunter Report through to the Act, is that they reflect a largely similar structure and content: the Hunter Report laid down the overall shape of ideas that were then reflected, and refined, in each of the subsequent policy documents. These steps and the documents that were part of the process together provide a valuable and transparent picture of the development of policy about educational governance in South Africa. This record also shows how at various points in the process, public participation was permitted. As a result of public comment and debate, modifications were made to the draft policies. In this process one can see an example of increased democratic participation.

Thus not only in the contents of the new Law for school governance, but also in the process of making that policy, the release of this document by the parliament marked the beginning of a new course for the democratisation of education in the whole of South Africa.

While the Hunter Report is not classified as a legal document, it was certainly a very important policy document, in view of the fact that it was a result of the mandate from the Minister of Education and its findings and recommendations helped to shape the current law governing the education of our country.

3.4   THE CONSTITUTIONAL FRAMEWORK

After the NEPI reports (1992-3) it was already clear that the apartheid government was no longer legitimate in terms of being supported by the masses. There was also a strong need to establish a new form of government to direct the country's affairs; it became imperative to prepare for that structure consisting of the representatives of political parties that met at Kempton Park in which new and relevant laws or acts could be anticipated for the country. The aim of these negotiations at Kempton Park was to create a climate of legitimacy to support deliberations towards a peaceful resolution of constitutional issues in South Africa. This also helped to legalise whatever steps would be taken as well as to reduce the threat of disorderly transition of power and the type of actions that might have been taken by those who were against the change, e.g. the right wing groups (Basson, 1994: xxi). To this end, people from across the political spectrum negotiated a new Constitution that would be inclusive of all the various groups of the people of South Africa, as the first step to move away from the existing constitutional arrangement of the Tricameral Parliament with separate provisions for the White, Coloured and Indian groups only (Basson, 1994: xxi).

The multi-party negotiating process acknowledged that it was responsible in the first place for a transitional arrangement to guide the country through the process of democratic elections. To cover this transitional need, this process produced the Interim Constitution in November 1993. The implication was that from that day, South Africa was governed differently from the apartheid era. What was of importance was that this Interim Constitution became the supreme law of everybody in the country, including those that had walked out of or boycotted the negotiations. South Africa was then ready to move towards fully participative general elections as the Interim Constitution made provisions for such elections. A law to that effect was then enacted, the Electoral Act of 1993, which showed that "South Africa's electoral process complies with all the requirements which ensured that

a truly representative government will be created" (Basson, 1994: xxvi). Among its beacons, the Act provided for:

- General elections (the universal right to vote);
- Periodic elections (to ensure that democratic accountability is maintained, at the very latest a new national election must be held in terms of the new Constitution after the transitional period of five years comes to an end);
- Free and fair elections (secret and orderly elections to ensure that every vote reflects the true intention of the voter); and
- Proportional representation (Basson, 1994: xxvi).

What should be emphasized as important about the Interim Constitution was that elections would be general. That implied that all those who would meet the requirements would exercise their right without any discrimination of whatever nature, i.e. citizens achieved the universal right to vote. That was a real move away from the denial of political participation under apartheid, to a democratic government in which all citizens enjoy the same rights as guaranteed in Chapter Three of the Constitution on Fundamental Rights (Basson, 1994: 13). Another aspect of importance was that the elections were to be free and fair so as to allow the voters to have a final say on how they wanted to be governed.

With the coming in of the Interim Constitution and the entrenchment of the fundamental rights in it, a new form of government was introduced. The newly formed government was based mainly on the fundamental rights (Bill of Rights). After the General Elections of 1994, the newly constituted Government of National Unity (GNU) had to use the Interim Constitution as its beacon in shaping up the new democracy and within five years finalise a new Constitution for the country. As has been mentioned, all the government appendages were entitled to make laws and policies for their various departments. Whatever laws and policies the various state departments made, they had to be within the existing Constitution, as the Constitution had become a supreme law of the country.

At its inception, the GNU came up with twenty-eight ministers to lead the various government departments. Each of the various departments had to ensure that it would be working towards the achievement of the goals of the GNU. These goals were the same as the

principles that had guided the National Education Policy Investigation, namely to achieve policies that would be:

- Unitary
- Non-racist
- Non-sexist
- Democratic, and
- Aim at redressing the past imbalances and injustices of apartheid.

One of those departments under the new dispensation became the Department of Education. Although there had been a national Department of Education under the previous dispensation, this was indeed a totally new department in that for the first time, there was a national department responsible for all education for all of the population of South Africa. Structurally and politically this was an historical development: it marked the transformation of education into a non-racial, integrated system running right through the system, from the central control of education down to the administration at provincial level and the running of schools at community level. The establishment of this department was a direct result of the entrenchment in the Constitution of the Bill of Rights. As one of the rights to be upheld in the new unitary state, the Constitution states in section 32 that every person shall have the right to:

(a) basic education and to equal access to educational institutions;

(b) instruction in the language of his / her choice where this is reasonably practicable, and

(c) establish where practicable, educational institutions based on a common culture, language or religion provided that there shall be no discrimination on the grounds of race: (Basson, 1993: 49).

So far, we have seen that the right to education for all was secured in the Interim Constitution negotiated in the CODESA process at Kempton Park. As mentioned, the Interim Constitution determined that the first democratically elected Parliament should adopt a new constitution within the first five years. The Interim Constitution formed the basic document used in this process and the new rights already secured in that legislation were incorporated in drafts for the new document. These drafts were duly completed during 1995 and 1996 and the Constitution of the Republic of South Africa, Act No. 108 of 1996 was adopted by

Parliament in November 1996 (RSA, 1996c). The new Constitution enshrines the right to education in Section 32, with the following detailed explanation of this right:

1. Everyone has the right -

   (a) to a basic education, including adult basic education and

   (b) to further education, which the state, through reasonable measures must make progressively available and accessible.

2. Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account -

   (a) equity

   (b) practicability, and

   (c) the need to redress the results of past racially discriminatory laws and practices.

3. Everyone has the right to establish and maintain at their own expense, independent educational institutions that -

   (a) do not discriminate on the basis of race;

   (b) are registered with the state; and

   (c) maintain standards that are not inferior to standards at comparable public educational institutions.

4. Subsection (3) does not preclude state subsidies for independent educational institutions (RSA, 1996: 13).

Taken directly from the Constitution, this right to education imposed on the Department of Education and the Minister in charge of the department the responsibility to ensure that the department would work towards the realisation of such rights in practice. That implied a far-reaching change from the manner in which education was provided in South Africa before 1994. There thus had to be a shift away from the racially segregated and differentiated provision, fragmented between 17 separate departments, to a unitary, uniform and equal provision with the purpose of redressing the past injustices.

The Interim Constitution of 1993, followed in 1996 by the new Constitution of South Africa, introduced a new educational dispensation in which the Constitution was the source and

protection of rights that had not previously existed for all citizens. This constitutional framework imposed obligations on the government: the new era demanded that policies had to be formulated with the express purpose of coming with a single law to unify these seventeen departments of education that had previously each been governed by divergent and uncoordinated policies. The next section examines how the obligation to introduce a new, uniform system of school governance was answered through the introduction of the South African Schools Act towards the end of 1996.

3.5   THE SOUTH AFRICAN SCHOOLS ACT: ACT NO. 84 OF 1996

3.5.1   How the Act came into being

Understandably immediately after the General Elections of 1994, other than the Interim Constitution, there was not yet any single law governing education in South Africa. From 1994 onwards, the new constitutional arrangements gave the national Department of Education authority over all education in South Africa. Their first responsibility was to develop policy that would direct the transformation of the system under their control in an orderly way and achieve a unitary system that would be non-racist, non-sexist and democratic and would aim at redressing the past injustices.

The new constitutional arrangements provided for a clear decentralization of control over education, such that responsibility for schooling was delegated by the central Ministry to each of the provinces. As the country was divided under the new Interim Constitution into nine provinces as from April 1994, each province was given the power to control its own school education through its own education department. It should be noted that the provinces were not given absolute power over the education. They were only allowed to share their power with the national Minister of Education. The purpose of giving the provinces some power was to decentralise the decision making process and so allow decisions to be taken by those closer to the institutions. That would allow those with an interest in education to participate in decisions affecting them directly.

It was the need to put in place legislation to guide the provinces in this responsibility that lay behind the Minister's decision to appoint Professor Peter Hunter to head the committee of investigation into the "Organisation, Governance and Funding of Schools", discussed in full in section 3.3 above. As described, the Hunter Report led to the White Papers on which the Bill affecting school governance was based. This resulted in the new legislation on school governance being passed in the form of the South African Schools Act, Act No. 84 of 1996. With the passing of this Act all aspects of school governance were brought into one legislative framework, under the ultimate control of the national Department of Education.

In addition to unifying school governance in one policy framework, the passing of the SA Schools Act had the following significance. It also marked the end of previous anomalies in any existing legislation or practices. Any law or conduct inconsistent with the SA Schools Act is invalid, and the obligations imposed by it must be fulfilled. The Act was therefore passed by the parliament to:

- provide for a uniform system for the organisation, governance and funding of schools;
- amend and repeal certain laws relating to schools; and
- provide for matters connected therewith (RSA, 1996b: 2-3).

With the advent of the South African Schools Act, a uniform education system came into being. The Act affected all types of schools from Grade R (Grade 0) to grade twelve. Also, independent schools had to act within the parameters of the Act, although with a fair measure of freedom in certain respects.

The South African Schools Act therefore provided for a uniform form of governance for all schools. The most important aspect of the Act in respect of the approach to school governance was the introduction of School Governing Bodies (SGBs) as the institutions that would in future enable a form of participative and shared decision making at school level, by representatives of interested stakeholders. Through the establishment of the School Governing Bodies, democratic participation of the stakeholders was achieved. As Tshifura (2001: 50) highlights in his study of school governance, the Act is based mainly on three core values of democracy: equality, access and participation.

In summary, it can be noted that this research has attempted to show that the SA Schools Act is a product mainly of five documents. These are:

- the Interim Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

- the Hunter Report of 1995 on "The Organisation, Governance and Funding of Schools";

- the Ministry of Education's first White Paper on "The Organisation, Governance and Funding of Schools, in November 1995 (also called White Paper 1);

- the Ministry of Education's second White Paper, also on "The Organisation, Governance and Funding of Schools" in February 1996 (Notice 130 of 1996)(also called White Paper 2);

- the South African Schools Bill introduced in Parliament in 1996 and adopted into legislation as the SA Schools Act.

3.5.2 Overview of the Act

The Act is preceded by a preamble that sets out the overall purpose of the Act to "provide for a uniform system ... [and] consequently to amend and repeal certain laws". In addition, it sets out the necessity to "set norms and standards ... which must be applied uniformly throughout the Republic and provide the basis for an education system of high quality which will advance the democratic transformation of society, uphold the constitutional rights of all learners, parents and educators, and promote their acceptance of responsibility for the good governance of schools in co-operation with the State" (RSA, 1996b: 1).

The Act has seven chapters and two schedules, as follows:

Chapter One deals with the definitions and applications of the Act. Some nineteen definitions are given, including *educator, governing body, learner, parent, principal* and *school*. The second part of the chapter directs how the Act should be applied.

Of particular note in this respect is that, in its application the Act empowers the provinces to make their own Acts, provided they are in accordance with the Constitution. [The researcher notes that an important example of the application of this power at provincial level in the Eastern Cape Province is seen in the notices in two Provincial Gazettes (Nos. 415 and 416)

issued on the same date, 25 June 1999, by the Member of the Executive Council responsible for Education. These notices related to the following:

Notice 415: Regulations relating to behaviour by learners in public schools which may constitute serious misconduct, the disciplinary proceedings to be followed and provisions of due process safeguarding the interest of the learner and any other party involved in disciplinary proceedings.

Notice 416: Measures relating to school governing bodies for public schools for learners with special education needs.

Both these notices relate to specific aspects of the Act, namely the discipline of learners in section 8 of Chapter Two, and Governing Bodies of schools providing special education in section 22 of Chapter Three, see below.]

ChapterTwo deals with the "Learners". Compulsory attendance, admission, language policy and discipline are dealt with; the obligation is also spelt out of every public school with learners in Grade 8 and above to establish a representative council of learners.

Chapter Three is the chapter most directly relevant to this study. It deals with "Public Schools", outlining the responsibility of the State to ensure provision of public schools and setting out the legal status of such schools. The key functions of governance and professional management in public schools are defined and differentiated. Most importantly, from the perspective of understanding the functioning of school governance, this chapter sets out the duties and powers of SGBs, as well the responsibilities of the Head of Department in each province to enhance the capacity of SGBs. The exact composition and term of office of SGBs are specified and the procedures for holding elections and determining office bearers are given.

