The protection of human rights: an analysis of approaches to school discipline

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DECLARATION

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

26 November 2002

L.T. MANGENA   **DATE**

DEDICATION

I dedicate this work to
my late grandparents,
Mabitsela and Mabunang Motimele,
whom I wish could have
witnessed this achievement.

ACKNOWLEDGEMENT

ABSTRACT

This is an in-depth investigation of human rights in education as reflected in school discipline in the Northern Province.

In this research, three different schools were selected as the settings for my study. This selection of the setting was influenced by the diversity of the schools such as: -the community school, -the township school and the urban school. The three schools are not the representative of the schools in the Northern Province, but they illustrate or reveal if there were patterns in terms of the data collected.

The methods used for collecting data are the following:
Observation, Interview and Documents. A period of time was spent at the three settings for the purpose of observing the real school environment, interviewing the research participants (principal, educators, learners/LRC and the parent-component of the SGB) and to consult documents especially policies of the school. The departmental policies were also consulted.

The results of the study indicate that most stakeholders (especially in rural and township schools) are not yet conversant with human rights in education. Educators and parents regard some human rights provisions in education as erosion of their 'status' in education.

OPSOMMING

Hierdie studie is 'n diepgaande ondersoek van menseregte in die onderwys soos dit in dissipline in the Noordelike Provinisie se skole weerspieel word.

In hierdie navorsing is drie skole gekies om as die milieu vir die studie te dien. Die keuse van hierdie skole is ingelig deur die verskille wat tussen hulle bestaan soos die gemeenskap skool, die woonbuurt skool en die stedelike skool. Die drie skole is nie noodwendig verteenwoordigend vandie skole in die Noordelike Provinsie nie, maar hulle illustreer of bewys indien daar 'n model bestaan in gevolge van die data wat versamel is.

Die volgende metodes is toegepas om data in te samel: waarneming, onderhoud en die bestudering van dokumente. Om die egte skool milieu waar te neem, is sekere tyd by elkeen gespandeer. Onderhoude is met die deelnemers in die navorsing gevoer, t.w., skoolhoofde, onderwysers, leerlinge, leerlingverteenwoordigers en die ouers wat deel van die skoolraad is. Dokumente soos die skoolbeleid en relevante departementele beleidsdokumente is ook bestudeer.

Die resultate van die navorsing dui aan dat die meeste belanghebbendes (veral die platteland - en woorbuurtskole) is nog nie bekend met mense regte in die onderwysers nie. Onderwysers en ouers beskou sekere mense regte voorsienings in the onderwys as wegvreting van hul 'status'.

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CHAPTER 1

1.1   INTRODUCTORY BACKGROUND

The introduction of the new school disciplinary policies by the government in 1996 and the reluctance of some school stakeholders (especially teachers) to implement such policies, influenced this study.   The study focuses on how discipline in education is understood by parents, educators and secondary school learners.

In the age of educational reform, discipline continues to emerge as an area needing immediate attention.   The economics, social and educational costs related to discipline are enormous, and parents, educators and policy makers continue to search for solutions to morally acceptable ways of school discipline.

Savage (1991: viii) argues that there is no shortage of solutions to school discipline.   He points out that for decades suggestions and theories have been proposed by policy makers.   Many of these suggestions and theories have been found to be effective for some teachers and some learners and ineffective for others.   The sobering fact is that the discipline problem in the schools is a complex one and will not be solved with simple solutions.   According to Moles (1990: 2) student misconduct and how to promote better discipline in school are serious concerns not only for educators and the public, but also for students themselves.

In an American national survey of public schools teachers, Gallup (Moles, 1990: 2) maintains that eleven (11%) percent in urban schools mentioned fear of student reprisal as a major limitation on teachers' ability to maintain order in their schools, whereas only small proportions of teachers feared reprisals in suburban or rural areas.   Almost a third of all teachers nationwide said they seriously considered leaving teaching because of student misbehaviour (American centre for Educational Statistics, 1998:).

Persistent concern has also been expressed by the American public. When asked what were the biggest problems facing their local schools, respondents to Gallup Polls (1985: 65) have cited discipline first almost every year back to the early 1970's. In the 1986-88 period discipline was second to use of drugs, itself a discipline related problem. This public concern has further been confirmed by Bernhardt (1964: vii) who maintains that no other topic is so frequently discussed by the American public as is the topic on school discipline.

The complexity of maintaining school discipline in the Northern Province is also well expressed by Maakana (1998: 13)

> ".... I arrive ten minutes before school begins. Our school day begins at 07:30 am. There is not one student at school. We, the teachers, have to wait for the students to trickle in. And that depends on the weather. On a hot summer day most students would be at school by 08:00 am. If it is cold, we expect them around 09:30 am. If it is raining we don't expect them at all. Rain means no school. And I wait. They come late and slowly. There is nothing I can do. Corporal punishment is abolished and a jail term awaits any teacher who dares apply it. Indeed no educationist has come up with an alternative form of punishment that I can apply in rural schools. In the meantime, I watch, helplessly, students coming late to school. And I wait ...."

Another great concern is that the state campaign to restore discipline in schools is being met with resistance from teachers who are refusing to allow education authorities into their classes. Throughout the country, isolated pockets of teachers are resisting the three-year national Culture of Learning, Teaching and Service (COLTS) campaign aimed at restoring discipline among the teaching staff (Pretoria News, 1998: 5).

Some schools which adhere to the Colts policy also experience problems which are related to the safety of learners. In the Star Newspaper (May 1998), an article entitled "Late for School: girl is turned away, gets raped" appeared in which Reeves reported that a school policy that allows for late comers to be locked out of school grounds may be reviewed after a 15 year old learner was raped .... after being sent home. Gauteng MEC for education, Mrs Mary Metcalfe also expressed the following concerns with regard to the above incident: "Up until now we have left these issues of discipline in the hands of the governing bodies, but considering the seriousness of this incident I feel that we should look at some policy guidelines for school governors. We must consider the safety of learners, but also their right to be educated, so perhaps sending them home is not the best policy".

Salim Vally (1996: 45) also maintains that many teachers' organisations, SADTU and NAPTOSA, in their official stances have uncompromisingly opposed corporal punishment. Nevertheless, many teachers see the abolition of corporal punishment as contributing to their loss of authority, particularly as they have not been introduced to effective methods of maintaining discipline. The concern of maintaining discipline is further acknowledged by Rice (1992: 3) and Hamachek (1985: 140) who maintain that the behaviour and discipline of learners at secondary school phase may be very difficult to control.

According to Rogers (1994: 22) the purpose of secondary school learner's undisciplined behaviour is due to attention seeking, power-sharing, retaliation or revenge and display of inadequacy (frustration and pain). Therefore merely reacting to learners' misbehaviour impulsively by meting out punishment (usually corporal punishment) in the guise of educating for self-discipline, may strain teacher-learner, teacher-parent and parent-learner relations.

The situation in some schools is so abnormal that a multifaceted approach is needed to maintain discipline. Many learners are placed in classes which require higher levels of cognitive development and most have not progressed

beyond the more concrete mode of thinking. Others have missed out in schooling in their earlier years and are therefore much older than children in their class and in the secondary school they are treated as children. Such learners are likely to become bitter and hostile to the authority and the values of a school (Eunice and Evelyn van den Aardweg, 1988: 62).

1.1.1   The purpose of discipline

In thinking about school discipline, it is vital that its purpose be clearly understood. According to Duke Moles (1990: 70) school discipline is not to be desired for itself, but is necessary to the success of the school mission. On the other hand, those who argue that a primary purpose of schooling is to instil respect for authority and obedience to societal norms might be inclined to question the assumption that discipline is merely a means and not an end in itself.

Beyond the importance of not confusing ends and means, it is also important to make a distinction between 'disciplined schools' and 'disciplined students'.

The concept 'disciplined students' is related to the development of self-discipline that is likely to transform to non school situations.

On the other hand 'disciplined schools' is related to docility and conformity to school rules that can undoubtedly be coerced by a variety of sophisticated control mechanisms.

There is little convincing evidence that repressive control or harsh punishment diminishes student misbehaviour. Even if order is restored to schools, there may be repercussions elsewhere in society as anger at a repressive and oppressive school environment is vented in the more anonymous atmosphere of community and street life (Duke Moles, 1990:3).

1.1.2   The link between school discipline and human rights in education

The abolition of among others corporal punishment and manual labour as a means of maintaining discipline at schools, led to the introduction of new disciplinary measures by the government. These new disciplinary measures demanded of educators, parents and learners to recognise human rights in education whenever disciplinary measures are being applied.   School stakeholders are expected to accommodate among others the following provisions of the bill of rights:

S   human dignity
S   religion, belief and opinion
S   the right to education
S   equality and
S   freedom and security of the person.

In this study, I intend to find out whether disciplinary measures being applied at schools are in line with the above provisions of the bill of rights in education. Discipline in this research has, therefore, been studied from the human rights perspective.

1.2   RESEARCH QUESTIONS

The formulation of research questions for the study, was generated by the main question which is the following: Do stakeholders at schools recognise and protect human rights in education?

In an attempt to unpack the above question, the researcher formulated the following research questions based on the provisions of the South African constitution which have a direct influence on educators, learners and parents in the school:

1.1   Equality   (Section 9 of the South African constitution)

1.2   Human dignity (Section 10)

1.3   Freedom and security of the person (Section 12 (1))

1.4   Religion, belief and opinion (Section 15)

1.5   Freedom of expression (Section 16)

1.6   Just administrative action (Section 33)

1.7   Education (Section 29).

1.   Do stakeholders recognise and protect all learners at school irrespective of their race, language and religion?

2.   Do stakeholders recognise the right of learners to be treated with respect and dignity?

3.   Is the right to freedom and security of persons being protected by all stakeholders?

4.   What measures are being taken by stakeholders to promote religious diversity at school?

5.   How do stakeholders at school promote the right to free speech and expression?

6.   What disciplinary procedures are being followed by stakeholders to address discipline related matters at school?

7.   What do stakeholders regard as the most important human right in education?

1.3   THE AIM AND OBJECTIVE OF THE STUDY

1.3.1   Aim of the study

The aim of the study is to conduct a case study research at the three selected school environments.

1.3.2   Objective of the study

To gain a better understanding of what is perceived as human rights in an educational environment and protection thereof.

1.4   THE STUDY AREA

The study will confine itself to various secondary schools in Northern Province. The secondary school phase has been deliberately chosen for investigation because according to Rice (1992: 3) the behaviour and discipline of learners at this phase may be very difficult to control. It is this phase that parents and teachers often refer to as the period of "storm and stress".

In this study various secondary schools refer to:

i.   Community schools (rural schools)
ii.   Township schools
iii.   Ex-model C schools

1.5   DEFINITION AND EXPLANATION OF CONCEPTS

1.5.1   Discipline

Discipline in this study refers to the creation and maintenance of orderliness in order to protect human rights in school environment.

1.5.2   Human rights

Human rights are the basic rights that everyone has, simply because they are human. They do not have to be earned and they are not privileges which anyone gives to you. Human rights are acquired from the moment one is born. They cannot be taken away from anyone by the government although they can sometimes be limited (Moran, 1998: 5).

Prinsloo and Beckman (1995: 32) further define the concept 'rights' as etymologically related to 'right' in the sense of 'wrong' or 'right' and as such it has overtones of morality. It is therefore, also related to the issue of justice.

1.5.3   Secondary school pupil (Learner/student)

Although the word pupil is used in this study, in some cultures, a secondary pupil is referred to as a 'student', yet in other cultures, a student is one in tertiary education only. For the present study, the words pupil, student and learner will be used interchangeably to accommodate all cultures.

According to the South African School Act (1997: vii) a learner is any person, whether a child or an adult, who receives education or must receive education in terms of the schools act.

In this study the word 'learner, pupil or student' refers to a person who is still at a secondary school phase. That is from Grade 8 (eight) to grade 12 (twelve).