It is important to note that the main duty of SGBs is "to promote the best interests of the school" and that SGBs must draw up a constitution within 90 days of being elected.

Chapter Four deals with the "Funding of Public Schools as a Constitutional responsibility of the state to provide education to the learners. In this chapter, the Act establishes the parent's liability for payment of school fees. The responsibility of SGBs to draw up a budget and present this for approval to an annual meeting of parents is specified, as is the power of

SGBs to levy and enforce the payment of fees. SGBs are also responsible to ensure that proper financial records are kept and audited annually.

Chapter Five sets out provisions for the existence of "Independent Schools" which also fall within the ambit of the Constitution as they are governed by the same laws although they enjoy a certain measure of freedom.

Chapter Six deals with "Transitional Measures: that must be followed in the due course while the department is deals with the different steps necessary in the process of restructuring, as existing laws are amended or repealed and new laws implemented.

Chapter Seven deals with the "General Provisions" which are protecting and giving authority to all those with the power in schools to exercise authority as long as that authority does not contravene either the Act or the Constitution.

The Act ends with two Schedules, i.e. Schedule 1 that makes identifies precisely all the previous Acts that are nullified, either in full or in part. Schedule 2 is an Amendment of Educators' Employment Act of 1994 (Proclamation No. 139 of 1994), which is amended by section 63 of the South African Schools Act (Act 84 of 1996).

3.5.3 Provisions with special reference to the School Governing Bodies

Section 3.5.2 above gives an idea of the full scope of the Act. For this study, with its focus on the effective functioning of SGBs, it is mainly Chapter Three that is important, as well the part of Chapter Four that deals with the responsibilities of SGBs regarding the handling of finances.

For a full appreciation of the provisions for the functioning of SGBs, it would be ideal to work systematically through every paragraph of Chapters Three and Four and to examine them in relation to the other chapters in the Act. That exercise is too extensive for a research assignment of this scope. As a supplementary source to the research, therefore, certain paragraphs from the Act regarded as most relevant to this study are included in Appendix 1. This section will, however, summarise briefly those paragraphs that most clearly highlight

the way that the Act intends SGBS to function. This also gives an indication of the way in which school governance is intended to be a participative and democratic form of sharing power at community level in the decisions affecting those affected by the work of the school.

The status of public schools and power of SGBs

The Act defines every public school as a *juristic person*, i.e. with the legal capacity to perform functions in terms of the Act (paragraph 14). As already discussed, the past history of a practice was that school principals combined their professional management functions with a great amount of control over the school, i.e. almost possessing the powers of governance of the school. The Act clearly intends the functions of *professional management* and school *governance* to be separated conceptually and in practice. These capacities are differentiated in the Act, which vests the powers of governance in the governing body, which stands in a position of trust towards the school. The professional management is to be undertaken by the principal, who is accountable to the Head of Department, i.e. the Education Department as provider and employer (paragraph 15).

Capacity, duties and powers of SGBs

The Act gives the power of governance to schools but recognizes that many schools may not be ready to exercise these powers. It appears that the strategic importance of helping school governance to work effectively was recognized by the legislators, because early in the Act the responsibility is given to the Head of Department to take steps to *enhance the capacity* of SGBs (paragraph 16). The importance of this responsibility for capacity building cannot be over-emphasised. *Duties* are those responsibilities or functions that SGBs are expected to perform; the Act uses the imperative "must" to express this (paragraph 17). These duties can be summed up as promoting the best interests of the school, but they include very specific duties such as drawing up a constitution, developing a mission statement, supporting the principal and staff in their professional functions, adopting a code of conduct, holding regular meetings and keeping minutes, preparing an annual budget, operating a school account, raising funds, reporting regularly to parents and encouraging parents to render voluntary services to the school.

Duties are those functions and responsibilities that the Act gives to all public schools. The Act also makes provision for SGBs to expand their power through obtaining additional

responsibility, or delegated power over their own affairs. A separate list of additional *powers* is provided, for which the SGB may apply (section 18). They must apply in writing to the Head of Department, requesting for these additional functions. The Head of Department may refuse to allocate these powers if he or she deems that the school does not have the necessary capacity. These allocated functions include powers to maintain and improve the school property, determine the admission, language and religious observance policies of the school, determine school times, subject choice and extramural curriculum, to recommend the appointment of educators and non-educator staff, determine and enforce school fees, purchase text books and pay for services to the school, join voluntary bodies representing school governing bodies, and allow the reasonable use of school facilities for community and school fund-raising purposes. The Head of Department also has the power to make a variation to these allocated powers (paragraph 19), or even to withdraw some or all of them (paragraph 20).

Composition, election, organisation and term of office of SGBs

It is in the composition of SGBs that the Act sets out the shared and participative nature of school governance. The Act identifies the relevant stakeholder and gives these the right to participate in shared governance. Four main *categories of stakeholder* in a school are identified (paragraph 21): parents (not employed at the school), educators, non-educator members of staff, and learners in the eighth grade or higher. The fifth component is the principal who is also a member, *ex officio*. SGBs may co-opt members, but these do not have voting powers; parents must comprise the majority on the SGB and learner representatives must be elected from the Representative Council of Learners. In practice, the composition of SGBs is determined by the Head of Department in each province, through the provincial education legislation. A normal composition of SGBs without learner representatives is: five parents, two educators, one non-educator staff member and the principal, i.e. a total of nine members, where parents form a majority with five members. In schools with learners in the eighth grade or above, the composition of the SGB is: seven parents, two educators, one non-educator staff member, two learners and the principal, i.e. a total of eleven members, where parents form a majority with seven members.

The procedures for *elections* (paragraph 26) specify how an election must be run and that there must be a secret ballot at a meeting, properly advertised in advance, of each respective constituency. SGBs must elect office bearers including at least a chairperson, treasurer and secretary; only a parent member may act as chairperson (paragraph 27). SGBs may make use of a system of committees to deal with various aspects of their responsibilities, such as maintenance.

The *term of office* varies for different members (paragraph 29): for a learner member it is one year, but for other members it is three years, which means that an election must be held at least every third year. The term of office bearers may not exceed one year, but office bearers may be re-elected.

Financial responsibilities

It is the responsibility of the SGB to take reasonable measure within their power to supplement the schools financial resources (paragraph 34). The SGB must establish a school fund to be directed towards educational purposes (paragraph 35), a budget must be prepared and approved by a majority at an annual meeting of parents (paragraph 36) and based on the budget, school fees must be set (paragraph 37). The Act enforces the parent's liability to pay agreed school fees (paragraph 38), although SGBs must ensure that there are equitable procedures to provide for exemption. In line with these provisions, therefore, the SGB can also enforce the payment of school fees (paragraph 39). Lastly, it is the duty of the SGB to keep proper financial records (paragraph 41), to have these audited annually and to submit these to Head of Department (paragraph 42).

3.5.4 Some implications of the SA Schools Act

For the SGBs to be really effective governors, they need the power to take decisions concerning their schools. This power they are given by the Act. Having constituted in a collective form, they are expected to take decisions collectively.

The SA Schools Act has clearly placed an obligation or responsibility on the governing bodies, which all of them are bound to carry out. These are the duties which have to be performed by all the SGBs once they are constituted, as implied by the use of the word

"must" in the Act. This implies that by law, any SGB contravening or neglecting its duty, is guilty of an offence. That is done to ensure that a uniform system of governance is in place for all the schools in South Africa.

Also, the powers created for SGBs in addition to the obligatory duties imply that if SGBs take up these duties responsibly and are quick in showing strength and a better understanding of their duties, they may ask for, and be given, additional allocated powers to enhance their progress and increase their power over further matters affecting their schools. This provision of the Act therefore implies equity and equality of opportunities, on the one hand, but also allows for differences or diversity of context or circumstances. So, for schools to be viable institutions, or to achieve greater experience of true participative school governance, a lot depends on the amount of initiative that the SGBs takes. The initiative really is in the hands of the school community to make democracy work to their advantage at local level.

In reading the Act as a whole, one finds that the duties, like the powers, are not only specified separately in the relevant paragraphs already described. They are actually also spread out or referred to indirectly in every part of the Act, because many of the functions are inter-related. No-one, therefore, should apply specific aspects of the legislation in rigidly isolation; rather than to be rigid in the reading of these duties, those interested in understanding effective school governance are advised to be familiar with the contents of the whole Act.

It should be noted that the government has also placed a responsibility on the Head of Department to ensure the capacity building of SGBs. This obligation therefore also includes a responsibility for the principals as representatives of the Department, not only for departmental officials, to take deliberate steps to ensure that SGBs are assisted in the understanding of their powers and duties. This is aimed at preventing these officials, including principals, from keeping such important information to themselves, thus failing the democratic transformation of the system, as is happening in some of the schools in the Tsomo area. It may even be that such officials avoid capacity building in order to maintain their own power base.

There may be a more practical reason why capacity building is not achieved. In practice, funds available for this purpose are not always readily released. The government has placed the responsibility over the Provincial Legislatures to allocate funds for the training of the SGBs, but a shortcoming or failure to meet this obligation may be that, whereas principals are also expected to carry out this responsibility, they are not empowered to have access on the funds. That has resulted in some principals not actively executing this function. The situation is also worsened, by the fact that many principals in underdeveloped areas, such as Tsomo, are also subject teachers while some are even class teachers, because of the staff shortages, and simply do not have the time to plan or implement programmes for capacity building.

The coming into effect of the SA Schools Act is a major step in the realisation of the hope that a democratic, unitary education system should be put in place, which in the not-so-far future can be achieved. At least, the freedom to exercise authority within the Constitution by all the stakeholders is being achieved. Provincial departments are now able to formulate their policies under the guidance of a law. This is going to be helpful to the education officials, including teachers, as well as the learners who might be relocating to other provinces. One of the allocated powers of SGBs is to choose the subject options offered in the school, in terms of provincial curriculum policy. Provided SGBs apply this power in a proper and informed way, learners will benefit, especially now that there the Interim National Education Policy Document (A resume of Instructional Programmes in Schools Report 550 (2001/08) is in place. This resume outlines the various subjects that learners may choose for their curriculum in the various grades (Dept. of Education, 2001: 1).

3.6   RELATIONSHIP BETWEEN LAW AND THE POLICY PROCESS

The word "legal" describes any process that is based on law, or is concerned with law (Fowler and Fowler, 1995: 776). On the other hand, "policy" is described as a course or principle of action adopted or proposed by a government, party, business or individual (Fowler and Fowler, 1995: 1057). In the context of this study, i.e. of the role of school governance in transforming education, it is relevant to examine how the two words come into play. In the first instance, before the SGBs could be elected a law had to be passed to

authorise the schools to have such structures otherwise they would be illegal (unlawful), or at least have no legal standing or authority. Their establishment came as a result of the supreme law of the country that specified that South Africa, as a democratic country, aimed at more democratic forms of governance. To ensure that such a dream would be achieved, all the parties that met at Kempton Park had agreed on a Government of National Unity (GNU) to ensure that all parties would participate in the formulation of the laws. This concert, in the literal sense, was a unified attempt at participation. It was clearly the intention that this model of participation should be translated to all the departments of the government.

At school level, SGBs had to be instituted on a legal basis, to ensure that all those with an interest in education could participate. SGBs thus became the legally authorised structures to take decisions and carry out instructions through specific legislation, in particular SA Schools Act. In this way, a legislative framework was introduced, to provide the legal basis on which to include the inputs of the various stakeholders, and with uniform application to the country as a whole.

With the passing of this legislation, the national Department of Education had to start working towards the achievement of the objectives set out in the SA Schools Act. To do that, it had to establish a common policy dealing with the different aspects of the law. The establishment of the legislation described above provided the GNU with a framework of authority within which to set about developing further policies. This framework therefore provided an overarching policy, or law, from which other policies would be derived for the various levels. This legislation on a national level ensured that there was a strong framework in place to guide policy deliberation and choices at every different level, towards common goals for all citizens and all regions of the country. This framework even applies in guiding the formation of policies at school level, such as the constitution of a SGB or drawing up a Code of Conduct.

This implies that at all levels, nationally and provincially, departments have a freedom to develop policy and in fact must have policies by which to work in order to achieve this common goal. They are therefore required to draft their policies within the framework of the SA Schools Act, and thereby ensure that they act within the parameters of the supreme law, i.e. the Constitution, because the SA Schools Act was designed specifically to answer to the

principles of the Constitution. In a nutshell, a policy should be understood as a path that directs the course to be taken to arrive at a certain destination. In this sense, it is a policy that shows what route and process one has to follow to interpret the principles set out in a particular law. In a democracy, different provinces and even different schools can follow different routes but they are all guided by the common purpose of the same law. This expresses how difference and diversity at local level can nevertheless contribute to the vision of a unitary system.