1.5.4   Management team

In this study management team refer to the top hierarchy of the school, such as the principal, deputy, heads of departments and senior teachers.

1.5.5   Parent

In this study parent refers to among others:

i.   A person serving on a committee or a governing body such as the chairperson, secretary or treasurer.

ii.   The guardian of a learner.

iii.   A person legally entitled to custody of a learner.

iv.   A person who undertakes to act as a parent of a learner for the purpose of the learner's education at school.

v.   The natural parent of a learner.

1.6   RESEARCH DESIGN

According to Yin (1994: 19) a research design is a 'blueprint' of research, dealing with at least four problems:

i.   what questions to study

ii.   what data are relevant

iii.   what data to collect, and

iv.   how to analyse the results.

In this study as the researcher intend to select three different schools as cases for the study, a case study design will therefore be adopted.

1.7   METHODOLOGICAL FOCUS OF THE STUDY

Three methods of data collection were anticipated in this study. The use of the three methods of data collection as Yin (1994: 98) points out, is to increase the reliability of the information in a case study and to maintain a chain of evidence.

The following methods of data collection were anticipated:

1.7.1   Naturalistic observation

According to Stern 1979: 64) naturalistic observation is the most basic method of gathering scientific evidence. The researcher visited the selected sites in order to cover context of the events in the real/natural setting.

During the period of observation, the researcher resorted to unobtrusive measures in an attempt to eliminate what Stern (1979: 65) refers to as "on stage effects".

Maxwell (1996: 78) further point-out that observation is useful in obtaining descriptions of behaviour and events. It often enables the researcher to draw inferences about someone else's meaning and perspective that could not be obtained by relying exclusively on interview data.

1.7.2   Interviews

Interviews are a useful tool in obtaining the perspective of actors/participants. This point is also supported by Maxwell (1966: 78):

"Interviewing can be a valuable way of gaining a description of actions and events.   These can provide additional information that was missed in observation and can be used to check the accuracy of the observations".

In order to achieve the above objective, the researcher asked about specific events and actions rather than asking questions that elicit only generalisations or abstract opinions. Against the above background, semi-structured interview questions were adopted for this study.

It was therefore believed that triangulation of observations and interviews will provide a more complete and accurate account of events.

1.7.3   Documents

The most important use of documents is to corroborate and augment evidence from other sources. They are helpful in verifying the correct spelling and titles or names of organisations that might have been mentioned in an interview. Secondly they can provide other specific details to corroborate information from other sources. Lastly, inferences can also be made from documents.

Yin (1994: 81) concludes that:

> "Documents play an explicit role in any data collection in doing case studies".

1.8   RESEARCH PLAN

Chapter 1

Introductory background, the research design, methodological focus on the study, key research question, aim and objectives of the study, research/study area and definition and explanation of concepts.

Chapter 2

The review of the literature on school discipline as studied from the human rights perspective.

Chapter 3

The researcher will outline the design and the methodology that has been employed in conducting the study.

Chapter 4

School profiles of the three selected settings are discussed.

Chapter 5

A thematic analysis of the data.

Chapter 6

Findings, conclusion and recommendations.

CHAPTER 2
LITERATURE REVIEW

2.1 THE LITERATURE ON THE HISTORICAL BACKGROUND OF HUMAN RIGHTS AS REFLECTED IN SCHOOL DISCIPLINE IN SOME WESTERN AND AFRICAN COUNTRIES

- Japan

According to Schoolland (1986: 1) the concept '*Ijime*', which means the intimidation of the weakest people in a social group was prevalent in the Japanese education system. Reports of student deaths and abuse at the hands of teachers have also been made.

A poll 'Kids Get Punished' (1986) conducted by Ibaraki University revealed that ten percent of the respondents reported witnessing punishment severe enough to send students to clinics or hospitals for treatment.

The 'Verdict Sportlights' (1986) newspaper also confirmed the above reports of student deaths and abuse at the hands of teachers:

> 'In May 1985, a 16 year old Toshinao Takahashi was beaten to death because he was caught violating a rule against the use of electric hair dryers while on a high school trip"

Schoolland (1986: 10) further states that the status of the teacher, or '*sensei*' in Japan was highly revered. When a teacher is brutal to a student, this reverence translates into a tremendous fear and timidity among both students and parents. This state of affairs in the Japanese schools was well explained by Amamori (quoted in Schoolland: 1986: 9) who was transformed by a school system that considers corporal punishment as a way of life.

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'Teachers who did not beat students were regarded as lacking enthusiasm for education. My fellow teachers taunted me with being too soft. I had no alternative but to physically punish the students'.

On the other hand parents were reluctant to report such above incidents to the higher authorities. Their reluctance was caused by the fear of destroying their students and family's future. This parent's dilemma was summed up Kumura (quoted in Schoolland: 1986:11):

> "in Japan, the path to success is much more limited. Employment in the most prestigious government posts or large corporations depends almost entirely on graduation form the most prestigious schools. To fail in school is often viewed as a financial and status disaster both for the students and for the parents."

In response to these rigorous discipline measures undertaken by teachers in Japan, the Japan Federation of Bar Association held a convention which focussed specifically on the lack of protection afforded young people in the schools. This convention led to a declaration which championed youth rights. In support of the Bar Association, the Japan teachers union also disclosed its plans to cooperate with the Bar Association in creating legislation to protect the human rights of children (Schoolland: 1986: 23)

-       *The United States*

The situation in the United States of America also called for alternative strategies with regard to school discipline. According to the United States Department of Education (NCAS: 1988) during the 1985-1986 school year, school suspension and corporal punishment continued to be the most widely practised forms of school discipline.

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Hakim and Laurel (1993: 19) states that the intervention strategy of school suspension that focuses on eliminating behavioural symptoms rather than determining the underlying causes, may actively contribute to the very behaviour the schools are seeking to control. This cycle, according to the above authors, can result in lower student motivation and academic achievement, worsened behaviour on the part of the student or dropping out of school altogether.

On the use of corporal punishment, Gordon Bauer et *al.* (1990) and the National School Safety Centre (1989) both acknowledge that despite the fact that corporal punishment is illegal in seventeen states in the United States, it remains widely used in many schools.

These forms of school discipline (suspension and corporal punishment) has led Hakim and Laurel (1983: 69) to initiate that information on human rights be included in the schools. This information will serve as a necessary component of any conflict resolution program. They also maintain that not only are human rights basic to all learning, but the human rights emphasis on respect, responsibility and fairness leads naturally to reduction of conflict in daily life on and off the school. Human rights teaches that each person is a member of the human family, sharing common basic needs and aspirations and interdependent on each other. When human rights are incorporated into the curriculum, students comprehend the significance of:

- Human dignity:

They develop an understanding of themselves and others, including respect self-esteem, fairness, tolerance and justice.

- Humanhood

They strive to create more caring and humane world through understanding principles of justice, freedom equality, civic participation and critical thinking.

- Human involvement

They become aware of their participatory responsibilities, including problem solving, conflict resolution, civic participation and critical thinking.

In line with the two authors above, Turk (1988: 9) emphasised that human rights education is closely linked to the realisation of human rights. According to him, this concept (human rights education) has two essential aspects:

> ➤ creating awareness of the existence and importance of the relevant human rights standards,
> ➤ and the implementation of these standards.

Vasak (1988: 16) concurs with Turk above that human rights education be introduced in schools. He maintains that human rights teaching had never been fully established at the secondary school level. He recommends that the teaching of human rights at this level, could be incorporated into various existing subjects.

- *Britain*

According to Parker-Jenkins (1997: 5) corporal punishment in multicultural Britain had a long standing tradition which was sanctioned by the norms and values of Victorian society. This sanction which was rooted in the concept of 'original sin' was condoned by parents who expected that it be inflicted on their

offspring. This was confirmed by Scott (quoted in Parker-Jenkins: 1997: 5):

> 'Physical chastisement was considered an excellent instrument for the correction of children, and was used as a panacea for all breaches of discipline.'

Johnson (quoted in Parker-Jenkins: 1997: 5) further maintains that there are three reasons for using this form of discipline measure:

- the need of society to produce people who would conform to accepted norms.
- a moral need to beat out obstinacy
- as a necessary tool to ensure that learning takes place.

In the 20th century, there was a serious challenge to the practice of corporal punishment. Parker-Jenkins (1997: 9) states that parents of children who received or were threatened with corporal punishment in British schools, lodged complaints at the European court of Human Rights. This was done after having failed to gain satisfaction through their domestic courts.

As a result of the above stated complaints lodged by parents, Tyrer, Mrs X and Townsend (quoted in Parker-Jenkins, 1997:10) state that in the 1980's the European Court was prepared to consider instances of physical chastisement in British schools as akin to 'degrading treatment' and the violation of human rights.

This involvement of the European court of Human Rights finally led to the British Government suffering a humiliating loss in trying to defend physical chastisement as a disciplinary sanction in schools. Teachers were therefore compelled to remove the disciplinary sanction and to provide alternative form of punishment (Campbell and Cosas (quoted in Parker-Jenkins: 1997: 10).

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- *Namibia*

The constitutional provisions pertaining to corporal punishment in Namibia, is also discussed below. According to Prinsloo (1994: 4) the constitution of Namibia provides that no persons shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. This constitutional provision was also emphasised by Mahomed (quoted in Prinsloo: 1994: 4):

> 'The inflicting of corporal punishment on adults as well as on juveniles, constitutes degrading and inhuman punishment within the meaning of the constitution'.

In addressing corporal punishment in schools, the court concluded that:

'any corporal punishment inflicted upon students at government school pursuant to the provisions of the relevant code would be in conflict with the Namibian constitution.'

- *Zimbabwe*

In Zimbabwe, the constitution also provides that no person shall be subjected to torture or degrading punishment or other such treatment. According to Prinsloo (1994: 5) in the case of 'S v A Juvenile – 1990', the court had to decide whether thee imposition of a whipping or corporal punishment upon juveniles is an inhuman or degrading punishment or treatment which violates the prohibition contained in the constitution. In response, Dumbutshena (quoted in Prinsloo: 1994: 5) refers to the adverse features which are inherent in the inflicting of a whipping as well as to persuasive authorities from other jurisdictions. This led to his conclusion that such corporal punishment is unconstitutional, whether it is imposed on an adult or a juvenile.

In support of Dumbutshena above, McNally (quoted in Prinsloo: 1994: 6) states that:

'Corporal punishment in schools is not a matter for consideration under the Declaration of Rights but that is a matter for policy.'

- *South Africa*

In South Africa, prior to 1994, corporal punishment was still a permissible option. There were no constitutional safeguards against inhuman or degrading punishment. The regulation in terms of the Education Affairs Act (House of Assembly), 1988, dealing with corporal punishment in public schools, sate-aided schools and hostels, was a typical example of the then South African legislation dealing with the subject. These regulations provided for the administration of corporal punishment, the procedure, limitations and the extent thereof.

Prinsloo (1994:21) also add that the administration of corporal punishment in schools had its roots in the South African common law. Over the years, the common law has been interpreted and developed by the Supreme Court and the parameters within which educators were required to operate where established. He further states that developments were brought about when specific provisions were enacted in education legislation. These developments, defined and regulated the administration of corporal punishment in schools.

In spite of the regulations mentioned above, there were some reservations raised regarding corporal punishment for juveniles. Labuschagne (Prinsloo: 1994: 12) subjected the punishment of children to an exhaustive evaluation and he came up with various scientific objections to the application of force against children. His conclusion was that the rights of parents, teachers and other persons in loco parentis deliberately to apply force against children should be abolished.

In trying to address the above stated inhuman treatment, the Bill of Rights in the Constitution of South Africa – 1993, which is now in operation, provides that no person shall be subject to cruel, inhuman or degrading treatment or punishment. In the light of the above provisions, corporal punishment in schools is declared to be cruel, inhuman or degrading and thus unconstitutional (Prinsloo: 1994: 21).

In 1996, the South African government published a School Act which aims at establishing a new national system for schools. The objective of this act is among others, to redress past injustices in educational provisions, provide an education of progressively high quality for all learners, combat racism and sexism and all other forms of unfair discrimination and intolerance, uphold the rights of all learners, parents and educators (The South African Schools Act: 1996: 2).

The prohibition of corporal punishment is also given special attention. This Act states that:

- No person may administer corporal punishment at a school to a learner.
- Any person who contravenes the above subsection is guilty of an offence and liable on conviction so a sentence which could be imposed for assault (SASA: 1996: 10).

In conclusion, Prinsloo (1994: 12) remarked that:

> 'this new educational provision will create a dilemma for educators and the whole field of school discipline will have to undergo a paradigm shift in this regard, and educators will have to renew their search for other effective means by which to discipline the children they teach.'

2.2 THE BILL OF RIGHTS

According to Musgrove (1996: 2) one of the most remarkable social changes of the past century has been the substition of parental influence for parental power. Throughout the advanced countries of the west the power of parents has been radically curtailed in law and the rights and interests of the child protected.

This state of affairs is more or less similar to that of the present South African Education system where the rights of the child or learner in particular is being protected by the law (The South African Constitution -Chapter 2 -The Bill of Rights: 1996: 6).

This bill of rights represents the understanding of the state (and its organs) to protect the basic human rights of all citizens. Some of the provisions of the constitutions which have a direct influence on educators in the school are described below (Badenhorst and Lemmer, 1987: 388).

- *Equality*

Section 9 of the South African Constitution protects citizens against discrimination. In the school context, children may not be discriminated against. For example, children may not be excluded from school activities on grounds such as race, language or religion

- *Human dignity*

Section 10 recognises the right of people to be treated with respect and dignity. In the school, actions that could violate this right include corporal punishment, body searches, sexual harassment and verbal abuse.

This section therefore implies that when learners are punished, care must be taken not to infringe on these rights.

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- *Freedom and security of the person*

Section 12(1) states that everyone has the right to freedom and security of person, which includes the right …. (d) not to be tortured in any way, and (e) not to be treated or punished in a cruel, inhuman or degrading way. Teachers need o take this heed of this provision when they are disciplining learners.

- *Religion, belief and opinion*

Section protects learners from being compelled to participate in religious instruction and other religious activities. It also requires schools to recognise religious diversity and prohibits school officials form preventing children from exercising their religious freedom, unless for very necessary and justifiable reasons.

- *Freedom of expression*

Section 16 provides that every citizen shall have the right to free speech and expression. Teachers and learners are to uphold this right when they enter the school. They are entitled to hold divergent opinions.

- *Just administrative action*

Section 33 provides for the right to be treated in a fair and just manner. This has particular relevance for school discipline and disciplinary procedures

- *Education*

Section 29 is one of the most important provisions in the Bill of Rights It guarantees the right of every person to basic education and access to an education institution.

The above rights and freedoms are protected and guaranteed for every citizen of the country, including children/learners. Teachers have a legal duty to uphold these rights in the school context, and failure to do so could lead to legal action. However, it is also important to remember that rights are not absolute. Under section 36 of the Constitution, rights may be limited by law, provided that the reasons for imposing a limitation are reasonable, justifiable and necessary in a democratic society. Therefore school principals and teachers may impose a restriction on student's rights while they are at school, provided it is for sound reasons (Badenhorst and Lemmer: 1997: 425).

2.2.1 The essence (basic characteristics) of rights and duties

According to Prinsloo and Bechmann (1995: 31) rights may be viewed form a variety of perspective. One may, for example, view rights form judicial, pedagogical, social, religious or anthropological point of view. Education has to take all these perspectives into account as education should acquaint the child with a representative selection of the total reality surrounding him/her on the way to adequate and responsible maturity.

Normally, there is a direct link between rights and duties in the sense that the rights of a person place on others a responsibility to assist him/her in the exercise of his/her rights or to refrain from preventing him/her from exercising his/her rights.

In support of the two authors above, Partington (1984: 1) believes that teachers should not only comprehend what is happening when things go wrong, but should also be familiar with the principles underpinning the rights and duties of parents, teachers and children. Teachers should be able to apply the principles to the school in general and to certain situations in the school in particular.

Effective learning, instruction (teaching) and education can hardly be imagined without the rights and duties of the parents, the teacher and the child in respect

of the school being respected and without each of the three groups meeting its obligations in this regard. Each of the three groups has a special place in the school and education can be optimalised only if there is full co-operation by the three groups.

The teacher is a professional educator and as such he/she must have a particular knowledge of education. This includes knowledge of his/her own rights and duties as well as of the rights and duties of parents and children. The teacher has an additional responsibility, that is, he/she should not only be aware of the rights and duties of parents and children, but should also be able to guide these two groups in this respect.

The child on the other hand is in an unequal position when compared to that of parents, teachers and other adults. While it is true that a child may have the ability to give a good account of him/herself early in his/her life, it is dubious whether he/she will have the ability to act judiciously even at the age of eighteen. This inadequate judicative faculty manifests itself in a lack of intellectual maturity, general experience in life, knowledge and insight, in immaturity and impetuosity. It is for this reason that the minor child should be protected and his/her rights be protected also in respect of the school.

The third party – the parents, is obliged in the interest of the child to make the best provision possible for his/her education. In practice the teacher acts in the place of the parent and he/she thus becomes a co-bearer of authority over the child. The parent has certain rights and duties regarding his/her school-going child and the teacher's authority also encompasses rights and duties. Both the teacher and the parent are sovereign in their own spheres and should be accorded equal respect. While the teacher's professional autonomy should be acknowledged and respected, it should not be interpreted so as to result in a diminishing of the parent's rights in respect of his/her child's education at school.

It remains clear from the discussion given above that, parents and teacher's authority to discipline and punish learners is not unlimited. The law defines the legal parameters within which punishment may be administered.

2.2.2 The importance of the law in education

According to Badenhorst and Lemmer (1997: 409), an important task of teachers is to create and maintain an orderly learning environment. Good discipline implies effective learning. The law recognizes that discipline is essential for maintaining order and harmony in a school, and for providing a climate in which learners can learn, free from disruption and chaos. Therefore, the law recognizes teachers's authority to discipline and punish learners. The law makes provision for schools to draft and implement codes of conduct and to administer different forms of punishment when learners transgress the rules. Bondesio et *al.* (1989: 4) add that it is important that each of the partners in education should be abreast of the rights and duties concerning education allocated to him/her by the law. It is only in this manner that the interested party concerned will be able to feel safe about what he is doing and to view the law as his partner and not only as a possible persecutor or something to be feared. He concludes that our law has reached the stage of development where a person who is active in a certain field is expected to be abreast of those legal provisions which will to a large degree govern his/her acts in that field.

- *Law creates order and harmony in education*

According to van Wyk (1991: 11) law creates order and harmony in education. Law has the characteristic that it orders the world in which we live.

In formal education, order and harmony are indispensable for the sake of effective education. The teacher not only makes contact with learners, but also with the principal, his collegues, the parents, the organized teaching profession and other parties that have an interest in education. Order and harmony in

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these multiple relationships demand the necessary legal regulation in connection with the following:

- the creation of structures for educational administration, management, services, etc.
- the allocation of functions, tasks, duties and responsibilities, .the granting of authority,
- the demarcation of spheres of authority and the harmonizing of an authority, etc. , and
- the re-establishment of reprisal should the legal order be disturbed.

- *Why teachers should have some knowledge of the legal principles and provisions which relate to their profession*

According to van Wyk (1991: 12) members of the various professions find it necessary to make a study of the legal provisions and principles which apply to their particular profession. Thus ecclesiastical law is studied by ministers of religion, banking law by bankers, etc.

Teachers, likewise, should know the legal provisions and principles that apply to their profession. A teacher who in good faith contravenes a legal provision may therefore not plead ignorance of the provision in question.

The following are the reasons given by the above author of why teachers should have knowledge of the law of education.

- The teacher's conditions of service stipulate, inter alia, that it is a form of misconduct to contravene or fail to observe an education act, ordinance or regulation. Since no teacher wishes to become involved in disciplinary enquiries, he/she should be conversant with the provision concerned.

- The teacher cannot co-operate harmoniously with all the other parties in the education system if he/she has no knowledge of the particular educational tasks and powers of each party.

- Order is achieved by provisions relating not only to what a person or authority must or must not do but also to the manner in which certain acts must be performed. In the field of education, procedures are of major importance. In this regard reference may be made to procedures applicable to such matters as employment of teachers, disciplinary enquiries, the handling of school fees and the administering of punishment. Teachers should be conversant with all the provisions governing such procedures.

- The specific position of authority held by teachers has numerous legal implications, particularly concerning possible liability for negligence. Teachers deal with immature pupils who, because of their defective knowledge and judgement, cannot always appreciate the connection between cause and effect. Teachers therefore have definite obligations in such matters as supervision of learners, and the conduct and safety of learners.

- Successful educative teaching depends to a great extent on the way in which teachers implement educational policy, legislation, ordinances and regulations. In the interpretation and implementation of these provisions, there are certain legal principles which apply in the interpretation of statutes. This also implies that the teacher should be familiar with a large variety of legal terms and concepts which often appear in legislation.

2.3 THE CURRENT STATUS OF THE LITERATURE ON SCHOOL DISCIPLINE

Goodwin and Klausmeier (1975: 393) maintain that recommended procedures of promoting discipline in schools have moved from the use of force to attempts

to use persuasion to the present focus on self-discipline. This current conception of discipline as self-control implies learning a sense of responsibility to self, other learners and the school.

This general orientation towards discipline is well expressed in the following quotes: 'Sheviakov and Redl' (quoted in Goodwin and Klausmeier, 1975: 394).

- We want discipline which recognises the inherent dignity and rights of every human *being* rather than discipline *attainment* through *humiliation* of the undisciplined.

- We want discipline based on devotion to humanitarian principles and ideals. In a democratic society, loyalty to the principles of freedom, justice and equality for all rather than discipline based on a narrower, more egotistic affiliation with 'my group' is essential.

- We want self-direction, self-discipline, rather than discipline based upon unquestioning obedience to a leader.

- We want discipline based on understanding of the goal in view rather than discipline based on taking someone else's word for specific appropriate behaviour.

These statements or sentiments echoed by learners, imply that learners must gain an understanding of predominantly used concepts such as freedom , fairness and equality and also behaviour related to self-direction and self-discipline.

It is assumed that these behaviours and concepts must be learned, but it is also assumed that not all learners want to learn them. Therefore, it is essential to develop motivational sessions in connection with these learnings. Furthermore, the self-direction and self-discipline should be based on understanding, that is,

they should be based on discussion and study rather than blind conformity to teacher edicts or adult codes.

This idea of self-direction and self-discipline is also expressed by Conger (1991: 332). He maintains that many public schools including many middle-class schools, tend to concentrate on education for docility. They place excessive emphasis on order, discipline and conformity at the expense of self-expression, intellectual curiosity, creativity and the development of a humane, sensitive individual.

Hosten *et al.* (quoted in Oosthuizen, 1994: 58) also maintains that the basic reason for the maintenance of authority is to be found in the fact that human behaviour is inextricably linked to his erring nature. The human propensity of being wayward has to be acknowledged by the educator who deals with the pupil. When the propensity of being wayward is noticed in a pupil, it is then the duty of the educator to oppose such behaviour. Exercising discipline in order to mould the pupil therefore becomes a necessity. This measure of maintaining order at school is also acknowledged by Prinsloo (quoted in Oosthuizen *et al.,* 1994: 58).

> 'Opposition to a pupil's wayward behaviour is known as exercising discipline'.

2.3.1 Characteristics of discipline

Oosthuizen *et al.* (1994: 58) gives the following characteristics of discipline:

-       *Discipline is used to create order*

In administration discipline ensures that human activities in the daily process of education are ordered. Therefore, the wayward behaviour of each individual is consequently checked by discipline.