3.7   SUMMARY

The chapter was an attempt to look at the legal and policy framework within which SGBs function as the official governors of schools. The chapter started by tracing the origins of the present system of governance for the whole country. Emphasis was laid on the relation between the country's system of government and the governance of its departments as well as the obligations imposed by the Constitution over the departments such as the Department of Education.

To study the process by which school governance became part of the legislative framework of the new dispensation, the chapter identified and examined a selection of key documents directly relevant to the passing of the policy document that most directly determines the place and functioning of SGBs, namely the SA Schools Act. Key documents studied were the NEPI Reports, the Hunter Report and the two White Papers on the "Organisation, Governance and Funding of Schools" that flowed from it, the overarching framework provided by the Interim Constitution and the Constitution of South Africa and, finally, the SA Schools Act.

The Constitution and the SA Schools Act are treated as the key documents that have brought about the change. The SA Schools Act has been treated in some detail mainly to provide an insight into how the SGBs should work. The description of their duties and functioning has shown that these structures have a responsibility, hence the duties are said to be obligatory. The additional powers that may be allocated have shown that SGBs have the possibility to increase their authority to exercise governance when taking decisions in their schools. It has

also been established that while all schools are put on a footing of equality by the fact that their respective SGBs are given the same powers, the manner in which they would achieve that privilege will differ and that would make them to be different though equal. This difference of equality directly addresses the concepts of access and redress where all people get equal opportunities but differ in their initiatives.

The next chapter aims at an empirical investigation on how the SGBs in selected Senior Secondary Schools of Tsomo appear to function in practice as the structures intended to transform the education system at the grassroots.

CHAPTER 4

EMPIRICAL INVESTIGATION INTO THE FUNCTIONING OF SCHOOL GOVERNING BODIES IN THREE SENIOR SECONDARY SCHOOLS IN THE TSOMO AREA

4.1 INTRODUCTION

The previous chapter dealt with the important documents setting out the legislative framework for school governance. These documents point to the direction that all public schools in South Africa are expected to follow if they are to transform democratically. This chapter is an attempt at finding out whether education transformation at local school level is following the national norms to achieve the same goal. To do this, the researcher chose to use empirical methods of personal investigation at school level in a community well known to him.

So far in this study the researcher has employed two main methods of finding information, i.e. conceptual analysis based on literature and a documentary study, based on relevant policy documents. In this section the researcher reports on an attempt to obtain a more first-hand insight into the experiences of school governance in specific selected schools in a rural area of the Eastern Cape, namely Tsomo.

In this empirical part of the study, two tools or methods were used, an interview schedule and a questionnaire. Three senior secondary schools in the district of Tsomo were selected, as the investigation had to be kept to a limited scope because of time and resources. Of the three schools, one was selected for an interview, while in each of the other two schools a questionnaire was used. The reason for differentiating the methods is to try and create the

possibility of contrasting the methods of data collection and balancing potential limitations in one method or the other.

4.2   RESEARCH METHODS

4.2.1   An explanation of the methods

The researcher chose the two methods as they are commonly used in many researches. They are therefore believed to be more conventional. The researcher designed the questions and statements with the purpose of generally finding out the level of awareness of members of the SGBs about their powers and functions as governors of the schools. The researcher was prompted by the fact that he was sceptical that SGBs in the rural schools cannot perform their functions effectively as they have not been adequately empowered to assume their new roles. The researcher as one of the *ex officio* members in the SGB in his school has developed a doubt as to whether SGBs in general are in a position to govern the schools democratically as is outlined in the numerous documents examined in the previous chapter. Another reason is that the researcher, being a principal teacher, has observed for a long time that SGBs are not fully equipped, either by the teachers in schools or by the departmental officials, to execute their duties with confidence in this area. Therefore, the questions for both the interview schedule and the questionnaire are based on that assumption. They do not therefore focus on a specific area of the function or responsibility of SGBs. Rather, the items are deliberately of a more general nature, trying to reach a more open-ended impression of what levels of awareness exists in these the SGBs about their powers and duties.

4.2.2. The interview schedule

The interview schedule that was used is attached in Appendix 2. Questions for the interview schedule were meant for all the components of the SGBs. The components that were targeted were, the principal as *ex officio* member and a representative of the School Management Team (SMT), the chairperson of the SGB representing the parents, an educator representing the teaching staff member, a learner serving in the SGB representing the Representative Council of learners (RCL) and one member of the non-teaching staff. The

basic aim was to establish whether all such components as required by law were really allowed to be a part of the SGB. This move was triggered by the fact that in some schools in the Tsomo area, the learner and non-teaching staff components are sometimes sidelined. The second aim was to find information from all the categories so as to verify the functioning of the SGBs in this area.

The advantage with the way the interview strategy was applied is that participants were interviewed individually. Therefore, there was freedom in responding to the questions with no fear of intimidation, especially for the learner representative, the non-teaching staff member and the parent components as these might still be lagging behind in fully understanding their powers. A possible shortcoming is that, other than the researcher's own notes, there was no tape recording or other record to capture the exact responses from the interviewees for future reference. This method forced the researcher to interpret or modify some answers when the respondents seemed to doubt or not understand the meaning of some questions, or there was a feeling that the respondents were moving away from the required answer. For example, in many cases the respondent would give a long explanation where the question only required an answer of Yes or No. Another shortcoming was that the interview for the chairperson, learner and non-teaching staff members had to be conducted in IsiXhosa as the three categories showed a lot of difficulty in understanding the English language.

4.2.3   The questionnaires

The questionnaires were conducted in two of the three senior schools (See Appendix 3). The schools were chosen because they are the ones with hostels in Tsomo area. The aim of the questionnaires was to find out whether their SGBs really have control over the use of the hostel facilities, as the policy guidelines indicate they should. The questions or items were divided so as to obtain insight into three categories of SGB functioning:

(a) the formation of the SGB and details about meetings of the SGB

(b) the constitution of the SGBs, and

(c) questions in general.

In designing the questions, the researcher has avoided complex and direct questions that might otherwise haunt the respondents in aspects about which they might feel private. Also it

was hoped that respondents would feel more free to give candid answers in responding, as they would be alone.

4.3 THE PROCESS OF DATA COLLECTION

4.3.1 The interviews

The interview was used at School A. In dealing with the people directly in the interviews, the researcher found that it was not an easy task to find the information as had been intended, because some interviewees tended to conceal other crucial information. This might be due to the fact that some questions seem to intrude directly on the privacy of their schools. For example, when the learner was asked about the use of corporal punishment, he revealed some hesitation to give a direct answer. It is this hesitation or doubt that led the researcher to suspect that corporal punishment was still used in that school. The hesitation to give a straightforward answer also revealed that he was aware of its banishment, but that for whatever reasons, it was still used. That happened in spite of the explanation that the researcher had given that he was a teacher himself and that the learner should feel the freedom to answer honestly.

In conducting the interviews, the researcher tried to stick to the questions, as he feared that deviations might make it take longer to finish the interviews. Sometimes they might sidetrack him from the focus and that might result in the interviewees getting tired before the completion of the questions.

As already stated, responses were hand recorded and that made the process a long one, especially in that questions for the three representatives mentioned above had to be translated from English to IsiXhosa. In the same way, it was a long process to translate and record their responses, as they did not understand the English language. This proved to be a hindrance, as some of the English words did not automatically translate into IsiXhosa. It was time-wasting, as it was a struggle to say something in one language after being translated from another language. The result was that some of the responses had to be modified. There were instances where the respondents had to be stopped and the question rephrased for a better understanding by the respondents. The rephrasing was done although the researcher was

aware that it might change the original purpose or objective of the question. However, the approach was accepted as necessary under the circumstances, mindful of what was pointed out by Cohen and Manion (1994: 364-365) that both the researcher and the participants have certain rights in a research situation: "the right to research and acquire knowledge and the right of individual research participants to self-determination, privacy and dignity. A decision not to conduct a planned research project because it interferes with the participants' welfare is a limit on the first of these rights".

It is against this background of the rights of the participants that the researcher felt obliged to rephrase some responses especially that of the use of one's own language, especially when IsiXhosa is one of the official languages of South Africa.

4.3.2 The questionnaires

This is the area in which the researcher experienced great frustration. It was extremely difficult to get back the completed questionnaires. In one instance, the researcher was bound to reproduce another copy of the questionnaire as the people to whom he gave the first one had misplaced it. Both schools took much longer that the time allocation requested by the researcher to return the finished questionnaires. That was in spite of the researcher having personally delivered the questionnaires to the schools after he had secured their consent to assist him with completing the questionnaires.

The researcher's intention was that all those concerned should supply the information, so that it could stand as a form of evidence or useful data. As the information was sought from two schools, differences became evident, especially with regard to the use of the hostel facilities in the way that the policy document authorised. With School B, there was no problem with the SGB allowing the use of the facilities and the classrooms, for purposes other than teaching and learning activities. With School C, however, it was explained that the hostel was a different part of the school, as the hostel was built by as private company. They argued that their powers of governance did not allow them to use the hostel facilities in the ways suggested by the SA Schools Act.

As the questionnaires were sent to the schools on 7 September 2002, the last one from School C was returned on 20 November 2002 after numerous occasions of promises. Each time the

researcher went to collect the responses, he was promised that they would be ready the next day. That reminded him of the law of diminishing returns, whereby he began to doubt whether it would be possible to have the material back at all once the deadline for the agreement expired. One reason that might have made School C take such a long time might be that they were still trying to make the questionnaires available to the different governors of both the school and the hostel.

4.4   FINDINGS

The responses to both the interview and the questionnaire produced much informative data. Not unexpectedly, the responses were detailed and in some cases very revealing, especially when big differences were found. It is not possible to give a comprehensive analysis of all the responses or draw out the significance of each finding. In this section, the researcher takes a sample of responses for description and comment. As a limited empirical perspective, these responses are useful to give a clearer idea of how the principles and intentions of the SA Schools Act are experienced at local school level in a rural area like Tsomo.

Reading through the responses from the three different schools gives a picture that some schools had established their SGBs only when they were introduced formally for the first time in 1998 in the Tsomo area, e.g. in School A where the interviews were held. At School B and School C that were given questionnaires, only School B seemed to have followed the provincial norm of changing the SGBs at the end of 2000, when new SGBs were supposed to be elected right through the province. If one takes the responses in Appendix 3 as accurate, School C seemed to have begun to establish a SGB only in 2002 for the first time. Even the manner in which they handled the questionnaires proved that they were very unfamiliar with the aspects of governance dealt with in the questionnaire. This was strongly supported by the fact that they took such a long time to complete the questionnaire (from 7 September to 20 November instead of the one-week time allowance given by the researcher). On conversing with the person who was entrusted with the duty of monitoring the completion of the questionnaire at School C, the researcher found that she acknowledged that they were not aware of many of the aspects of governance dealt with in the questionnaire. She admitted

that working on the questionnaire had in fact helped them very much. This was at least a positive sign of the opportunity for capacity building.

The findings from both the interviews and questionnaires show a lot of discrepancies and confusion in the members of the SGBs of all three schools. There is an indication that the parent components seem to be there as elected members, but do not actually play a prominent role in the decision-making process at all, as is intended by the SA Schools Act. This is also true of the non-teaching staff members and of the learners.

In taking a closer look at the election of the SGBs, the findings make one to shiver. This is so because in answer to the question asked at School A, "When was the SGB established in the school?" the researcher made it clear that he wanted to know when the current SGB had been elected. There was very great disagreement between the answers received: the chairperson of the SGB indicated that the last time that they were elected to this body was 1998. The teacher representative said that the last election had been in 1997 and the principal of the same school said that the last election had been in 2000 (see Appendix 2).

The participation of stakeholders was also problematic. The clerk representing the non-teaching staff claimed that she had been a member ever since the beginning of the term of office of the SGB, since SGBs were first introduced in 1997. When I asked how many of them (non- teaching staff) were employed at the school, she said they were two. She explained that since she was a clerk, she thought she was a permanent treasurer of the SGB as all the school monies were under her control.

Similarly with the questionnaires, there were vast differences. It was only at School B that there seemed to be at least a move in the right direction where the parent, learner and non-teaching staff members seem to be really actively involved in the decisions of their school. Even there, however, they claim that they make sure that they arrive at decisions through consensus, but they were not able to explain clearly how the different stakeholders were able to take part in reaching this consensus. This raises questions of whether consensus is not sometimes a description of a process that is only passive for some of the members. This suspicion arises due to the reality that where there is diversity of interests, it is normally very difficult to reach an agreement by all the parties concerned. Usually, agreements on diverse

interests are reached through a compromise. Such a process definitely requires a certain amount of communication and debate.