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- *Discipline ensures fairness*

It is essential that the respective interests of the various participants and interested parties within the education system be fairly protected. Persons having an interest in education are all legal subjects and the bearers of rights and obligations. Encroachment on the rights or competencies of one subject by another causes unfairness.

- *Discipline protects the pupil*

In an orderly environment discipline protects a pupil against the unruly and undisciplined behaviour of his/her fellow pupil. It also protects a pupil against his/her own waywardness.

- *Discipline is prospective*

According to Viljoen (quoted in Oosthuizen *et al.,* 1994: 59) the objective of education is clearly to prepare the pupil for integration and development in the adult working society. For this reason discipline must be prospective, that is, discipline must be directed at the development of the adult of the future.

- *Discipline is directed primarily at the following:*

According to Grossnickle and Sesko (1980: 24) discipline is directed primarily at prevention, intervention and correction.

➤ *.Prevention*

Prevention forms the baseline of intervention. This is the stage where discipline problems are prevented before they could happen. Gouws and Kruger (1994: 93) also add that appropriate behaviour is achieved when parents and teachers help the pupil in building a positive self-concept. This positive self-concept is

built through the warmth, concern and interest parents and teachers display towards children and through their style of exercising authority and discipline.

> *Intervention*

When the preventive measures have not yielded positive results then intervention becomes a necessity. The dimensions of discipline as intervention forms the important pillar of the trinity of discipline (i.e. preventive, intervention and corrective measures). Intervention therefore refers to those ways of interacting with this trinity.

Thus the purpose of intervention is to eliminate conflict among organisational needs and pupil's needs. Therefore, the dimensions of discipline as intervention paves the way for corrective measures to be applied.

> *Correction*

Correction in the educational context is directed primarily at the spiritual development of the learner. Correction is unlike retribution which implies the concept of 'harm' and 'pain' for it is aimed at the physical being of an offender (Oosthuizen *et al.,* 1994: 59).

In support of Oosthuizen above, Grossnickle and Sesko (1990: 24) add that the purpose of corrective discipline is to resolve any discipline related problems by focussing on the causes and providing therapeutic assistance to search for a satisfactory resolution.

Teachers are therefore expected to acquaint themselves with this trinity of discipline in order to resolve problems encountered in an amicable way.

FIG.2.1
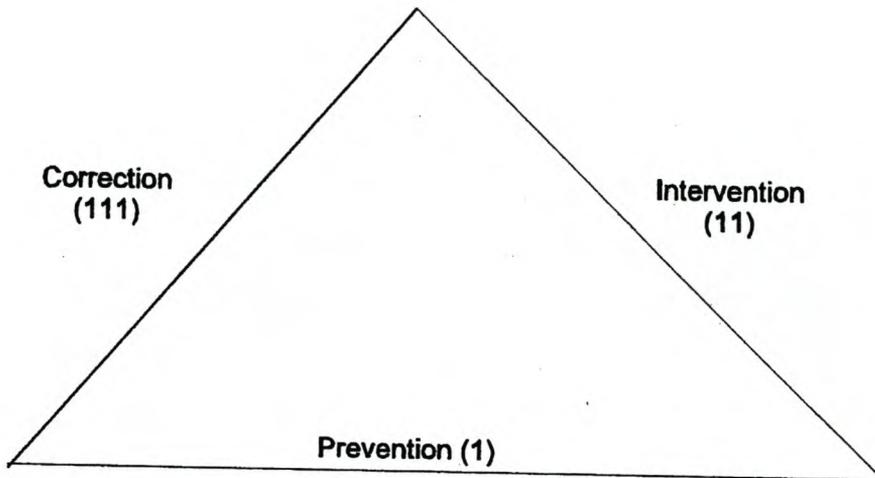
N.B.: Fig. 2.1 shows the trinity of discipline as depicted by Grossnickle and Sesko (1990: 24).

2.4 CONCLUSION

It is evident from the above discussion that human rights and school discipline are two inseparable entities.

The literature on the historical background of human rights and school discipline in the above stated Western and African countries, clearly indicate a shift from forceful disciplinary measures to a more universally acceptable disciplinary measures. These universally acceptable standards/measures, take into consideration the legislations created to protect the human rights of all people including learners. Learners in particular, are expected to be treated with respect and dignity like any other person.

The role of parents in both the above Western and African countries has undergone a paradigm shift. Parents, prior to the introduction of human rights in education were less influential in matters relating to the welfare of their children

at school. Their children were left entirely in the hands of teachers who were highly revered. These teachers, had unlimited powers over the children they teach. In Britain, for example, corporal punishment was inflicted on children I in order to 'beat out obstinacy' (Johnson: quoted in Parker-Jenkins, 1997: 5). This cruel practice was also sanctioned by parents who had little influence in education related matters.

Another concern is that the introduction of human rights in countries above, has curtailed the unlimited powers that parents and teachers had over children. Thus the right of parents and teachers in particular to deliberately apply force against children was abolished.

On the other side, this new legislation prohibiting forceful or cruel disciplinary measures undertaken by teachers at school, created a dilemma amongst teachers. That is, teachers were faced with legal implications of been caught for applying such cruel disciplinary measures and on the other side, they were left with no alternative measures of maintaining discipline at school. According to Prinsloo (1994: 21), this dilemma, demanded of educators to renew their search

It is also sad to note that although the new legislation with regard to the human rights and discipline has been put in place, in some schools corporal punishment is still widely used (Bauer *et al.,* 1990 and NSSC, 1989). In my view this practice (of still using corporal punishment) is a clear indication of the above-mentioned dilemma facing teachers. They resort to the old form of discipline as they are not well conversant with the new disciplinary measures that are in line with human rights.

In my opinion the situation in such schools mentioned above, is an indication of a cry for help. In line with Hakim and Laurel (1993: 69) I am also of the opinion that human rights be incorporated into the school curriculum. This incorporation, one believes will ultimately lead teachers to better understanding of the meaning and the importance/value of the human rights in education. The

teaching of human rights, shall also afford each party (i.e. learners, teachers and parents) an opportunity to know its duties, responsibilities and limitations with regard to its area of operation. Once this is realised, I believe the level of conflict at school will be minimised, thus paving a way for learners to develop a positive attitude towards school, teachers are likely to develop a more caring and motivating attitude and parents are also likely to play a meaningful role in school related matters.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1   INTRODUCTION

My aim in this study is to conduct an in-depth investigation of discipline in different school environments. To achieve this aim I had to conduct this study within the qualitative approach. This approach is best suited to this study because it's holistic in nature. This holistic approach is supported by Solomon (Keeves and Lakomski, 1999: 103):

"The systematic approach mainly assumes that elements are interdependent and inseparable and a change in one element changes everything else. It follows, therefore, that what is required is a study of patterns not single variables".

3.2   THE STRENGTHS OF QUALITATIVE APPROACH

According to Maxwell (1996: 17) the strengths of the qualitative approach derive primarily from its inductive approach, its focus on specific situations or people and its emphasis on words rather than numbers. This idea is also shared by Arsenault and Anderson (1998: 119) who maintain that qualitative research is a form of inquiry that explores phenomena in their natural settings and uses multi-methods to interpret, understand, explain and bring meaning to them.

The following are some particular research purposes for which qualitative studies are best suited:

S   **Understanding the meaning (participants' perspective).**

Qualitative research helps the researcher to understand the participants' perspective on events, situations and actions they are involved with and of the

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accounts that they give of their lives and experiences. Von Wright (Stake, 1995: 37) add that qualitative researchers have pressed for understanding the complex interrelationships among all that exists. This idea is also supported by Keeves and Lakomski (1999: 104) who maintain that the systematic approach often entails qualitative techniques in order to tease out the interrelationships of complex variables.

In this study, I was interested in gaining a better understanding of the participants' perspective on school discipline and the protection of human rights.

S   Understanding of the particular context

The context refers to the environment within which the participants act, and the influence that this context has on their actions. Thus researchers are able to understand how events, actions and meanings are shaped by the unique circumstances in which these occur. It is also worth mentioning that in a qualitative study, researchers study a relatively small number of individuals or situations and preserve the individuality of each of these in their analyses.

In line with the particular purpose mentioned above, I considered a reasonable number of cases for this study. Three different secondary schools were selected for in-depth study on school discipline and the protection of human rights.

-Understanding the process of which events and actions take place

According to Maxwell (1996: 19), the interest in a qualitative study is in process rather than outcomes. One must point out that the above statement does not mean that qualitative research is unconcerned with outcomes. This statement only emphasizes that a major strength of qualitative research is in getting at the process that led to those outcomes.

3.3   RESEARCH DESIGN

According to Black (1999: 2) it is human nature to try to explain what we observe occurring around us, a process that people engaged in long before physical, biological or social sciences were established as disciplines.   The difference between 'common sense' explanations and scientific ones lies in the way the two originate.   Everyday observations are haphazard, careless and not systematic, whereas those carried out by scientists (research design) endeavour to be specific, objective, well focussed and systematic, to the extent that they could be replicated by someone else.

Yin (1993: 20) also maintains that the main purpose of the design is to help to avoid the situation in which the evidence does not address the initial research questions.

In order to gain a better understanding of what is perceived as human rights in an educational environment and protection thereof, I decided to conduct this research by means of a case study.

3.4   A CASE STUDY DESIGN

3.4.1   Background of the case study design

According to Dockrell (1980: 33) in the past, case study methods have generally been utilised and developed where there has been a clear need to confront the idiosyncrasy of individual instances such as; in attempting historical reconstruction, or in biography, journalism and documentary film making.   Other researchers used the case study method where there has been no clear vision of an appropriate theoretical base from which to operate.
It is further pointed out that only anthropology and ethnology appear to have developed procedures for using case study research cumulatively.   As a result case study research had a generally low status as a research method.

This perception held about case study was further reflected by the Open University Course E341 on Educational Research which dismissed case study as "The simplest approach to educational research ...." (Entwistle, 1973: 19).

In response to the above criticism, Yin (1994: 9) points out that "Perhaps the greatest concern has been over the lack of rigor of case study research. Too many times, the case study investigator has been sloppy and has allowed equivocal evidence or biased views to influence the direction of the findings and conclusions".

3.4.2 Definition of a case study

Dockrell (1980: 33) define a case study as the examination of an instance in action. This examination of an instance allows the researcher to capture and portray those elements of a situation that give it meaning.

Sturman (Keeves and Lakomski, 1999: 103) also maintain that the distinguishing feature of case study is the belief that human systems develop a characteristic wholeness or integrity and are not simply a loose collection of traits.

The above definition of a case study is also shared by Yin (1994: 13) who add another dimension by defining a case study as an empirical inquiry that "investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident".

In this study the case study enabled me to investigate models of school discipline by interacting with stakeholders in their real-life context (school environment). This interaction helped me to gain a better understanding of the meaning attached to their actions.

<   Structure of the case study design

According to Yin (1993: 33) case study designs mainly deal with the logic whereby initial hypothesis or questions can be subjected to empirical testing. He outlines the logic of the case study design as follows:

<   Identification of the major unit of analysis for the case

Educational research offers many possibilities such as;

(i)   a student or teacher,
(ii)   a classroom or class,
(iii)   a school,
(iv)   a curriculum.

Once a unit of analysis is defined it provides stability to a case study design. Simple designs can have single units of analysis whereas more complicated designs can have multiple units, embedded within each other such as, a school being the main single case, but an embedded unit of analysis might be the teachers or learners or both teachers and learners in the school.

When an embedded design is used, different research questions and instruments are needed for each unit of analysis. Yin (1994: 21) further points out that propositions would still be needed to help identify the relevant information about this individual or individuals.

In this study I have opted for multiple units of analysis where the school remains the main single case with embedded units of analysis being the following: teachers, learners (learner representative council) and the school governing body.

<   Deciding on single or multiple case study

As indicated earlier I opted for multiple case studies in conducting this research. According to Yin (1993: 34) multiple case studies should follow a replication, not sampling logic. This means that two or more cases should be included within the same study precisely because the investigator predicts that similar results (replications) will be found. The advantage of replications if found, will give the researcher more confidence in the overall results. Thus the more replications, the more robust one's findings will be.

<   Screening instrument (analysis)

The researcher must specify how the single or multiple cases are to be selected by using some of the following criteria:

(i)   Feasibility and access: (willingness to be the subject of a case study)

(ii)   Topical relevance: (some case is best for the phenomenon being studied).

3.5   DATA COLLECTION STRATEGIES

According to Yin (1993: 35) the researcher may choose between the following two different data collection strategies, or choose to use them both:

<   A one-time data collection effort

This means a small number of days for every case is to be spent in which post-hoc longitudinal data can be collected.

<   On-site observation

This implies a more extended data collection period (i.e. a year or more for each

case) in which true longitudinal data can be collected.

The first mode is not likely to permit direct, on-side-observations of key events. The second mode does permit direct observations but it is more costly and require special access to educational facilities. Again the researcher is not likely to have any control over whether the relevant events will reliably occur or not, and if they do, whether he will happen to be at the right place at the right time to observe them.

In this study the first mode was adopted since the information gathered from a one-time data collection period could be supplemented by much of the critical information collected through interviews and documents.

3.6   LIMITATIONS OF A CASE STUDY

S   Case studies provide little basis for generalisation of findings (Yin, 1994: 10). Dockrell (1980: 30) also point out that the lack of generalisation of findings is seen in terms of the limited reliability and validity of the case study and is often framed in terms of two questions:

C   How can one justify studying only one instance?

C   Even if it is justifiable theoretically, what use can be made of the study by those who have to take action?

S   Case studies usually involve the immersion of the researcher in the field for relatively long periods of time (Dockrell, 1980: 30). This concern is further supported by Yin (1994: 10) who maintains that the immersion of the researcher in the field for long periods of time often result in massive and unreliable documents.

S   Case study researchers may encounter problems stemming from competition from different interest groups for access to and control over

data (Dockrell, 1980: 35).

S   The risk that case study researchers run are frequently reflected in the hesitancy with which sponsors approach proposals for such research (Dockrell, 1980: 35).

S   One concern that has been expressed about case study techniques, is the credibility of what is seen as subjective research techniques. Sturman (Keeves & Lakomski, 1999: 109).

It should be pointed out that the above limitations to a case study design do not in any way render the use of this design to a generally low status. This view is also supported by Dockrell (1980: 30):

"In research we often talk about the value of revealing our errors, mistakes, miscalculations and misjudgements so that others may learn from them".

3.7   ADVANTAGES OF A CASE STUDY

The justification usually given for case study research reflects a quality of undeniability. Te following are some of the justifications of a case study.

S   It gives insight into specific instances, events or situations under study (Dockrell, 1980: 33).

S   It forms a database for further refining both methodologically and substance issues (Yin, 1993: 41).

S   Case studies are 'totalities' because they have a 'holistic' or 'systematics' quality. By their very nature they constrain or attend to all the elements of the phenomenon under investigation (Dockrell, 1980: 41).

S   In case studies a cluster of elements seem summarisable as a
     particularistic quality. There is a concreteness, vividness and detail
     information about the phenomenon under investigation (Dockrell, 1980:
     41).

S   Case studies accent process, change over time. This has a particular
     utility for 'men of action', that is, persons who want to do something
     such as, teaching, managing, supervising.

S   In case studies, the concept triangulation is central to achieving
     credibility. Tawney (Keeves & Lakomski, 1999: 110).

3.8   RESEARCH SITE

This study was conducted in the Northern Province. This province is one of the
nine provinces of South Africa.

Prior to 1994 general democratic elections this province was part of Transvaal
Province in South Africa. It was then called Northern Transvaal because it was
situated on the northern part of the then Transvaal. South Africa had four
provinces with various education departments to cater for various racial groups.
The then Northern Transvaal province was no exception to this social, political
and economic structure of the country.

The Northern Transvaal was further divided into three homelands then called
'self-governing states'. These three homelands were designed according to
three main ethnic groups, which are: Bapedi (Northern Sotho) with their
homeland called Lebowa, BaVhenda with their homeland called Venda and
Tsonga with their homeland called Gazankulu.

The remaining part of the land was occupied by whites, Indians and Coloured
who were directly governed by South African central government.

Today South Africa has nine provinces and the then Northern Transvaal is now named Northern Province. All the various education departments have been merged into a single department of education that caters for all racial groups in the Province.

The following departments of education were predominant in the Northern Transvaal prior to 1994 general democratic elections in South Africa.

S   **Transvaal Education Department (TED)**

This department catered mainly for white education. The ex-model C schools which were mainly white fell under this department. Most of the schools under this department were found in urban areas.

-       **Department of Education and Training (DET)**

This department catered for mainly black education. Farm schools and some township schools were under this department.

S   **Department of Education (Lebowa, Venda and Gazankulu)**

As the Northern Transvaal region had three homelands which were divided according to black ethnic groups, each homeland had its own department of education. This homelands were mainly rural with a small percentage of land in some township areas. Schools which were in rural and in some township areas fell under the homeland jurisdiction.

-       **Department of Education (house of representative)**

This department catered mainly for Indian education. Most of these schools were found in urban areas.

3.8.1 Factors considered in selecting the research site

There are numerous practical issues that I considered in selecting the research site for the study. The issues are, among others:

S **Financial resources**

Lack of financial aid has influenced me to select the research site within my work environment (that is, Northern Province). In this way one can afford to get to and from the research setting without incurring large expenses.

- **Time**

In social science the success of field research depends largely on the availability of enough time to observe and interact with the researched. In this study I intended to visit various school settings in order to get first hand information on how school discipline is being understood. This process of data collection takes time to complete especially in this study where I intended using the following research tools: observation, interviews and documents.

It was believed that the accessibility of the research settings in this study would afford one enough time to conduct an in-depth investigation.

S **Flexibility**

It is believed flexibility will afford one an opportunity to make observations and interviews in one setting during different times. In an attempt to reduce the level of invalidity to the data collected, I have conducted observations and interviews in each setting during different times.

S   **The setting**

I selected three different schools as the settings for the study. 'Different schools' in this study refers to the various locations or environments in which a particular school finds itself.

This selection of the setting was influenced by the diversity of the schools such as:

i)	School A	-	situated in a rural area.
ii)	School B	-	a school found in a township.
iii)	School C	-	a school found in former white suburbs or town.

According to Mabasa (1998: 37) the differences in the location of the schools would reveal if there were patterns in terms of the data collected.

A questionnaire was designed and sent to schools with the sole purpose of obtaining the profiles of the selected schools. This screening questionnaire also served to sensitize the school principals about the anticipated study which was to be conducted within their schools. They were sent via the district managers (school chief inspectors).

It provided information on the following:

i)   general information ; name, address, telephone number, provincial department, ex-department of education, the location of the school.

ii)   feeding area of the school.

iii)   learner profile.

iv)   teacher profile.

v)   human and physical resources (facilities)

3.9   DATA COLLECTION TECHNIQUES

According to Yin (1994: 78) data collection can rely on many sources of evidence. In this study I opted for the following three methods of data collection Observation, Interviewing and documents.

3.9.1   Observation

According to Patton (1990: 206) observation can occur in any setting where people are doing things, such as: cultures, communities, programs, organisations, homes, streets, classrooms.

In this study I wanted to gain a better understanding of models of school discipline within the context of human rights in education.   Naturalistic observation was therefore chosen as the most basic method of gathering scientific evidence in the three selected school settings.

S   **The purpose of observational data (what to observe)**

Data collected enabled me to understand and describe the observed settings in terms of:

i)   physical surroundings,

ii)   manner of dress,

iii)   discipline related measures,

iv)   the role played by learner structures in maintaining school discipline,

v)   religious activities of the school.

Secondly, naturalistic observation afforded me the opportunity of being on-site. This has lessened the need to rely on second-hand information (verbal or written explanations).

Lastly, naturalistic observation enabled me to gain information about things that

the participants are unwilling to talk about in an interview, such as; freedom of religion, just administrative action, human dignity.

3.9.2 Interviews

Cannell and Kahn (Cohen and Manion, 1980: 271) define the research interview as a two-person conversation initiated by the interviewer for the specific purpose of obtaining research- relevant information.

This purpose of interviewing is emphasised by Patton (1990: 278).

"We interview people to find out from them those things we cannot directly observe. We cannot observe feelings, thoughts and intentions. We cannot observe behaviours that took place at some previous point in time. We cannot observe how people have organised the work and meanings they attach to what goes on in the world. We have to ask people questions about those things".

To get specific information from school stakeholders on human rights in education, I had to choose the relevant interview technique to be used. The semi-structured (focus) interview was adopted as a relevant interview technique for this study.

This technique enabled me to get more specific information by introducing the topic and then guide the discussion by asking specific questions (that is, questions related to the recognition and protection of human rights in education).

3.9.3 Documents

To complement the above-mentioned sources of evidence, I opted for the use of documents relevant to school discipline. According to Yin (1994: 81) the most important use of documents is to corroborate and augment evidence from

other sources.

The following documents were consulted.

i)   South African Schools Act, 1996.

ii)   Northern Province Schools Education Act, 1995.

iii)   Understanding the South African School Act, 1997.

iv)   Toward Effective School Management and Governance, 1998.

v)   "First steps" A resource for school governing body members, 1997.

vi)   Northern Province Department of Education : Admission Policy for Schools, 1996.

vii)   Draft regulations relating to misconduct of learners, 1998.

viii) The Universal Declaration of Human Rights, 1948.

ix)   African Charter on Human And People' Rights, 1981.

I must point out that access to other important documents in some of the settings was deliberately blocked. In School A, minutes of the school disciplinary committee were said to have been misplaced. In School B, the school policy which the learners alleged was drafted in 1995, was also not available at the time the research was conducted. The principal told me that it was still under review.

3.10   DATA COLLECTION

3.10.1 Observation

S   The setting

I visited three different school settings for the purpose of observation. These three settings were selected on the basis of their location. That is; rural setting, township setting and Urban setting (Model C).

i)   *Rural/community school : School A*

This school is situated at ga-Mathabatha village which lies "95 km south-east of the city of Pietersburg in the Northern Province. One must point-out that for this school to be established the community played a pivotal role in erecting the buildings.   Like other public schools, this school has various stakeholders such as; elected parent component, educators and learners.

ii)   *Township School : School B*

This school is situated in Lebowakgomo township which lies "55 kilometres South of the city of Pietersburg in the Northern Province. This school was built by the government.   Stakeholders in this school are similar to that of the community school, that is, elected parent component, educators and learners.

iii)   *Model C (urban) School : School C*

This school is situated at a suburb in Pietersburg - the capital city of the Northern Province. This school is the only Model C English medium public high school in Pietersburg. Compared with the community and township schools, this model C school has additional stakeholders.   The following are stakeholders found in this school: elected parents, educators, learners and prefects.

S   **Time**

I resorted to a more selective approach in order to achieve quality data. Rather than trying to cover the entire activities, the periods of observation were complemented by periods of interviewing and documents. In my study time was allocated to observation of among others; morning devotions, reaction of educators to late-comers, punishment given to learners and other disciplinary procedures, the role played by learners and educators in helping to maintain

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discipline.

As stated above, it was not possible to cover all activities since others needed one-to-one conversation to understand.

-   Context

The behaviour of people change due to the context in which they find themselves.   It was therefore necessary and important to allocate time to different situations (context) in order to observe their behaviour.   In this study, each setting was allocated two days for the purpose of observation.

S   Access to the setting

According to Bailey (1996: 35) sites range from open, that is, requiring no permission to enter, to closed-requiring permission to enter.   Some settings have laws and regulations that restrict access.   Even when channels are available for obtaining permission, the procedure can increase the time required to complete the study.

In trying to gain access to the three settings, I had to follow the long departmental red-tape.

I first wrote a letter to the district office (inspectorate) requesting to be granted permission to visit schools with the purpose of conducting a study. I was told by the said office that such requests are handled by the regional office of the Department of Education.