Regarding financial responsibilities of SGBs, it was a shock to learn that at School C for example, school monies were withdrawn from the bank by the principal for the secretary. This suggests that principals in our schools are still in sole control in certain areas in which both management and governance duties should be involved.

Another aspect that raises concern is the area relating to the constitution of SGBs in all three schools studied. While the some members of the SGB in a particular school confirmed the presence of a constitution, others members of the same SGB seemed to have no knowledge of the existence or purpose of such a document. This raises a strong suspicion that some SGBs operate without constitutions. The question is: how can they be considered as formally constituted, legal and representative structures without the required constitution? How do they govern their schools without constitutions, or guide them in taking decisions? As we have seen in the discussion of the legal frameworks on which school governance is based, the change and direction in any institution should be governed by means of a constitution, no matter how rudimentary.

If constitutions did exist in those schools, the question is: why was it that other members of the SGB did not know about them, considering the time at which the research was conducted, late in the year 2002, well after those SGBs had started to function? If the constitutions were in existence, they may have been treated as a preserve of a certain group and not of all the members. For example at School A, where the interviews were conducted, the learner and the non-teaching staff member stated clearly that they were only told that there was a constitution in the school although they had never seen it. On this note, one begins to question the genuineness of their participation in the SGB. This could lead someone to believe that some members in the SGB are made to rubber-stamp other peoples' decisions. Even the chairperson was hesitant when she was answering the question about the constitution.

All of the aspects mentioned above show that schools in our area still lag far behind the expected change intended to democratise the education system. This revelation shows that a

lot needs to be done to bring schools such as those in the rural area studied on par with other schools in our country, which already demonstrate more participative forms of governance. This does not mean that no schools are achieving some measure of success towards reaching the desired goals. But it remains a question whether strong and quite successful principals, who have been effective managers of their schools, are afraid of the unknown when they give up their control or governance functions to share these in a properly functioning SGB.

A very strong revelation of the research is that governing bodies in the area studied lack forms of real empowerment. This is evidenced by the fact that by now, the government and department are planning for another (third) round of elections for new SGBs in the second half of 2003, yet none of the people who have been in such structures in the Tsomo area up to now can claim to be equipped with much experience, as they gained little opportunity to do so during their current terms of office. Some are not even aware that they were elected for a period of three years let alone do they realise that in terms of the SA Schools Act, those who constitute the executive, i.e. the office-bearers, are in those capacities for one year only. In many instances, it was apparent that it has become a strong battle to talk about changing office-bearers as this seems to look like a loss of status. Those who are replaced disappear, never to be seen assisting in governance structures again, yet they are the ones who should be sources of experience, knowledge and inspiration to those who are newly elected.

Finally, reading both the interview and questionnaire responses, there seems to be no move towards achieving uniformity in terms of the working of the SGBs in the schools in our area. On reading the data from the findings, it can be established that the three schools from which the data was collected display only a very few similarities towards the envisaged goal. This is not to say that the governance of public schools must be the same in all respects but that it means that there are some aspects that are general in the establishment of the SGBs. It is those aspects that should at least be done in a uniform manner if all the goals of democratic governance are to be achieved. For example, the establishment of the SGBs in the same province might differ, but the establishment of the SGBs in the same area under the same district authority cannot be undertaken in a widely different manner. This could be motivated by the fact that once established, all the SGBs in that particular area would need a training programme for the better execution of their duties.

4.5 POSSIBLE CAUSES OF THE STATE OF AFFAIRS

In many instances, the schools in this rural area are governed by SGBs whose parent components are in the majority as required by legal documents. The unfortunate part is that many of them are illiterate in real terms. Added to that disadvantage is the fact that the literature designed for them is presented in English, which they cannot comprehend. This is made worse because many of them cannot even read and write in their first language, IsiXhosa. The use of English worsens the situation as many depend on their children and grandchildren for the interpretation of the written text. In many of the SGB meetings, teachers and principals tend to use more English, especially when a certain aspect directly affects them so that the parents cannot directly understand it.

Another possible problem is the lack of workshops to really empower the SGBs, as the interview and questionnaire responses reveal. This is a complaint not only of the parents, learners and the non-teaching staff members, but also by all by principals and teachers on SGBs. They all complain of the non-existence of this exercise to really equip them for their new jobs of school governance. The lack of these workshops in a way forces the principals and the teachers to take a lead and even dominate or easily manipulate the other components, such that they find themselves only rubber-stamps of the teachers' decisions. This too, results in principals largely controlling the management and governance of the schools.

4.6 SUMMARY

In this chapter, an attempt was made to take a more empirical or grassroots perspective of the functioning of the SGBs in three senior secondary schools of Tsomo. To get this perspective and collect information from stakeholders in the selected schools, two types of research method were used.

Firstly, an interview schedule was used, in which members of the SGB of a school (School A) were directly interviewed by the researcher with the express purpose of finding out

practical and factual information about the working of the SGB in that school. Another purpose of the interview was to give an opportunity to the individual members to express themselves freely about the situation in their school, as the interviews were conducted between the researcher and the members confidentially. Difficulties encountered in this stage of the research were outlined, especially where some members did not understand the English language in which the schedule was prepared.

The second method or tool used was a questionnaire. Questionnaires were given to the two other schools (School B and School C).

Responses from both the interview and the questionnaire were documented and an interpretation of the findings attempted. Finally, the researcher suggested some reasons why SGBs in the Tsomo area were not achieving the potential envisaged by the SA Schools Act and were therefore unable to play their roles effectively to achieve the national goal of democratic school governance.

CHAPTER 5

SUMMARY, CONCLUSIONS AND RECOMMENATIONS

5.1 SUMMARY

As the study is about investigating the role of school governing bodies in transforming education in South Africa, three senior secondary schools in the rural area of Tsomo in the Eastern Cape Province were selected to conduct the study. These schools were selected because they provide examples of schools where all the components of the SGB are supposed be well represented as all offer grades above the eighth grade, i.e. they offer Grade 10 to Grade 12, and are therefore seen to be representative of the governance structure in all schools. The researcher became interested to conduct this kind of study, as he was skeptical that what the relevant policy documents propose about these structures appear not to be done as intended. This perception was triggered by what the researcher observed in his own school where he is a principal and therefore an *ex officio* member of the SGB. Of particular concern to him was the role of some of the components of the SGBs especially the parent, non-educator staff and the learner components in fully participating in the decision making process in schools. Since he realised that these components played a less important role than intended in his school, and in many cases seemed to be alienated in the decision making process, he became enthusiastic in conducting a study to find out what the problems were that led to these components being unable to fulfil their roles satisfactorily.

As governors, they are expected to take decisions that serve the best interests of their schools. To do that, they are expected to draw a constitution that will guide them in their functioning so as to ensure that whatever they do is not contrary to the SA Schools Act or the Constitution of the country, which is the supreme law. For them to be able to do that, each SGB is supposed to have its constitution as the main guide to their functioning. If SGBs are in a position to take decisions based on either the Constitution or the SA Schools Act, there is great hope that democratic transformation in all schools will be achieved.

To achieve the goal of investigating the functioning of these structures, two methods have been used in a complementary way. Firstly, a more deductive approach was followed, whereby key concepts were defined and policy documents used to establish the definitions and broad principles on which notions of democratic school governance are based. Then, to draw inductively on specific examples of school governance in practice, an empirical investigation was made in three selected schools, using two tools of investigation. These tools were the interview schedule and questionnaires used in the third phase of the investigation. As a sample, only three senior secondary schools were chosen for the study. The choice of only relatively few secondary schools was not by design, but because other schools falling within the geographical area that was feasible for the researcher to cover, refused permission to the researcher to carry out his investigation.

The research was carried out in the following three stages. The first was identifying the concepts that were considered to be the most important in the study. Once the concepts were identified, they were defined so as to bring out their meaning and their relevance to the study. The main concepts identifies for analysis were: transformation; democracy – of which two main forms were explained in relation to the study, namely participative and direct democracy; participation, governance, power, school governing body, stakeholders and management. These are seen as the concepts that shape up the study to achieve democratic participation in school governance. In addition, several other concepts are given as subsidiary as they act to strengthen or add insight into the others mentioned above. Such concepts were identified as: the Representative Council of Learners (RCL); Parent; Public School; and Duty.

The next step involved the identification and explanation of the important documents relevant to the study of school governance. Such documents were chosen because of the rich scope and background they give to the establishment of the SGBs, as well as their significance in shaping the discourse on school governance in South Africa. These documents reveal a clear process that was followed in the establishment of the democratic governance for all schools in the country. Documents that were identified and explained are: The National Education Policy Investigation (NEPI) reports of 1992 and 1993, which contained the final reports of the various commissions who researched all aspects of change in education in the country. These were followed by the Hunter Report, released in 1995

after the commission led by Professor Peter Hunter had gathered much first hand information by visiting various schools and education departments in all the nine provinces. Its recommendations became more important as they gave rise directly to the drafting and preparation of the legislation introducing school governance based on the participation of the stakeholders.

The NEPI reports and the Hunter Report led to the coming into effect of two government White Papers in 1995 and 1996. Both White Paper 1 and White Paper 2 dealt with the "Organisation, Governance and Funding of Schools". Together they, alongside the provisions of the two versions of national Constitutions, i.e. the Interim Constitution of 1993, (Act No. 200 of 1993) and the South African Constitution of 1996 (Act No. 108 of 1996) became instrumental in the formulation of the South African Schools Act (Act No. 84 of 1996). It is this Act that gave the SGBs a full legal status, and the power to their members to be governors of schools, and thus a full expression of a democratic transformation of the education system.

Step three of the investigation took an empirical perspective in which an interview schedule and questionnaires were used in three senior secondary schools. The purpose was to obtain first hand evidence of how SGBs really function in an underdeveloped rural area where illiteracy is rife. To carry out the investigation, the researcher physically interviewed all the five components in one of the schools. To ensure freedom, all interviews were taken individually in secluded rooms in the school. The responses therefore are considered to be authentic. The questionnaires were hand delivered by the researcher to the two schools with hostels, in which the respondents were requested to write their responses next to the questions for continuity purposes. From all the above steps in the investigation into the working of the SGBs, the researcher was able to draw conclusions.

5.2   CONCLUSIONS

The conclusions on the working of the SGBs in the three senior secondary schools show that there are of course both positive and negative aspects. The positive aspects show that at least all the schools investigated have established SGBs in the manner advocated by the legal

documents. There are all the components required by law i.e. parent representatives, educators, non-teaching staff members, learners and of course the principal. Another aspect is that each of the three schools has a constitution that they claim was drawn up by all the various stakeholders of the schools. They all claim to have the different committees that are chaired by SGB members. They also indicate that meetings are convened after the chairperson of a governing body has reached an agreement with the principal. Another aspect is that they are keen to open their books for auditing to any departmental official and, in some cases, teachers responsible for the commercial subjects in a school do assist in the bookkeeping. This suggests transparency of the SGBs, especially in the finances, which are normally the cause of disruption in many schools. There is also an indication that principals are beginning to relinquish the governance functions that are supposed to be given to the governors of the schools. Another indication of positive progress is that schools have developed their own policies based on the SA Schools Act as the common legal basis or point of reference, as well as the Constitution as the supreme law of the country.

There are also some negative aspects that the schools displayed. One of those is the area of participation by the components. The research has shown that with the exception of the educators, including the principal, the other three components do show signs of a lack of full participation in the decision-making in their schools. Parents, learners and non-teaching staff members showed signs of less participation. This was revealed by their lack of understanding of the relevant documents dealing with school governance. They mainly complained that the documents were all written in the English language, which they could not even read let alone understand. That forced them to depend solely on the teachers for translation or explanation of the documents. The situation was worst with the parent representatives, as many of them do not understand their very home language – IsiXhosa. They were dependent on the word of mouth to be able to participate in any debate. This makes the practice of democracy to be difficult as it involves the understanding of the numerous rights, which in many instances might be concealed by those who interpret for them.

In many instances, there still appears to be a strong dominance of the meetings of the SGBs by the educator members and the principals. The principals seem to be not willing to relinquish all the powers of governance to the SGBs. Many of them are complaining that

they have led successful schools and that this concert governance may result in chaos. They claim that the SGBs, especially the parent components are not yet well versed about democracy and that ignorance therefore may make them unable to successfully govern the schools democratically. The principals therefore are still in full control of both the governance and the management powers, between which on many occasions they do not differentiate.