I then wrote a letter and hand delivered it to the regional office. Officials at this office (further) responded that their office had no jurisdiction over such matters. I was further referred to the Provincial Department of Education.

Due to work commitments and financial constraints, I had to mail the third letter to the superintendent general of the Provincial Department of Education. I waited for three weeks without a reply.

This delay plus the tedious procedure one had to follow in getting permission, led me to conclude that getting permission to visit the selected settings using the said official channels would be very difficult to achieve. I resorted to personal contacts within the very same department in order to get official permission. Some of the directors in the department of education are my former school mates. I pleaded with one of them and finally official permission was granted in a form of an official letter.

Since the department of Education granted me permission, the next step was to visit the selected settings for a period of observation (naturalistic observation).

I first visited a community school. Since I was in possession of a letter from the department, the principal co-operated but wanted to know the topic of the research before access could be granted. I had to be careful not to put more emphasis on 'human rights', in education instead emphasis was put on 'school discipline'. The reason for this mild deception is that school principals lately are so sensitive towards human rights in schools especially that the transgression of some such rights may lead to a court of law.

After access was granted, I negotiated a period of two days for observation and the third day was meant for interviews.

Initially I intended to observe among others; religious activities especially during morning devotions, reaction of educators to late-comers, punishment given to learners and other disciplinary procedures, but during the course of my first day of observation I was tempted to broaden my scope of observation. I observed that learners from different classes were time and again leaving their classrooms to go and drink water in the river next to the school. The physical

surrounding of the school was not tidy; papers were scattered all over the yard. Finally, the congestion of learners in classrooms especially in lower grades was at an alarming rate.

The presence of my motor vehicle created some reaction to some senior male learners at that school. This was due to its conspicuous colour (yellow) which is similar to that of most SAPS motor vehicles. An explanation and assurance was given to those few learners that the car did not belong to the SAPS.

The second day of observation I avoided further reaction from other stakeholders by leaving my motor vehicle at a nearby filling station.

The period of observation also afforded me an opportunity to establish contacts with teachers and learners. This was done mainly during short and long breaks.

The second visit was done at a township school. The school is well fenced with security personnel or gatekeepers. I parked just in front of the gate assuming that they (gatekeepers) would unlock and open the gate for me. This was not done and I finally got out of the car and first explained the purpose of my visit. After explaining that this was an official visit to the principal I was finally allowed entry into the school.

I then went to the office of the principal to introduce myself and furthermore to present a letter from the Department of Education. The purpose of the visit was also outlined to the principal. The principal developed an immense interest in my research topic to the extent that I was tempted to enter into conversation with the sole purpose of finding more about his understanding of human rights in education. This cordial encounter paved a way to the granting of access for a period of observation and interviews. The period of observation which was supposed to be conducted the following day, started the very same day. This arrangement saved me a lot of time and money. The arrangement also afforded me an opportunity to observe the setting naturalistically (that is, without

stakeholders being aware that they are being observed).

Activities observed include among others; religious activities which I observed the following day in the morning, the type of punishment given to learners, reaction of stakeholders to late-coming, non-attendance of lessons, other disciplinary procedures taken by the school, the part played by learners to maintain discipline. The physical environment was also observed. Another dimension was also added to the process of observation, that is, the role played by gatekeepers in maintaining school discipline.

Finally a period of observation was spent at a Model C school. My first visit at the school was to negotiate for access into the school. Unfortunately my first visit was unproductive as the principal was not present.

The absence of the principal afforded me an opportunity to establish contacts with gatekeepers (receptionists) who demanded the reason for the visit. I returned to the school the following day. The principal requested a letter of confirmation form the University of Stellenbosch before permission could be granted. I had to phone the said university to fax the school a letter of confirmation.

On the third day permission was granted. The conversation I had with the principal, provoked further discussion on school discipline. I finally decided to raise some of my research questions.

I must point out that compared to other observed settings, the delay in gaining access at Model C school was a blessing in disguise since it afforded me an ample opportunity for observation.

–   **Control over extraneous variables**

The method/technique I used in gathering scientific evidence, raises the most

basic question about threats to validities such as: "on stage effects". According to Stern (1979: 65) "on stage effects" are created by the researcher and are not normally part of the phenomenon the researcher wants to study. People act differently because they are "on stage".

In trying to control for extraneous variables during the observation phase, I resorted to unobtrusive measures. It is common practice for people to 'act' differently when they know that they are being observed. These unobtrusive measures helped me to focus on observation without interfering with stakeholders in the setting. I positioned myself in strategic positions such as the staff-rooms and the office of the principal. In this way stakeholders were observed without invading their individual privacy.

I was flexible and sensitive to behaviour that might lead to artifacts of research. This was evident at the observed community school where learners associated my car with that of the SAPS. The following day I had to park my car at a nearby filling station.

The question of attire was also taken into account when visiting the three settings for observation. In School A and School B one could realise that with a tie on without wearing a jacket is normal practice. For all the days I spent at the above two schools a jacket was not worn. This manner of dress was a direct opposite of what is practised at School C. Educators and Learners always carry their jackets to school and a tie remains a 'norm' for both teachers and learners. In order not to distract the attention of the stakeholders I had to put my tie and jacket during my stay at the school.

3.10.2 Interviewing

I used interviewing with the purpose of gaining a description of actions and events. Maxwell (1966: 78) points out that this description of actions and events, can provide additional information that was missed in observation and

can be used to check the accuracy of the observations.

In order to achieve this objective, rather than asking questions that elicit only generalisation or abstract opinions, I asked about specific events and actions. The main research questions of the study were used in generating this face-to-face verbal inter-change. Finally these specific research questions (where I introduce the topic and thereafter guide the discussion) led me to choose a semi-structured interview technique for the study.

3.10.2.1 Interviewees-selection

I selected active stakeholders within each selected school as participants in my study. The process of selection was guided by the principle of representativity.

The following stakeholders were selected:

– **Parents**

In each school, the chairperson of the school governing body (SGB) and one other member of the same SGB were selected. The purpose of selecting two school governing body members was to strengthen the validity of the information gathered.

– **Learners**

I selected the chairperson and any other member of the learner representative council (LRC). In cases where the learner representative council was non-existent, I selected one class representative in grade 12 and another in grade 10. The selection of class representatives was done at the selected community school (School A) since the learner representative council had collapsed the previous year.

At the Model C school (School C) since the prefect system is still in operation, I decided to select one female senior prefect and one member of the learner representative council.

– **Teachers/Educators (including principals)**

I intended to interview all principals and one teacher or head of department at each selected school. My first visit was at a community school and the principal had 'official duties' to attend to. This led me to resort to the senior head of department in his place. The non-availability of the principal and his lack of interest in my research topic, led me to suspect that because of the sensitivity of the concept 'human rights' and the challenges brought by school discipline, principals might not be willing to be interviewed. At School B and C both principals were keen to know more about my research topic.

3.10.2.2   The process of interviews

The process of interviewing at the three selected schools lasted for seven days. Initially I intended to complete this process within three days, but circumstances such as, emergency staff meetings and the un-availability of some of the respondents forced me to extend the period of interviews.

At the community school, the principal was to be interviewed first. This interview did not materialise as he left earlier (morning) for other official commitments. I had to replace him with one of his senior heads of department. The interview was conducted in the principal's office.

Since parents (SGB-members) were not available although an appointment had been made, I had to wait for after school hours in order to interview one class representative in grade 12 and 10.

Another appointment was set to interview members of the SGB the following

day. They again failed to meet me as arranged. I had to be flexible by interviewing a vice-secretary of the SGB who is a teacher at the very same school. An arrangement was also made to visit the chairperson of the SGB at home. We had to return to school as it became impossible to start interviewing him without him getting assurance from the school principal with regard to my presence at that school. Finally the interview was held in the office of the principal.

The next three days was spent at School B. I must point out that I was nervous in subjecting the principal to a formal interview. This uneasiness was prompted by the experience one got at a community school where the principal had no interest in my research topic.

This led me to conduct the interview with the principal in a more casual manner. An informal interview took place at this stage (that is, an interview where notes are not taken. Recording is only done after leaving the scene).

I was fortunate to interview two more teachers (experienced and less-experienced teacher) the very same day. The interview was conducted in a spare classroom used for meetings and workshops.

The following day two members of the LRC were also interviewed (chairperson and secretary). The interview was conducted during long-break and after-school hours.

On the third day, I had to interview one additional member of the SGB as the entire top-executive were not available. I had to be content with what the circumstances dictated for me.

On my arrival at a Model C school, the principal invited me into his office where the purpose of the study was well-defined. His interest in my research topic paved a way for informal interview to take place.

He indicated to me that because of business and work commitment, members of the SGB will not be available with the exception of the secretary who is an administration officer at the school. A separate room was provided wherein the SGB secretary was interviewed. A male black teacher was also interviewed in the very same room.

As the prefect system is still in place at this school, I selected a senior female prefect and one LRC member as interviewees. The switch from selecting both LRC members was to try and accommodate views from all learner structures. The interview with learners was conducted during my second visit to the school.

3.10.2.3 The interview questions

The interview questions for the study were used as a guide for soliciting relevant information from the respondents. These questions vary from situation. This idea is emphasised by Maxwell (1996: 74):

"The development of good interview questions requires creativity and insight, rather than a mechanical translation of the research questions into an interview guide, it depends fundamentally on how the interview questions actually work in practice".

See Appendix B, C, D for interview questions directed to learners, parents and teachers.

3.10.2.4 Defining the interview situation

C   Ethical issues during interviews

Consideration of ethical issues during the interviews played an important role in minimizing any intrusive potential likely to be created by my presence. This point is emphasised by Burgess (1989: 17):

"With respect to data subjects, researchers should be conscious of their intrusive potential, ... the confidentiality of data must be respected and protected by positive measures ..."

– **Interview introduction**

To try and reduce suspicion that might arise if the interviewer remained anonymous, I gave my names in full to the respondents. This common courtesy helped in personalising the researcher-respondent relationship to some extent.

– **The purpose of the interview**

The purpose of the interview was well defined to the school principal as well as to the other respondents. The principal and respondents were also assured that their responses are only meant for study purpose and they are not going to be taken to any other organisation or government department other than Stellenbosch University.

– **Criteria for selection of respondents**

I gave an explanation of the criteria used for selecting respondents. Respondents were selected on the basis of the position they are holding within the school, such as; chairperson of the LRC, SGB and the principal. It is assumed that during interviews, these respondents will echo their feelings as well as those of fellow colleagues.

– **Avoiding the effects of note-taking on rapport**

According to Maxwell (1886: 263) an interviewer should never attempt to take notes secretly. If the effect of taking notes is detrimental, then the danger of being caught or even suspected would be much more detrimental.

To avoid these detrimental effect, I resorted to an open approach where the respondents were assured of anonymity and to explain that notes must be taken to ensure completeness and accuracy. In this study I decided to adopt an informal interview with regard to the two principals interviewed. The main reason for adopting an informal interview was to reduce the level of intrusion.

–   **Opening questions (the concept discipline)**

My interview questions required free-flowing and detailed responses rather than yes-no responses. It was important that the respondent realize this at the beginning of an interview. The introductory interview question should clearly be connected with the explanation of the interview so that the respondent is immediately aware that the interviewer is pursuing the stated purpose. Again the said question should ask for information which is relatively easy for the respondent.

In this study, introductory interview questions were designed for these purposes;

–   to alleviate a chance of ego threat at the outset,
–   to serve as an ice-breaker.

The following is a typical introductory interview question meant for learners:

"If you close your eyes and the concept school discipline is called, what comes to your mind?"

3.10.2.5   Issues of concern during interviews

–   **Unavailability of some stakeholders**

The unavailability of some stakeholders contributed greatly to the delay of the completion of the interviews within the anticipated time-frame. In some

instances such as, at the community school, I had to plead with the chairperson of the SGB at his home to come for interviews at the school. The principal of the very same school was not available for interviews and a senior HOD was interviewed in his place. The collapse of the LRC at this school, forced me to resort to class representatives.