On looking at how elections are carried out, there is a lot of confusion on who should be elected in the SGB on the parent and non-teaching staff members. The parents especially do not even understand that representatives are members of the SGBs for only a period of three years. When other elections are conducted and a parent happens not be elected, maybe because he/she does not have a child at the school anymore, he disappears never to be seen even if the current SGB wants some advice from the parent. That he/she was left out is often interpreted as an insult. That is coupled to the lack of understanding of the concept of office-bearers. This shortcoming is not a problem of the parents only but for the whole SGB. Misconceptions that the research uncovered were, for example, that if a parent is elected to the position of a chairperson at the first meeting of the SGB, that person will remain in the same post for all those three years. Similarly, if there is a clerk representing the non-teaching staff, he/she is made an automatic and permanent treasurer of the school.

5.3   RECOMMENDATIONS

From the research undertaken pertaining to the functioning of SGBs in the rural underdeveloped area of Tsomo in the Eastern Cape Province, it became clear that the transformation of the education system in the rural areas is taking place although at a much slower pace. Some of the factors that have been identified by the researcher for the existing situation are highlighted in the conclusions above. Mainly it has been established that SGBs in rural underdeveloped areas need more capacity building in many areas.

Rural SGBs are shown to be lacking understanding in the literature or policy documents that are meant to assist them. As was shown in the interview schedule, parents, the non-teaching staff members and learners have a high rate if illiteracy. That became evident when all their

questions had to be translated into IsiXhosa language. That limitation necessitates therefore that campaigns to raise the level of literacy with these components be a priority. Adult Basic Education and Training (ABET) programmes should be a priority in these areas. Certain programmes should be made available and enforced and the education department should train and employ educators to deal specifically with the education of these people.

There is a strong need for a real empowerment of these stakeholders to actively participate in the governance of their schools. Training sessions should be made continuous to enable these people to realise that they have an important role in the governance of their schools. To attract these people to attend such training sessions, incentives such as certificates and some kind of payment for all those who dedicate themselves to attending even the ordinary meetings in their respective schools could be developed. This would help in motivating those parents, who in many instances do not take the attendance of meetings with much importance.

There is also a great need to develop an easy-to-understand method and handbook that would deal specifically with the functioning of the rural SGBs. This could be done in a way that would include diagrammes and films provided to all the schools. These should be displayed and played to the SGBs for a certain fixed time before the newly established SGBs take on with their duties. This could only be achieved if the department sets aside a certain amount of money to purchase such apparatus as against the present practice where one only hears of a large sum of money set aside by the provincial government to train the SGBs and yet what you find out is that in practice, Education Development Officers (EDOs) from the local district office simply call the chairperson, treasurer and principals to attend what they call workshops. In these gatherings, books and pamphlets are given to these parent members, but many of them cannot even read and write. After that have gathering, they are expected to function properly and yet they leave those gatherings in effect empty-handed.

There is a great need for an educational programme to be conducted for the parents before elections are conducted. Parents tend to elect people who in any instances do not have the interest of their schools at their heart. There is a tendency among parents to take elections less seriously. In some cases, it appears that parents end up electing another parent as a form of punishment. That results in those parents not even attending the meetings of the SGB

after being elected. It is for exactly that reason that I recommend that a kind of payment should be considered as an incentive whenever parents have attended the SGB meetings. This kind of education together with these incentives can at least change the mode of the parents towards their schools.

There is again that aspect where principals and educators tend to dominate the functioning and inhibit the participation of the other components of the SGBs. That can be eliminated also by retraining the educators and principals on the management functions and differentiating these from the governance duties. That will also need more workshops to be conducted for these components that seem to be lagging behind in understanding their actual roles.

Also, the lesson is learnt that before any policy can be put into place the government, through its departmental officials, must first visit all the areas that are likely to be affected by the envisaged policy or policies just as it happened with the Hunter Commission in 1995. The aim is to have first hand experience and ascertain the feelings of the people for whom the policy is envisaged. With the democratisation of the education system through SGBs, there is a likelihood that only urban and semi-urban communities will benefit, as they are the ones who can interact properly with the documents.

The mindset of the local community should be prepared to accept the change that is being introduced. That necessitates that enough time be given between the introduction of any new policy and the time of its implementation. Road shows should be carried out especially to the rural areas and also for the personnel of all the various levels of the department so as to engage them and so that even the planners can be made to understand the feelings and scope of understanding of the ordinary people who are the stakeholders in remote rural areas such as Tsomo. The national vision for transformation and democratization must be turned into a reality for such people by specific and systematic steps aimed at their empowerment to participate fully in the available structures of school governance.

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APPENDIX 1

EXTRACT FROM THE SA SCHOOLS ACT (1996)

This extract includes Chapters 1 – 4 of the South African Schools Act (Act No. 84 of 1996), selected for references purposes in support of this research report as the chapters of the Act that specifically deal with school governance in public schools.

PRESIDENT'S OFFICE

No. 1867. 15 November 1996

NO. 84 OF 1996: SOUTH AFRICAN SCHOOLS ACT, 1996.

It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

ACT

To provide for a uniform system for the organisation, governance and funding of schools; to amend and repeal certain laws relating to schools; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the achievement of democracy in South Africa has consigned to history the past system of education which was based on racial inequality and segregation; and

WHEREAS this country requires a new national system for schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities, advance the democratic transformation of society, combat racism and sexism and all other forms of unfair discrimination and intolerance, contribute to the eradication of poverty and the economic well-being of society, protect and advance our diverse cultures and languages, uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the State; and

WHEREAS it is necessary to set uniform norms and standards for the education of learners at schools and the organisation, governance and funding of schools throughout the Republic of South Africa;

(English text signed by the President.)

(Assented to 6 November 1996.)

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:-

CHAPTER 1

DEFINITIONS AND APPLICATION OF ACT

Definitions

1. In this Act, unless the context indicates otherwise-

(i) "Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

(ii) "Council of Education Ministers" means the Council of Education Ministers established by the National Education Policy Act, 1996 (Act No. 27 of 1996); (xix)

(iii) "education department" means the department established by section 7(2) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), which is responsible for education in a province; (xi)

(iv) "educator" means an educator as defined in the Educators Employment Act, 1994 (Proclamation No. 138 of 1994); (xiii)

(v) "governing body" means a governing body contemplated in section 16(1); (ii)

(vi) "grade" means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the Executive Council may deem to be equivalent thereto; (iv)

(vii) "Head of Department" means the head of an education department; (iii)

(viii) "independent school" means a school registered or deemed to be registered in terms of section 46; (x)

(ix) "learner" means any person receiving education or obliged to receive education in terms of this Act; (vii)

(x) "member of staff" means a person employed at a school; (xiv)

(xi) "Member of the Executive Council" means the Member of the Executive Council of a province who is responsible for education in that province; (viii)

(xii) "Minister" means the Minister of Education; (ix)

(xiii) "officer" means an employee of an education department appointed in terms of the Educators Employment Act, 1994 (Proclamation No. 138 of 1994), or the Public Service Act, 1994 (Proclamation No. 103 of 1994); (i)

(xiv) "parent" means-

(a) the parent or guardian of a learner;

(b) the person legally entitled to custody of a learner; or

(c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school; (xiv)

(xv) "principal" means an educator appointed or acting as the head of a school; (xvi)

(xvi) "province" means a province established by section 124 of the Constitution; (xviii)

(xvii) "provincial legislature" means a provincial legislature contemplated in section 125 of the Constitution; (xvii)

(xviii) "public school" means a school contemplated in Chapter 3; (xii)

(xix) "school" means a public school or an independent school which enrols learners in one or more grades between grade zero and grade twelve; (xx)

(xx) "this Act" means this Act and all regulations promulgated under this Act. (vi)

Application of Act

2. (1) This Act applies to school education in the Republic of South Africa.

(2) A Member of the Executive Council and a Head of Department must exercise any power conferred upon them by or under this Act, after taking full account of the applicable policy determined in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996).

(3) Nothing in this Act prevents a provincial legislature from enacting legislation for school education in a province in accordance with the Constitution.

CHAPTER 2

LEARNERS

Compulsory attendance

3. (1) Subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.

(2) The Minister must, by notice in the Government Gazette, determine the ages of compulsory attendance at school for learners with special education needs.

(3) Every Member of the Executive Council must ensure that there are enough school places so that every child who lives in his or her province can attend school as required by subsections (1) and (2).

(4) If a Member of the Executive Council cannot comply with subsection (3) because of a lack of capacity existing at the date of commencement of this Act, he or she must take steps to remedy any such lack of capacity as soon as possible and must make an annual report to the Minister on the progress achieved in doing so.

(5) If a learner who is subject to compulsory attendance in terms of subsection (1) is not enrolled at or fails to attend a school, the Head of Department may-

(a) investigate the circumstances of the learner's absence from school;

(b) take appropriate measures to remedy the situation; and

(c) failing such a remedy, issue a written notice to the parent of the learner requiring compliance with subsection (1).

(6) Subject to this Act and any other applicable law-

(a) any parent who, without just cause and after a written notice from the Head of Department, fails to comply with subsection (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months; or

(b) any other person who, without just cause, prevents a learner who is subject to compulsory attendance from attending a school, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Exemption from compulsory attendance

4. (1) A Head of Department may exempt a learner entirely, partially or conditionally from compulsory school attendance if it is in the best interests of the learner.

(2) Every Head of Department must maintain a register of all learners exempted from compulsory school attendance.

Admission to public schools

5. (1) A public school must admit learners and serve their educational requirements without unfairly discriminating in any way.

(2) The governing body of a public school may not administer any test related to the admission of a learner to a public school, or direct or authorise the principal of the school or any other person to administer such test.

(3) No learner may be refused admission to a public school on the grounds that his or her parent-

(a) is unable to pay or has not paid the school fees determined by the governing body under section 39;

(b) does not subscribe to the mission statement of the school; or

(c) has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner.

(4) The Minister may by notice in the Government Gazette, after consultation with the Council of Education Ministers, determine age requirements for the admission of learners to a school or different grades at a school.

(5) Subject to this Act and any applicable provincial law, the admission policy of a public school is determined by the governing body of such school.

(6) In determining the placement of a learner with special education needs, the Head of Department and principal must take into account the fights and wishes of the parents of such learner.

(7) An application for the admission of a learner to a public school must be made to the education department in a manner determined by the Head of Department.

(8) If an application in terms of subsection (7) is refused, the Head of Department must inform the parent in writing of such refusal and the reason therefor.

(9) Any learner or parent of a learner who has been refused admission to a public school may appeal against the decision to the Member of the Executive Council.

Language policy of public schools

6. (1) Subject to the Constitution and this Act, the Minister may, by notice in the Government Gazette, after consultation with the Council of Education Ministers, determine norms and standards for language policy in public schools.

(2) The governing body of a public school may determine the language policy of the school subject to the Constitution, this Act and any applicable provincial law.

(3) No form of racial discrimination may be practised in implementing policy determined under this section.

(4) A recognised Sign Language has the status of an official language for purposes of learning at a public school.

Freedom of conscience and religion at public schools

7. Subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary.

Code of conduct

8. (1) Subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school.

(2) A code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process.

(3) The Minister may, after consultation with the Council of Education Ministers, determine guidelines for the consideration of governing bodies in adopting a code of conduct for learners.

(4) Nothing contained in this Act exempts a learner from the obligation to comply with the code of conduct of the school attended by such learner.

(5) A code of conduct must contain provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings.

Suspension and expulsion from public school

9. (1) Subject to this Act and any applicable provincial law, the governing body of a public school may, after a fair hearing, suspend a learner from attending the school-

(a) as a correctional measure for a period not longer than one week; or

(b) pending a decision as to whether the learner is to be expelled from the school by the Head of Department.

(2) Subject to any applicable provincial law, a learner at a public school may be expelled only-

(a) by the Head of Department; and

(b) if found guilty of serious misconduct after a fair hearing.

(3) The Member of the Executive Council must determine by notice in the Provincial Gazette-

(a) the behaviour by a learner at a public school which may constitute serious misconduct;

(b) disciplinary proceedings to be followed in such cases;

(c) provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings.

(4) A learner or the parent of a learner who has been expelled from a public school may appeal against the decision of the Head of Department to the Member of the Executive Council.

(5) If a learner who is subject to compulsory attendance in terms of section 3(1) is expelled from a public school, the Head of Department must make an alternative arrangement for his or her placement at a public school.

Prohibition of corporal punishment

10. (1) No person may administer corporal punishment at a school to a learner.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which could be imposed for assault.

Representative council of learners

11. (1) A representative council of learners at the school must be established at every public school enrolling learners in the eighth grade and higher.

(2) A Member of the Executive Council may, by notice in the Provincial Gazette, determine guidelines for the establishment, election and functions of representative councils of learners.

(3) The Member of the Executive Council may, by notice in the Provincial Gazette, exempt a public school for learners with special education needs from complying with subsection (1) if it is not practically possible for a representative council of learners to be established at the school.

CHAPTER 3

PUBLIC SCHOOLS

Provision of public schools

12. (1) The Member of the Executive Council must provide public schools for the education of learners out of funds appropriated for this purpose by the provincial legislature.

(2) The provision of public schools referred to in subsection (1) may include the provision of hostels for the residential accommodation of learners.

(3) A public school may be an ordinary public school or a public school for learners with special education needs.

(4) The Member of the Executive Council must, where reasonably practicable, provide education for learners with special education needs at ordinary public schools and provide relevant educational support services for such learners.

(5) The Member of the Executive Council must take all reasonable measures to ensure that the physical facilities at public schools are accessible to disabled persons.

(6) Nothing in this Act prohibits the provision of gender-specific public schools.

Public schools on State property

13. (1) In this section, immovable property owned by the State includes immovable property held in trust on behalf of a tribe by a trust created by statute.

(2) Subject to section 20(1)(k), a public school which occupies immovable property owned by the State has the right, for the duration of the school's existence, to occupy and use the immovable property for the benefit of the school for educational purposes at or in connection with the school.

(3) The right referred to in subsection (2) may only be restricted-

(a) by the Member of the Executive Council; and

(b) if the immovable property is not utilised by the school in the interests of education.

(4) The Member of the Executive Council may not act under subsection (3) unless he or she has-

(a) informed the governing body of the school of his or her intention so to act and the reasons therefor;

(b) granted the governing body of the school a reasonable opportunity to make representations to him or her in relation to such action;

(c) duly considered any such representations received.

(5) The right contemplated in subsection (2) is enforceable against any successor in title to the owner of the immovable property in question.

(6) No immovable property owned by the State and occupied by a public school may be alienated unless an agreement contemplated in section 14 has been concluded between the Member of the Executive Council and the prospective owner of the immovable property.

(7) The registrar of any deeds registry may not execute, attest to or register a transfer deed in respect of the immovable property in question unless the owner has provided the registrar with proof of the agreement contemplated in subsection (6).

(8) The provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), do not apply to the right contemplated in subsection (2).

Public schools on private property

14. (1) Subject to the Constitution and this Act, a public school may be provided on private property only in terms of an agreement between the Member of the Executive Council and the owner of the private property.

(2) An agreement contemplated in subsection (1) must be consistent with this Act and in particular must provide for-

(a) the provision of education and the performance of the normal functions of a public school;

(b) governance of the school, including the relationship between the governing body of the school and the owner;

(c) access by all interested parties to the property on which the school stands;

(d) security of occupation and use of the property by the school;

(e) maintenance and improvement of the school buildings and the property on which the school stands and the supply of necessary services;

(f) protection of the owner's rights in respect of the property occupied, affected or used by the school.

(3) The provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), do not apply to a real right, excluding ownership, acquired by the State, a public school or another party in terms of an agreement contemplated in this section.

(4) The right contemplated in subsection (3) is enforceable against any successor in title to the owner of the immovable property in question.

(5) Despite subsection (3), a registrar of a deeds registry must endorse on the title deed of the affected property that the property is subject to an agreement contemplated in this section, if the registrar receives-

(a) an application for such endorsement by the owner of the property, or the Member of the Executive Council or any other holder of a right contemplated in subsection (3), together with the title deed of the property; and

(b) affidavits by the owner of the property and the Member of the Executive Council stating that an agreement contemplated in this section has been concluded.

(6) The Minister must, after consultation with the Council of Education Ministers, make regulations regarding the minimum requirements of an agreement contemplated in this section.

(7) Any transfer duty, stamp duty, fees or costs payable in respect of the registration of a right in terms of subsection (3) may be paid in full or in part from funds appropriated by the provincial legislature for that purpose, but the public school contemplated in subsection (1) is not responsible for such duties, fees or costs.

Status of public schools

15. Every public school is a juristic person, with legal capacity to perform its functions in terms of this Act.

Governance and professional management of public schools

16. (1) Subject to this Act, the governance of every public school is vested in its governing body.

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

(3) Subject to this Act and any applicable provincial law, the professional management of a public school must be undertaken by the principal under the authority of the Head of Department.

Governing body serving two or more schools

17. (1) The Member of the Executive Council may determine that the governance of two or more public schools must vest in a single governing body if it is in the best interests of education at the schools in question.

(2) The Member of the Executive Council may not act under subsection (1) unless he or she has-

(a) given notice in the Provincial Gazette of his or her intention so to act;

(b) given interested parties an opportunity to make written submissions within a period of not less than 30 days; and

(c) considered all such submissions.

Constitution of governing body

18. (1) Subject to this Act and any applicable provincial law, the governing body of a public school must function in terms of a constitution which complies with minimum requirements determined by the Member of the Executive Council by notice in the Provincial Gazette.

(2) A constitution contemplated in subsection (1) must provide for-

(a) a meeting of the governing body at least once every school term;

(b) meetings of the governing body with parents, learners, educators and other staff at the school, respectively, at least once a year;

(c) recording and keeping of minutes of governing body meetings;

(d) making available such minutes for inspection by the Head of Department; and

(e) rendering a report on its activities to parents, learners, educators and other staff of the school at least once a year.

(3) The governing body must submit a copy of its constitution to the Head of Department within 90 days of its election.

Enhancement of capacity of governing bodies

19. (1) Out of funds appropriated for this purpose by the provincial legislature, the Head of Department must establish a programme to-

(a) provide introductory training for newly elected governing bodies to enable them to perform their functions; and

(b) provide continuing training to governing bodies to promote the effective performance of their functions or to enable them to assume additional functions.

(2) The Head of Department must ensure that principals and other officers of the education department render all necessary assistance to governing bodies in the performance of their functions in terms of this Act.

Functions of all governing bodies

20. (1) Subject to this Act, the governing body of a public school must-

(a) promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school;

(b) adopt a constitution;

(c) develop the mission statement of the school;

(d) adopt a code of conduct for learners at the school;

(e) support the principal, educators and other staff of the school in the performance of their professional functions;

(f) determine times of the school day consistent with any applicable conditions of employment of staff at the school;

(g) administer and control the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable;

(h) encourage parents, learners, educators and other staff at the school to render voluntary services to the school;

(i) recommend to the Head of Department the appointment of educators at the school, subject to the Educators Employment Act, 1994 (Proclamation No. 138 of 1994), and the Labour Relations Act, 1995 (Act No. 66 of 1995);

(j) recommend to the Head of Department the appointment of non-educator staff at the school, subject to the Public Service Act, 1994 (Proclamation No. 103 of 1994), and the Labour Relations Act, 1995 (Act No. 66 of 1995);

(k) at the request of the Head of Department, allow the reasonable use under fair conditions of the facilities of the school for educational programmes not conducted by the school;

(l) discharge all other functions imposed upon the governing body by or under this Act; and

(m) discharge other functions consistent with this Act as determined by the Minister by notice in the Government Gazette, or by the Member of the Executive Council by notice in the Provincial Gazette.

(2) The governing body may allow the reasonable use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the governing body may determine, which may include the charging of a fee or tariff which accrues to the school.

(3) The governing body may join a voluntary association representing governing bodies of public schools.

Allocated functions of governing bodies

21. (1) Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the following functions:

(a) To maintain and improve the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable;

(b) to determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;

(c) to purchase textbooks, educational materials or equipment for the school;

(d) to pay for services to the school; or

(e) other functions consistent with this Act and any applicable provincial law.

(2) The Head of Department may refuse an application contemplated in subsection (1) only if the governing body concerned does not have the capacity to perform such function effectively.

(3) The Head of Department may approve such application unconditionally or subject to conditions.

(4) The decision of the Head of Department on such application must be conveyed in writing to the governing body concerned, giving reasons.

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal to the Member of the Executive Council.

(6) The Member of the Executive Council may, by notice in the Provincial Gazette, determine that some governing bodies may exercise one or more functions without making an application contemplated in subsection (1), if-

(a) he or she is satisfied that the governing bodies concerned have the capacity to perform such function effectively; and

(b) there is a reasonable and equitable basis for doing so.

Withdrawal of functions from governing bodies

22. (1) The Head of Department May, on reasonable grounds, withdraw a function of a governing body.

(2) The Head of Department may not take action under subsection (1) unless he or she has-

(a) informed the governing body of his or her intention so to act and the reasons therefor;

(b) granted the governing body a reasonable opportunity to make representations to him or her relating to such intention; and

(c) given due consideration to any such representations received.

(3) In cases of urgency, the Head of Department may act in terms of subsection (1) without prior communication to such governing body, if the Head of Department thereafter-

(a) furnishes the governing body with reasons for his or her actions;

(b) gives the governing body a reasonable opportunity to make representations relating to such actions; and

(c) duly considers any such representations received.

4. The Head of Department may for sufficient reasons reverse or suspend his or her action in terms of subsection (3).

5. Any person aggrieved by a decision of the Head of Department in terms of this section may appeal against the decision to the Member of the Executive Council.

Membership of governing body of ordinary public school

23. (1) Subject to this Act, the membership of the governing body of an ordinary public school comprises-

(a) elected members;

(b) the principal, in his or her official capacity;

(c) co-opted members.

(2) Elected members of the governing body shall comprise a member or members of each of the following categories:

(a) Parents of learners at the school;

(b) educators at the school;

(c) members of staff at the school who are not educators; and

(d) learners in the eighth grade or higher at the school.

(3) A parent who is employed at the school may not represent parents on the governing body in terms of subsection (2)(a).

(4) The representative council of learners referred to in section II (1) must elect the learner or learners referred to in subsection (2)(d).

(5) The governing body of an ordinary public school which provides education to learners with special needs must, where practically possible, co-opt a person or persons with expertise regarding the special education needs of such learners.

(6) A governing body may co-opt a member or members of the community to assist it in discharging its functions.

(7) The governing body of a public school contemplated in section 14 may co-opt the owner of the property occupied by the school or the nominated representative of such owner.

(8) Co-opted members do not have voting rights on the governing body.

(9) The number of parent members must comprise one more than the combined total of other members of a governing body who have voting rights.

Membership of governing body of public school for learners with special education needs

24. (1) The following categories of persons must be represented on a governing body of a public school for learners with special education needs, in each case by a member or members of the respective category:

(a) Parents of learners at the school, if reasonably practicable;

(b) educators at the school;

(c) members of staff at the school who are not educators;

(d) learners attending the eighth grade or higher, if reasonably practicable;

(e) representatives of sponsoring bodies, if applicable;

(f) representatives of organisations of parents of learners with special education needs, if applicable;

(g) representatives of organisations of disabled persons, if applicable;

(h) disabled persons, if applicable; and

(i) experts in appropriate fields of special needs education.

(2) Subject to this Act, the Member of the Executive Council must, by notice in the Provincial Gazette, determine the number of members in each category referred to in subsection (1) and the manner of election or appointment of such members at every public school for learners with special education needs within his or her province.

(3) A notice contemplated in subsection (2) must give interested parties an opportunity to make written submissions within a period of not less than 30 days.

(4) The Member of the Executive Council must consider all such submissions, and thereafter may alter the notice contemplated in subsection (2).

Failure by governing body to perform functions

25. (1) If a governing body has ceased to perform its functions, the Head of Department must appoint sufficient persons to perform those functions for a period not exceeding three months.

(2) The Head of Department may extend the period referred to in subsection (1), by further periods not exceeding three months each, but the total period may not exceed one year.

(3) The Head of Department must ensure that a governing body is elected in terms of this Act within a year after the appointment of persons contemplated in subsection (1).

Recusal by members of governing body

26. A member of a governing body must withdraw from a meeting of the governing body for the duration of the discussion and decision-making on any issue in which the member has a personal interest.

Reimbursement of members of governing body

27. (1) Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed by the governing body.

(2) No member of a governing body may be remunerated in any way for the performance of his or her duties.

Election of members of governing body

28. Subject to this Act and any applicable provincial law, the Member of the Executive Council must, by notice in the Provincial Gazette, determine-

(a) the term of office of members and office-bearers of a governing body;

(b) the designation of an officer to conduct the process for the nomination and election of members of the governing body;

(c) the procedure for the disqualification or removal of a member of the governing body or the dissolution of a governing body, for sufficient reason in each case;

(d) the procedure for the filling of a vacancy on the governing body;

(e) guidelines for the achievement of the highest practicable level of representativity of members of the governing body;

(f) a formula or formulae for the calculation of the number of members of the governing body to be elected in each of the categories referred to in section 23(2), but such formula or formulae must provide reasonable representation for each category and must be capable of application to the different sizes and circumstances of public schools; and

(g) any other matters necessary for the election, appointment or assumption of office of members of the governing body.