This state of affairs was also prevalent at the township and Model C schools. I interviewed only one SGB member at each above-mentioned two schools.

– **Social desirability**

The response I got from one teacher at School B, was in direct contrast with the responses received from the rest of the respondents at that school, Secondly, her responses were also in direct contrast with what I gathered during observation phase. When asked about forms of discipline applied at her school, she cited detention, manual labour and suspension. All other respondents at the very same school acknowledged that conditions at their school made it 'impossible' for such disciplinary measures to be applied. This clearly indicated to me that the teacher was saying what she thought 'should' be said. This tendency is well explained by Stern (1994: 65).

"When people are asked about their values, many tend to report culturally acceptable values, even when they do not hold them. Such people's responses are influenced by their perception of social desirability".

In trying to address this concern, I had to interview another teacher (third teacher). This was done with the sole purpose of trying to increase the validity of the information gathered from the three teacher interviewees.

– **Time-scale of the interviews**

Interviews at the three schools were conducted from the 13 - 21 September

1999. Seventeen stakeholders were interviewed, that is, six (6) in School A, six (6) in School B and five (5) in School C. The length of the interview ranged from 17 - 20 minutes.

3.10.3 Documents

According to Yin (1994: 81) documents play an explicit role in any data collection in doing a case studies. They must be carefully used and should not be accepted as literal recordings of events that have taken place. He further points out that documents are helpful in:

1)   verifying the correct spellings and titles or names of organisations that might have been mentioned in an interview.

2)   providing other specific details to corroborate information from other sources.

3)   making inferences.

In this study I consulted documents from the selected schools. These documents include among others: a computerised code of conduct and administration system, copies of school policy.

Other documents consulted are departmental discipline related gazettes and policies outlined in 3.9.3. These include among others, the South African Schools act, Northern Province Schools Education Act.

3.11   CONCLUSION

The case study design used in this research, afforded me an opportunity to select the research settings (schools) of my own choice. This design enabled me to gain insight into specific instances and events under study. The distinguishing feature of this design is the concept of triangulation. I used the method of observation, interviews and documents to try and increase the

validity of the information gathered. This idea is also shared by Dockrell (1980: 41):

"In case studies a cluster of elements seem summarisable as a particularistic quality. There is a correctness, vividness and detail information about the phenomenon under investigation".

The case study design enabled me to be flexible during data collection stage. In school A, I had to broaden my scope of observation to include events and instances that were not part of my initial scope of observation. I also avoided reaction to learners by parking my car at a nearby filling station. This flexibility was also shown during interview phase. In School A where the LRC had collapsed the previous year, I had to resort to class representatives in grades 12 and 10. At Model C school where the prefect system is still being used, I replaced the chairperson of the LRC with the female chief prefect.

Ethical issues played an important part for the study to be conducted as expected. To reduce suspicion during interviews, I resorted to common courtesy of giving my names in full to the respondents as part of my introduction. The purpose of the interview was also well defined to the respondents.

To avoid detrimental effect of note taking, I resorted to an open approach where respondents were assured that the purpose of the interview is for study purpose only.

Documents were also used in line with what Yin (1994: 81) points out "documents are helpful in providing other specific details to corroborate information from other sources". Documents consulted in this study include among others, incident report form (in School C), South African School Act (1996) and draft regulations relating to misconduct of learners.

CHAPTER 4
SCHOOL PROFILES

4.1 SCHOOL A

4.1.1 General information

School A is a school which was one of the dominant types in the former homeland of Lebowa. It is situated in a rural area and it was built and partly still being maintained by its surrounding community.

The traditional leader played an important role in the governance of this school. He was responsible for allocating the land on which the school was built and generally controlled the collection of community funds for the building of classrooms. Although in some communities the former department of Education paid a subsidy on completion of the building, at this community school only one-third of the subsidy was paid. This, I was told was due to unavailability of funds.

At present this school has grown enormously in terms of learner enrolment. It caters for grade 08 to grade 12 learners. This school has four subject streams; natural science, social science, 3 languages (English, Afrikaans, Sepedi) and the commerce stream.

Like most of community schools, this school also has the school governing body. The school governing body comprises parents and teachers only. The absence of learners in the school governing body is due to the collapse of the learner representative council the previous year. It is alleged that parents from the surrounding community decided to do away (ban) the LRC as it is believed that the LRC is the cause of school disruptions and strikes. The parent component of the SGB consists of mostly elderly people.

The teacher component of the school governing body, is consists of three members from the teacher unions. At this school, teachers represent only two unions, that is, South African Democratic Teachers' Union (SADTU) and Professional Educators' Union (PEU), formerly known as TUATA.

This school has no security guards like most township schools. There is also no receptionist or administrative officer at the school. The principal and heads of departments serve as gatekeepers for the school. The feeding area of the school is mainly surrounding primary schools and other secondary schools (villages).

4.1.2   Teacher profile

The school has a total number of twenty teachers including the principal. Eighteen of them are permanently employed and only two of them are employed on temporary basis.

As mentioned above, these teachers also play an important part in the running of the school. That is, they are also represented in the highest decision-making body of the school (SGB).

4.1.3   Learner profile

The total number of learners enrolled at this school is between eight-hundred and forty to nine-hundred. The reason why the researcher has no exact number of learners is not known is that, the screening questionnaire sent to the school indicate the total number of nine-hundred whereas official documents from the inspectorate indicate a total number of eight-hundred and forty.

Learners at this school are not represented in the highest decision-making body of the school. The collapse of the Learner representative council has nullified their participation in that body. Although the school has class representatives,

their responsibility is limited to those classes.

According to school records, the learner-educator ratio of the school is 45:1, while the learner-classroom ratio is 82:1. Ninety-eight percent of learners at this school are residents of the surrounding villages.

4.1.4   Physical and human resources

The school is characterised by the scarcity of physical resources and facilities. The learner-educator ratio of the school (45:1), the absence of an administrative officer for such a big school also indicate a lack of human resource at the school. The learner enrollment also warrant for the appointment of the deputy principal which the school does not have.

The learner-classroom ratio of 82:1 indicate a great shortage of classroom accommodation at the school and the absence of a library has compelled the school to reserve one class for keeping set books, stationary and extra chairs and tables for learners.   During grade 12 end-of-year examinations, some internal classes are used as sitting accommodation. This arrangement result in disrupting learning and teaching. The school is also without a laboratory.

Although it is indicated that the school has fencing, during my visit to the very same school, I observed that domestic animals get in and out of the school premises at ease. The fence does not have a mash-wire and at the entrances there are no gates for regulating among others; the inflow and outflow of those domestic animals.

There is also a problem of communication as the school does not have a telephone and a fax-machine. The unavailability of basic needs such as water, impacts negatively on teaching and learning.

Even though the school has electricity, it is not being utilised fruitfully as there

are no other facilities such as, laboratory, computer centre and other electronic teaching media.

4.1.5 School policy

The school policy provide basic tenants for the running of the school. This school relies entirely on the South African Schools Act for the running of the school. It is alleged that the collapse of the learners representative council has made it difficult for the school to draft a school policy.

4.1.6 Code of dress

All educators looked presentable and for male educators a tie remained a distinguishing feature. When it comes to school uniform for learners, all girls put on their school uniform, whereas only "50% of boys respond positively to school uniform.

4.2 SCHOOL B

4.2.1 General information

School B is found in Lebowakgomo Township in the Northern Province. It is situated "50 kilometres south-east to the city Pietersburg. One should point-out that before the democratically elected government in 1994, this school fell under the jurisdiction of the Lebowa Department of Education (homeland).

It was built by the homeland government which paid for teachers salaries, services such as, water and electricity. All other expenses such as; textbooks and stationery were covered in this school by the Lebowa Department of Education. The conditions in this school remained more or less similar to those of the community school (School A).

At present the school fall under the department of education in the Northern Province. It caters for grade 08 to grade 12 learners.

The governing body of the school consists of teachers, parents and learners. The principal remains an ex-officio member of this body. Like in ex-Model C and community schools, members of the school governing body have been democratically elected by their various structures such as, learners body, parents/community and the teaching staff.

The teacher component is represented by three members from two teacher unions; South African Democratic Teachers Union (SADTU) and Professional Educators Union (PEU).

The feeding area of the school is the township itself, surrounding villages and informal settlement around the township.

4.2.2   Learner profile

Learner enrolment at this school is six-hundred and forty-nine. The learner-educator ratio of the school is 27:1 while the learner-classroom ratio is 31:1. The learner representative council remains the highest decision-making body amongst the learner community of the school. Membership to the learner representative council is obtained through elections by learner body.

There are also sub-committees within the Learner Representative Council. These sub-committees caters for sports, cultural activities, religion (Learner Christina Movement), discipline and education. These committees work hand in hand with their counterparts from the teaching staff (that is, chairpersons of various extra-curricular codes from the teaching staff).

Physical and human resources

The school has security guards who work twenty-four hours per day. These

security guards serve as gate-keepers for the school. A record of visitors outlining the purpose of the visit is kept at the gates.

I also noticed during the observation phase that, these security guards assist in maintaining discipline amongst learners. Learners who come late to school are not allowed entry into the school. Secondly, they are not allowed to leave the school premises before school out.

Unlike the community school, there are basic needs such as water within the school campus. There is also electricity which is supplied by the local municipality.

Although the school is well fenced, the principal pointed out that "fencing is relatively weak with holes at some points".

Physical resources at this school are relatively better as compared to the community school. The following is available at this school; the library, the laboratory and an administrative block. The administrative block has enough rooms and these rooms serve as 'staff-rooms' for members of the teaching staff. The principal is also accommodated in a spacious room within the very same building.

The school also has home economics centre which is well equipped with relevant facilities such as, electric stoves, utensils, kitchen basins.

4.2.4   Teacher profile

The school has a total number of twenty-four teachers who are permanently employed. The learner-educator ration is 27:1. Compared with the observed community school, this school has a balanced learner-educator ratio.

4.2.5   School policy

I discovered during the interviews that the school policy was last reviewed in 1995. The learner participants stated it clearly to me that they did not recognise the school policy since their views are not accommodated.

4.2.6   Dress code

It is only female learners and learners in lower grades who respond positively to school uniform.

4.2.7   Physical surrounding

There seems to be a lack of commitment from learners to keep their school ground clean.

4.3   SCHOOL C

4.3.1   General information

School C is situated in the city of Pietersburg which is the capital city of the Northern Province. The rationale for the introduction of this school (former Model C) was to cut down on state expenditure on white education and to narrow the gab between racial groups.

In this school the state paid for teachers's salaries according to a fixed learner-teacher ratio. All other expenses had to be paid by the governing body elected by parents of the school.

The school governing body had a number of responsibilities such as:

i)   to determine the general thrust of the school policy;

ii)   to set financial policy and manage the funds of the school;

iii)   to determine tuition fees and could sue defaulting parents, but would not expel learners or deny them the opportunity to learn simply on account of non-payment of fees by parents;

iv)   to generate its own funds and resources;

v)   to appoint, promote and dismiss staff members subject to applicable labour laws;

vi)   could appoint staff members in addition to those paid by the state, and pay heir salaries from school fees;

vii)   to decide on school curriculum as desired by parents;

viii)   to determine the school admission policy.

The introduction of the Model C system appeared to have increased parental involvement in school affairs, in some cases unleashing the creative development and planning initiatives of school communities and mobilizing substantial additional funds for use by the school.

At present this school still has a governing body which now consists of parents, teachers and learners. The principal serves as an ex-officio member of this body. There are also male and female prefects. Although the prefects are not part and parcel of the school governing body, they also play an important role in maintaining discipline both at the hostels and classes.

The affiliation to teacher unions does not play a part in nominating educators to serve in the school governing body. Teachers are nominated in the governing body on the basis of their expertise and competence.

The maintenance of discipline at this school is in the hands of all stakeholders. Teachers, members of the learner representative council and prefects, record irregular conduct such as; non-attendance of classes, by both learners and teachers, deviation from the rules of the school, morally unacceptable behaviour. The recorded incidents are presented to the principal for record-

keeping.