Office-bearers of governing bodies

29. (1) A governing body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary.

(2) Only a parent member of a governing body who is not employed at the public school may serve as the chairperson of the governing body.

Committees of governing body

30. (1) A governing body may-

(a) establish committees, including an executive committee; and

(b) appoint persons who are not members of the governing body to such committees on grounds of expertise, but a member of the governing body must chair each committee.

(2) A governing body of an ordinary public school which provides education to learners with special education needs must establish a committee on special education needs.

Term of office of members and office-bearers of governing bodies

31. (1) The term of office of a member of a governing body other than a learner may not exceed three years.

(2) The term of office of a member of a governing body who is a learner may not exceed one year.

(3) The term of office of an office-bearer of a governing body may not exceed one year.

(4) A member or office-bearer of a governing body may be re-elected or co-opted, as the case may be, after the expiry of his or her term of office.

Status of minors on governing bodies of public schools

32. (1) A member of a governing body who is a minor may not contract on behalf of a public school.

(2) A member of a governing body who is a minor may not vote on resolutions of a governing body which impose liabilities on third parties or on the school.

(3) A member of a governing body who is a minor incurs no personal liability for any consequence of his or her membership of the governing body.

Closure of public schools

33. (1) The Member of the Executive Council may, by notice in the Provincial Gazette, close a public school.

(2) The Member of the Executive Council may not act under subsection (1) unless he or she has-

(a) informed the governing body of the school of his or her intention so to act and his or her reasons therefor;

(b) granted the governing body of the school a reasonable opportunity to make representations to him or her in relation to such action;

(c) conducted a public hearing on reasonable notice, to enable the community to make representations to him or her in relation to such actions; and

(d) given due consideration to any such representations received.

(3) If a public school is closed in terms of subsection (1) all assets and liabilities of such school must, subject to the conditions of any donation, bequest or trust contemplated in section 37(4), devolve on the State unless otherwise agreed between the Member of the Executive Council and the governing body of the school.

CHAPTER 4

FUNDING OF PUBLIC SCHOOLS

Responsibility of State

34. (1) The State must fund public schools from public revenue on an equitable basis in order to ensure the proper exercise of the rights of learners to education and the redress of past inequalities in education provision.

(2) The State must, on an annual basis, provide sufficient information to public schools regarding the funding referred to in subsection (1) to enable public schools to prepare their budgets for the next financial year.

Norms and standards for funding of public schools

35. Subject to the Constitution and this Act, the Minister must determine norms and minimum standards for the funding of public schools after consultation with the Council of Education Ministers, the Financial and Fiscal Commission and the Minister of Finance.

Responsibility of governing body

36. A governing body of a public school must take all reasonable measures within its means to supplement the resources supplied by the State in order to improve the quality of education provided by the school to all learners at the school.

School funds and assets of public schools

37. (1) The governing body of a public school must establish a school fund and administer it in accordance with directions issued by the Head of Department.

(2) Subject to subsection (3), all money received by a public school including school fees and voluntary contributions must be paid into the school fund.

(3) The governing body of a public school must open and maintain a banking account.

(4) Money or other goods donated or bequeathed to or received in trust by a public school must be applied in accordance with the conditions of such donation, bequest or trust.

(5) All assets acquired by a public school on or after the commencement of this Act are the property of the school.

(6) The school fund, all proceeds thereof and any other assets of the public school must be used only for-

(a) educational purposes, at or in connection with such school;

(b) educational purposes, at or in connection with another public school, by agreement with such other public school and with the consent of the Head of Department;

(c) the performance of the functions of the governing body; or

(d) another educational purpose agreed between the governing body and the Head of Department.

Annual budget of public school

38. (1) A governing body of a public school must prepare a budget each year, according to guidelines determined by the Member of the Executive Council, which shows the estimated income and expenditure of the school for the following financial year.

(2) Before a budget referred to in subsection (1) is approved by the governing body, it must be presented to a general meeting of parents convened on at least 30 days' notice, for consideration and approval by a majority of parents present and voting.

School fees at public schools

39. (1) Subject to this Act, school fees may be determined and charged at a public school only if a resolution to do so has been adopted by a majority of parents attending the meeting referred to in section 38(2).

(2) A resolution contemplated in subsection (1) must provide for-

(a) the amount of fees to be charged; and

(b) equitable criteria and procedures for the total, partial or conditional exemption of parents who are unable to pay school fees.

(3) The governing body must implement a resolution adopted at the meeting contemplated in subsection (1).

(4) The Minister must, after consultation with the Council of Education Ministers and the Minister of Finance, make regulations regarding the equitable criteria and procedures referred to in subsection (2)(b).

Parent's liability for payment of school fees

40. (1) A parent is liable to pay the school fees determined in terms of section 39 unless or to the extent that he or she has been exempted from payment in terms of this Act.

(2) A parent may appeal to the Head of Department against a decision of a governing body regarding the exemption of such parent from payment of school fees.

(3) In deciding an appeal referred to in subsection (2), the Head of Department must follow due process which safeguards the interests of the parent and the governing body. ·

Enforcement of payment of school fees

41. The governing body of a public school may by process of law enforce the payment of school fees by parents who are liable to pay in terms of section 40.

Financial records and statements of public schools

42. The governing body of a public school must-

(a) keep records of funds received and spent by the public school and of its assets, liabilities and financial transactions; and

(b) as soon as practicable, but not later than three months after the end of each financial year, draw up annual financial statements in accordance with the guidelines determined by the Member of the Executive Council.

Audit or examination of financial records and statements

43. (1) The governing body of a public school must appoint a person registered as an accountant and auditor in terms of the Public Accountants and Auditors Act, 1991 (Act No. 80 of 1991), to audit the records and financial statements referred to in section 42.

(2) If the audit referred to in subsection (1) is not reasonably practicable, the governing body of a public school must appoint a person to examine and report on the records and financial statements referred to in section 42, who-

(a) is qualified to perform the duties of an accounting officer in terms of section 60 of the Close Corporations · Act, 1984 (Act No. 69 of 1984); or

(b) is approved by the Member of the Executive Council for this purpose.

(3) No person who has a financial interest in the affairs of the public school may be appointed under this section.

(4) If the Member of the Executive Council deems it necessary, he or she may request the Auditor-General to undertake an audit of the records and financial statements of a public school.

(5) A governing body must submit to the Head of Department, within six months after the end of each financial year, a copy of the annual financial statements, audited or examined in terms of this section.

(6) At the request of an interested person, the governing body must make the records referred to in section 42, and the audited or examined financial statements referred to in this section, available for inspection.

Financial year of public school

44. The financial year of a public school commences on the first day of January and ends on the last day of December of each year.

CHAPTER 5

INDEPENDENT SCHOOLS

APPENDIX 2

INTERVIEW SCHEDULE

INTERVIEW WITH SGB OF SCHOOL A

The aim of the Interview is to look around the functioning of the SGBs in the Public Senior Secondary Schools of Tsomo. Respondents must feel free when answering questions and also ask Questions when they want clarity in any issue.

QUESTIONS FOR THE PARENT REPRESENTIVE (SCHOOL A)
13.08.2002

(i) When was the SGB of this school established (year)…………….

(ii) Was it elected or appointed?

(iii) On taking on your duties as the newly formed SGB, did you know what was expected of you?

(iv) If yes, how did you know?

(v) If no, how then did you know your duties?

(vi) How many parents are there in the SGB?

(vii) Do you have a Constitution for your SGB?

(viii) How did you formulate it? Explain.

(ix) When do you meet?

(x) Who convenes a meeting?

(xi) How do you know of your meetings? i.e. are you getting letters or do you get to know them through messages?

(xii) Normally, how many days are allowed between the notice and the meeting?

(xiii) Who keeps and controls the monies for the school?

(xiv) If left in the Bank, who signs for the withdrawals?

(xv) Do you have any means to audit your funds?

(xvi) Were you are ever formally trained for your duties?

(xvii)   If yes, by whom?

(xviii) What functions would you say differentiate you as the real governors of the school and the old school committees?

(xix)   Are you able to understand all the documents given to you?

(xx)   If no, how do you get to understand them?

(xxi)   What do you think are you strengths in the governance of the school?

(xxii)   Have you ever challenged any decision by the department authorities?

(xxiii) If yes, what was the area of disagreement?

(xxiv)   If no, do you always agree with the department authorities?

(xxv)   Do you feel your decisions are honoured by the departmental authorities?

(xxvi)   If no, what would you suggest?

(xxvii) What can you say about this new Bill under discussion, i.e. The draft Education Laws Amendment Bill that aims at taking away your function to recommend the appointment of educators?

RESPONSE FROM THE PARENT REPRESENTATIVE (SCHOOL A)

13.08.2002

(i)   1998

(ii)   Elected

(iii)   No

(iv)   Compiled a Constitution for the Governance so as to ensure a Smooth running of it.

(v)   Just there with no knowledge of them (duties)

(vi)   8 parents

(vii)   Yes

(viii)   Met together and drafted it.

(ix)   Once a month.

(x)   The principal & the chairperson

(xi)   The secretary writes letters to all members.

(xii)   A week

(xiii)   The chairperson and the Principal and is kept in the Bank.

(xiv)   Chairperson, Treasurer and Secretary.

(xv)   At the beginning of the year.

(xvi)   Yes

(xvii)   By the Department officials

(xviii) Farewell functions for example are now in the hands of the SGB.

(xix)   No but assisted

(xx)   We get assistance

(xxi)   Uniform

(xxii)   No

(xxiii) In terms of (discipline) punishment for example.

(xxiv)   Yes

(xxv)   No honour

(xxvi)   To listen and implement our decisions as it appears as if things are getting worse than before

(xxvii) No good: We assess the person and look at the condition of the person and also judging from what the person says. The interviews were a good tool to assist us.

QUESTIONS FOR THE PRINCIPAL – EX OFFICIO (SCHOOL A)
13.08.2002

(i)   When was the SGB established in this school? (Year)

(ii)   Were you present when it was established?

(iii)   Does it have a Constitution?

(iv)   Were all the components of the SGB present when the constitution was drawn?

(v)   How often does the SGB meet?

(vi)   Are you consulted when the meetings are arranged or do they just tell you when there is going to be one?

(vii)   Who convenes the meetings?

(viii) How are they organized?

(ix)   Who chairs them?

(x)   Do you have other committees that help the SGB.?

(xi)   If yes, mention only two and say how they work?

(xii)   The SGB is supposed to work hand in hand with you in its functions. Does it do its job satisfactory.

(xiii) If no, where do you realize the failure?

(xiv)   What have you done to improve its working?

(xv)   Was the SGB empowered to do its job?

(xvi)   What form was used to empower it?

(xvii) Do you consider that form as a useful tool?

(xviii) What would you suggest to the department to ensure that the SGB governs in a democratic manner.

(xix)   How do you feel about this new Bill that is debated in parliament i.e the Draft Education Laws Amendment Bill that is aiming at preventing the SGBs from recommending the appointment of educators?

RESPONSE FROM THE PRINCIPAL EX OFFICIO MEMBER (SCHOOL A)
13.08.2002

(i)   2000

(ii)   Yes

(iii)   Yes

(iv)   Yes, although the parents delegated it to the teachers but approved it.

(v)   Once a quarter

(vi)   The initiative is taken by the principal.

(vii)   The Principal in consultation with the Chairperson.

(viii)   Through letters

(ix)   The Chairperson sometimes helped by the Principal

(x)   Yes but few e.g Finance etc

(xi)   Holding meetings but so far once

(xii)   Yes but some do not attend sometimes without reason.

(xiii)   The priority is their home problems

(xiv)   Set more committees to share the work

(xv)   Not quite satisfactory.

(xvi)   At least the awareness of their responsibilities.

(xvii)   Not useful.

(xviii) More workshops.

(xix)   Deal with specifics not useful.

(xx)   Better as it is going to improve the relevant appointment of teachers according to their subject areas.

QUESTIONS FOR THE TEACHER REPRESENTATIVE (SCHOOL A)
13.08.2002

(i)   What is a SGB?

(ii)   When was the one for your school established? (year)……

(iii)   For how long are the members supposed to serve in the SGB?

(iv)   How do you meet?

(v)   Who convenes the meetings?

(vi)   How are you invited to the meetings?

(vii)   Sometimes you would not agree on an issue, how do you arrive at decisions if you happen not to agree on a particular issue?

(viii) Pertaining to the question above, can you cite a particular event in which no (vii) had occurred in you school?

(ix)   The Dept. of Education is out conducting workshops to train the SGBs on their functions e.g The one in May held at circuit level for the Financial management.

(x)   Did you gain anything from such workshops?

(xi)   Do you have a Constitution as the governing body?

(xii)   Do you feel the school is governed according to the Constitution.

(xiii) What clauses would you consider important in your Constitution?

(xiv)   What would you advise the department to do to improve the working of the SGB?

(xv)   What are your comments in relation to the Draft Bill? Where the SGB is no more going to be involved in recommending the appointment of an educator?

(xvi)   Why do you think it is important for a school to have a constitution?

RESPONSES FROM THE TEACHER REPRESENTATIVE (SCHOOL A)

13.08.2002

(i)   A body that governs the school.

(ii)   1997

(iii)   3 years

(iv)   Twice a month

(v)   Chairperson in consultation with the Principal.

(vi)   Through letters.

(vii)   Through negotiations but ultimately voting.

(viii) Never happened that we did not agree until we voted.

(ix)   Yes there was a gain as parent learned to control their finances.

(x)   Yes.

(xi)   Yes sometimes it is bent on certain circumstances.

(xii)   Delivered it from (a) The SASA so as to deviate from them

(xiii) As it acts as a guide binding to all members of the institution

(xiv)   School Policy: Codes for learners & teachers. Attendance to meeting by parents where if they fail there is a penalty.

(xv)   Needs to inculcate a strong sense of ownership for support by the parent:- the SGB can work properly.

(xvi)   No! As it removes one of the most important functions for the SGB and skews towards imposition.

QUESTIONS FOTR THE NON-TEACHING STAFF (SCHOOL A)

13.08.2002

(i)   When did you become a member of the SGB? (year)

(ii)   What role do you play as a member i.e advising, taking decisions on the discipline of the learners and teachers etc.

(iii)   Do you get in at school with the teachers and learners?

(iv)   If yes, why?

(v)   If no, why not?

(vi)   What do you regard as your main duty at the school?

(vii)   If you are a clerk of the school, you collect and keep the school monies. How are these monies audited?

(viii) Can you allow anybody to have access in your books?

(ix)   When does SGB audit the books?

(x)   Where are the school monies kept?

(xi)   What problems have you encountered in maintaining a balance between your records and those of the financial institution where these are kept?

(xii)   Who authorizes the withdrawal of such monies?

(xiii) Do you have petty cash?

(xiv) Who keeps the petty cash?

(xv)   Sometimes the petty cash gets finished before the year ends. How do you get another one?

(xvi) Does the schools get money from the learners' contributions only in the form of school funds?

(xvii) If yes, is it enough for the year's activities?

(xviii) If no, what are the other means of getting the school monies. State all the sources where you get it from?

(xix) Do you belong to any union organisation in the school

(xx)   If yes, what impact does it have in the running of the school?

(xxi) If no, why?

RESPONSES FROM THE NON-TEACHING STAFF (SCHOOL A)

13.08.2002

(i)   Can't remember

(ii)   Advice and decision making but not on discipline

(iii)   Together

(iv)   Work

(v)   Work with them

(vi)   No answer as the answer is positive at no.(iv).

(vii)   Administration of finance i.e Treasure, Filing

(viii) Monies are audited

(ix)   Department of Education, Principal and not the chairperson.

(x)   Whenever the Principal feels.

(xi)   In the Bank.

(xii)   Problems like Bank charges in statements differ.

(xiii) Chairperson & Treasure or Chairperson & Educators as she is the secretary.

(xiv)   Yes

(xv)   Treasurer

(xvi)   As it is kept monthly, it does not get exhausted.

(xvii) No

(xviii) We supplement it by other means.

(xix)   Fund Raising, i.e Funny Days & Contents , Donations from parents.

(xx)   Yes

(xxi)   It does not have it.

(xxii) Maybe I feel satisfied and therefore no need to unionize.

QUESTIONS FOR THE LEARNER REPRESENTATIVE (SCHOOL A)

13.08.2002

(i)   When did you become a member of the SGB?

(ii)   How did you become a member? i.e by being appointed or elected.

(iii)   Are you always invited in the meetings for the SGB?

(iv)   If so, how are you invited to those meetings?

(v)   When are the meetings held?

(vi)   What usually happens when you have a point of disagreement in the SGB?

(vii)   Do you think that as a learner you have a role to play in the SGB? Explain your answer.

(viii) How do you report back to other learners?

(ix)   Does your SGB have a Constitution?

(x)   Why do you think it is important for your SGB to have a Constitution?

(xi)   What do you think are the important clauses of your Constitution?

(xii)   What do you think of some important functions of your SGB?

(xiii) What would you advise the department to do to improve the working of the SGB?

RESPONSES OF THE LEARNER REPRESENTATIVE (SCHOOL A)
13.08.2002

(i)   In 2002

(ii)   Through class Reps – SRC – Through election.

(iii)   Always

(iv)   Just called.

(v)   Whenever there is need.

(vi)   Call the affected parties.

(vii)   Play a major role

(viii) Call students during school hours.

(ix)   Yes

(x)   Not sure

(xi)   Can't answer as he does not remember seeing it.

(xii)   For the smooth running of the school e.g Finances, resolution of problems etc

(xiii) No advice yet as it satisfies him.

APPENDIX 3

3.1   SCHOOL B (SCHOOL WITH HOSTEL)

QUESTIONNAIRE

The aim of this questionnaire is to find the working of the SGB in the Public Senior Secondary Schools with Hostels. The respondents are free to circle only the answer or they can expand on any issue.

QUESTIONS

(A) QUESTIONS ABOUT THE FORMATION AND THE MEETINGS OF THE SGB

1   When was the present SGB established in this school? *Year: 02.03.2001.*

2   What are its components? *(i) Parents (ii) Teachers (iii) Non teaching staff*

         (iv) Educators (v) Principal.

3   Who convenes the meetings? *Chairperson.*

4   How are the meetings convened? *Through letters.*

5   When does the SGB meet? *Once a quarter.*

6   When the SGB postpone a meeting? *When the members do not form a quorum.*

7   Who draws the agenda for the meetings? *The secretary and the chairperson.*

8   All the minutes of the SGB meetings are recorded? *Yes.*

(B) QUESTIONS ABOUT THE CONSTITUTION

1   Does the SGB have a constitution? *Yes.*

2   Who drew the constitution, if present? *All the members of the SGB.*

3   When confronted with a behaviour problem from the learners, does the SGB use its code of conduct for the learners? *Yes.*

4   The SGB takes the decision to suspend a learner? *Yes.*

5   How long should a learner be suspended by the SGB? *One week.*

6   Does the SGB have the power to appeal to the HOD for any aspect related to their functions? *Yes.*

7   Can the SGB close the school on its own? *No.*

8   With the monies in its control, can the SGB appoint any contractor to do renovations? *Yes.*

9   Can the learner in the SGB enter into contracts for the school? *Yes.*

(C) GENERAL QUESTIONS

1   Q. Can you please outline just any functions that you think are important for the SGB.

A. *Assist teachers in the teaching process, maintain and control schools properly and monies, recommend appointment of teachers. Call and make reports to parents about the school, assist teachers in maintaining order and discipline in the school.*

2   Q. Do you think the SGB was democratically elected or just appointed? Explain.

A. *It was democratically elected as parents with students were called in on 02/03/2001 to elect parents to govern the school, and so likewise to teachers and students.*

3   Q. Do you think it is good for a school to have an SGB? Explain.

A. *Yes. To make fruitful and binding decisions for all the various components I an institution.*

4   Q. How do you arrive at decisions as the SGB? Explain.

A. *Through discussions in meetings and arriving at unanimous decisions or where a deadlock occurs, members vote for a decision but only those who were democratically elected not other members.*

5   Q. Does the SGB work collaboratively with the principal? Explain.

A. *Yes. Chairperson always approaches the principal to arrange for issues to be discussed in meetings.*

6   Q. Who withdraws the monies from the bank?

A. *The Treasurer, Secretary and Chairperson of SGB.*

7   Q. How do you audit the School fund?

A. *Teachers in Commerce department assist the SGB members.*

8   Q. Can you allow any Dept official to have access to your bank books?

     A. Yes.

9   Q. Do you realize any difference between the present SGB and the old School Committee?

     A. Yes. The SGB is democratically elected and does not impose but has a consultative approach.

10   Q. If you would be asked to advise the Dept. on the formation and functions of the SGB, what would you say?

     A. Teachers and parents be represented equally in SGB. Recommend that SGB be able to expel learners as long as it is on reasonable grounds.

11. Q. Do you feel the SGB is honoured by Department?

     A. Not quite.

12   Q. Do you think there are any means to empower SGBs?

     A. No.

13   Q. Explain.

     A. Since there is scarcity of meetings and workshops to that effect.

14   Q. Is the SGB consulted when either the school buildings or grounds or furniture are to be used for the other activities other than teaching and learning?

     A. Yes.

15   Q. What do you think are the strengths and weaknesses of the SGB of your school?

     A. Strengths: None.

     Weaknesses: Bad attendance to meetings by parents; business; lack of confidence

16   Q. What could you say are its threats and opportunities?

     A. Threats: school enrolment drops as many issues affecting students are always pending; lack of co-operation among members; fear of matric results.

     Opportunities: good school with motivated staff; school to be computerised next year [2003]; teachers who bear great potential.

3.2 SCHOOL C (SCHOOL WITH HOSTEL)

QUESTIONNAIRE

The aim of this questionnaire is to find the working of the SGB in the Public Senior Secondary Schools with Hostels. The respondents are free to circle only the answer or they can expand on any issue.

QUESTIONS

(A) QUESTIONS ABOUT THE FORMATION AND THE MEETINGS OF THE SGB

1   When was the present SGB established in this school? *Year 01.02.2002*

2   What are its components? *(i) Parents (ii) Teachers (iii) Non-teaching staff (iv) Educators (v) Principal.*

3   Who convenes the meetings? *Chairperson.*

4   How are the meetings convened? *Through letters.*

5   When does the SGB meet? *Once a quarter.*

6   When does the SGB postpone a meeting? *When the members do not form a quorum.*

7   Who draws the agenda for the meetings? *The secretary and the Chairperson*

8   All the minutes of SGB meetings are recorded? *Yes.*

(B) QUESTIONS ABOUT THE CONSTITUTION

1   Does the SGB have a constitution? *Yes.*

2   Who drew the constitution, if present? *All the members of the SGB.*

3   When confronted with a behaviour problem from the learners does the SGB use its code of conduct for the learners? *Yes.*

4   The SGB takes the decision to suspend a learner? *Yes.*

5   How long should a learner be suspended by the SGB? *One week.*

6   Does the SGB have the power to appeal to the HOD for any aspect related to their functions? *Yes.*

7   Can the SGB close the school on its own? *No.*

8   With the monies in its control, can the SGB appoint any contractor to do renovations? *Yes.*

9   Can the learner in the SGB enter into contracts for the school? *Yes.*

(C) GENERAL QUESTIONS

1   Q. Can you please outline just any functions that you think are important for the SGB.

     A. *Maintenance of school buildings, keep contact with the running of the school.*

2   Q. Do you think the SGB was democratically elected or just appointed? Explain.

     A. *Democratically elected because correct procedures had been followed.*

3   Q. Do you think it is good for a school to have an SGB? Explain.

     A. *Yes. For support system to the smooth running of the school.*

4   Q. How do you arrive at decisions as the SGB? Explain.

     A. *Consensus on agreement by all members.*

5   Q. Does the SGB work collaboratively with the principal? Explain.

     A. *Yes. They always consult each other.*

6   Q. Who withdraws the monies from the bank?

     A. *The Principal for the Treasurer.*

7   Q. How do you audit the school fund?

     A. *Special auditor.*

8   Q. Can you allow any Departmental official to have access to your bank books?

     A. *No. Our funds are from parents not from government funds and are handled differently.*

9   Q. Do you realize any difference between the present SGB and old School Committees?

     A. *Yes. The present SGB is officially formed with constitution and are properly trained and workshopped for the job.*

10   If you would be asked to advise the Department on the formation and functions of the SGB, what would you say?

A. Simply the rules and guidelines had been made clear of what they are there for.

11   Q. Do you feel the SGB is honoured by the Department?

A. Yes. To be entrusted with the governance of the schools, to have a say or recommend the appointment of teachers.

12   Q. Do you think there are any means to empower the SGB?

A. No.

13   Q. Explain.

A. There was nothing before but now there are workshops for them.

14   Q. Is the SGB consulted when either the school buildings or grounds or furniture are to be used for the other activities other than teaching and learning?

A. Yes.

15   Q. What do you think are the strengths and weaknesses of the SGB of your school?

A. Strengths: working together, unity; good attendance at meetings.
Weaknesses: maybe the distance between each member.

16   Q. What would you say are the threats and opportunities?

A. Threats: lack of financial support by the departement.
Weaknesses: now they are able to say who is joining the school; to develop the school physically and academically.

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