4.3.2 Learner profile

The total number of learner enrolment at this school is seven-hundred and forty-nine. Learner structures at this school, play an important part in the maintenance and management of school discipline. They are part and parcel of the school governing body which is the highest decision-making body of the school. The school also has the learner representative council democratically elected by the learners body. The LRC works as a link between the school management and the learners body.

Another learner structure found at this school is the prefect body. This body assist both the school management and the learner representative council in maintaining discipline mainly at the school hostels as well as within the school campus.

Discipline amongst learners is maintained by the use of point system. This point system has merits and demerits. The accumulation of demerits calls for disciplinary action whereas accumulation of merits serves as a reward.

According to school records, the learner-educator ratio of the school is 20.8:1 while the learner-classroom ratio of the school is 26:1. The main feeding area of the school is the city itself.

4.3.3 Physical and human resources

The school has an abundance of both physical and human resources. The learner-educator ratio and the learner-classroom ratio clearly indicate the validity of the above statement.

There are three administrative officers at the reception. The fourth officer

serves as the secretary to the principal. The school uses modern facilities and equipments and no shortage of basic needs has been noticed during observation and interview period.

The school receives water and electricity from the local municipality. There is also a telephone and an automatic fax-machine which operates for twenty-four hours. The yard is well-fenced with security guards serving as gate-keepers.

The school also has two computer centres and one of these centres is networked. The facilities found at this school, help the school community to keep pace with the outside world. The school no longer relies on telephone and fax only for communication. It also uses e-mail. The principal also uses a computerised code of conduct and administration system.

4.3.4   Teacher profile

The school has a total number of twenty-six educators/teachers who are permanently employed. The number of teachers temporarily employed is ten.

4.3.5   School policy

The school has a policy. It is alleged that the views of all stakeholders are represented in their policy.

4.3.6   Dress code

For learners, school uniform remains a norm. All educators at the school look presentable. For both learners and male educators a tie remains a distinguishing feature.

4.3.7 Physical surrounding

The school buildings, grounds and gardens are well looked after. The school has full-time cleaners and gardeners who maintain cleanliness in and outside the school buildings.

4.3.8 Honours

This school has been voted one of the top 100 South African schools in 1998 and 1999 by the Sunday Times - weekend newspaper.

4.4 CONCLUSION

The information obtained of the three school profiles, clearly illustrates the legacy of the past (that is, the state of affairs before 1994) in education. Resources were not evenly distributed to schools.

In School A which belonged to the former Lebowa education department, the learner-classroom ratio is still higher (82:1) than School B and C. School B that is situated in a township comes second with a learner-classroom ratio of 31:1. The school that belonged to Transvaal Education department seems to be better resourced than the two mentioned above. Its learner-classroom ratio is 26:1.

Basic needs such as, clean (purified) water is only found at School B and C. School A as indicated in chapter 3, rely on water from the nearby river.

The absence of the school policy in School A and B led me to hypothesize that the stakeholders at these two schools are using trial and error method in maintaining discipline.

CHAPTER 5
A THEMATIC ANALYSIS OF THE DATA

5.1   INTRODUCTION

In this chapter I will focus on the analysis and interpretation of the responses obtained from the research participants. This analysis and interpretation of data will be done in sections. That is:

Section 5.2 - School A
Section 5.3 - School B
Section 5.4 - School C

It is believed that, an analysis and interpretation of data when presented in sections, will enable the researcher to present a cross-case analysis and results in the next chapter (that is, chapter 6).

The above-mentioned idea is also supported by Yin (1994: 134):

> "... Multiple-case reports will contain multiple narratives, usually presented as separate chapters or sections, about each of the cases singly. In addition to these individual case narratives, the report also will contain a chapter or section covering the cross-case analysis and results."

5.2   SCHOOL A

5.2.1   The concept of school discipline

> "If you close your eyes and the concept 'school discipline' is called, what comes to your mind?"

This question was directed to learners with the purpose of introducing the topic for the interviews.

Both the learner interviewees at this school, placed emphasis on school regulations in their responses. They maintain that the concept 'school discipline' refers to an appropriate behaviour at school.
"At school we drop our bad behaviour and follow regulations: (Grade 12 class representative) (Table 1)."

Another learner (grade 10), although he also recommended appropriate behaviour at school, he complained about the absence of the learner representative council at school. In his opinion, the entire school management is to carry the blame because they seem to have no interest in the formation of the LRC.
"No LRC, we have not been told about the LRC". (Table 1).

> "In comparing the past with the recommended present form of school management, which one do you think is the most fruitful in terms of school discipline?"

This question was directed to teachers and members of the SGB who participated in the research. Teachers (2) and SGB (2) members interviewed, both recommended that the past form of school management was by far the best. The head of department maintained that 'today' there are no limitations to rights, the government is overdoing 'things'.

"The present form of discipline is self-defeating and rights are being violated" (Table 1).

The responses from the above stakeholders had one concern in common, that is, to them (stakeholders) the abolition of corporal punishment has eroded discipline in the school. The SGB secretary remarked that, "even if we were

denied the rights, I think this helped us to achieve (pass) at the end of the year" (Table 1).

5.2.2   Most basic human rights in education

S   Protection of citizens (learners) against discrimination at school

It was clear from all the interviewees that the question of race, language and religion is common to all stakeholders.

The location of the school might have contributed to this uniformity.   As indicated earlier, learners, members of the SGB and some teachers, reside in the very same locality where language, religion and norms and values are almost common.

"Our learners are from the same area.   So the question of race, language and religion falls off" Educator (Table 2).

S   Recognition of the right of people to be treated with respect and dignity

It is clear from the learner responses that corporal punishment is still being used as one of the disciplinary measures at the school.

It is believed corporal punishment "is the best thing, some learn because of corporal punishment ... it can make us to succeed" (Grade 12 learner).   Another learner interviewed, opposed the use of corporal punishment by teachers.   He maintains that, "learners are big enough, they know what they are here for, they are old enough to be bitten, they already know about their future" (Table 3).

Although teachers interviewed (including the secretary of the SGB) acknowledged the use of corporal punishment by the principal and other teachers, they echoed some reservations with regard to its usage.   To the head

of department (teacher) corporal punishment cannot solve discipline-related problems. He attributed lack of discipline in the family as the root cause of ill-disciplined learners.

The chairperson of the SGB laid the blame on "human rights" as the cause of disruptions in school by abolishing corporal punishment. "These rights are a waste of time. Parents must agree that discipline (corporal punishment) be re-implemented. Can you drive a car without lights (it means the school has lost direction after the abolition of corporal punishment)" (Table 3). Two other teachers interviewees abstained from the use of corporal punishment in fear of higher authorities (the Department of Education). "It is only the principal who uses it" (Table 3).

S   Recognition and protection of religious diversity at school

The concept religion at this school is synonymous with Christianity. The Chairperson of SGB remarked as follows with regard to religion:

"Religion plays a major role - discipline is derived from this religion. Prayer must be there irrespective of religion, religion is just a man-made thing" (Table 4).

To the chairperson of the governing body and learner participants, the concept 'religion' meant church denomination. As stated above, all learners, teachers and parents at this school seem to be Christians. Many of them are affiliates of the Zion Christian Church.

The prayer, sermon and preaching at the morning devotions are said within the context of Christianity. Teachers and learners maintain that the 'holy Bible' is the source of school discipline.
"It brings us together especially that all of us, learners and teachers are Christians" (Educator-HOD) (Table 4).

S   **The right of all stakeholders to free speech and expression**

Both learners complained about the absence of the LRC at their school. They maintain that they are always acted upon. "I haven't heard about school policy. We are only told about it at morning assembly especially during preaching" (Grade 10 learner) (Table 5).

The head of department (HOD) laid the blame on learners for the collapse of the LRC. To him, learners have free speech and expression. He said, when decision is being taken in the SGB, the school management always invites class representatives to 'witness and participate in decision-making'.

The responses given by the head of department, were in direct contrast with responses from the other teacher participant and SGB secretary. The SGB secretary pointed out that "learners are given no room to contribute" (Table 5). She attributed this unfortunate state of affairs to the low level of literacy amongst SGB members.

The teacher participant summed up as follows:

"Opinions of learners are not accommodated. It is unfortunate that learners are not represented in our SGB. Parents and teachers are reluctant to organise learners to be in the SGB" (Table 5).

S   **The right to be treated in a fair and just manner**

Learners maintained that the absence of the LRC makes it impossible for them to play a meaningful role at school. The responses given by the chairperson of the SGB, still had no room for learners to be treated in a fair and just manner. He 'proposed' the following measures:
"I will call parents to discuss the issue. Parents must agree that discipline will be there if corporal punishment is introduced" (Table 6).

The two teachers and the SGB secretary shared the same 'proposal'. They proposed that a well-defined code of conduct (for learners and other stakeholders) and a school policy should be documented. They also recommended the inclusion of learners in the SGB.

S   **The right of every person to basic education**

The responses I obtained from the six participants were two-fold, that is, the right to education and the right to "equality".

In my rating of the responses, the right to education came second to the right to 'equality'.

It was not surprising to me to find the right of education being second to that of 'equality'. The physical and human resources of the school when compared with township and urban schools leave much to be desired. The rating (stated above) is an indication of "a cry for help".

S   **The right to freedom and security of a person**

The teacher and learner participants complained about their physical safety at school. The school does not have a fence and strangers are always spotted within the 'yard'. "We don't feel save. In 1995 the principal was stoned by learners" (Educator) (Table 8).

5.3   SCHOOL B

5.3.1   The concept of school discipline

"If you close your eyes and the concept 'school discipline' is called, what comes to your mind?"

In their responses, both learners cited corporal punishment. In addition to

corporal punishment, the secretary of the LRC mentioned "the right to teach" implying that teachers must attend to their lessons.

"In comparing the previous with the recommended present form of school management, which one do you think is the most fruitful in terms of school discipline?"

The SGB member still cherished the past. He maintained that most leaders of 'today' come from the past because schools had discipline. The teacher and the HOD recommended the present but with some reservations. They all cited lack of limitations to rights as a stumbling block to effective school discipline. "The present form of school management but there must be limitations to rights" (HOD) (Table 1).

5.3.2   Most basic human rights in education

S   **Protection of citizens against discrimination at school**

The conditions in this school are more or less similar to that of the community school. The dominant religion is Christianity and they (teachers, learners and parents) all speak one language. "Yes, most if not all of them are Christians" (School Principal) (Table 2).

S   **Recognition of the right of people to be treated with respect and dignity**

Both teachers and the principal agreed that although corporal punishment is being used at the school, it is used to the minimal. The head of department remarked that:

"I don't like corporal punishment. I only use it under abnormal situations (when compelled)" (Table 3).

The president of the LRC said that although some teachers (including the principal) were still using corporal punishment, they (LRC) were against it. He further informed me that the LRC once disrupted classes in protest against corporal punishment. He also accused teachers of taking advantage of uninformed learners.

"Other teachers use it in lower grades because those learners are not in a position to air their views on punishment" (LRC President) (Table 3).

S   Recognition and protection of religious diversity

Although members of the LRC acknowledged morning devotions, they had reservations. The president of the LRC pointed out that:

> "Religion does not play a part in maintaining discipline. Learners join LCM (learner Christian movement) if he or she feels rejected at school or having family problems. We avoid assembly because LCM member preaches about lots of things - some of us are not interested. This culture of undiscipline always passes over to lower standards" (Table 4).

One could hypothesize that the school is in a way using morning devotions as a 'smoke screen' in maintaining school discipline. One would further believe that learners are expected to conform at the expense of their rights.

The SGB member and teacher participants agreed that the morning devotions help to inculcate moral norms and values.

"We preach about norms and values during morning devotion" (HOD) (Table 4).

S   **The right of all stakeholders to free speech and expression**

The concern raised by teacher participants is that parents are always reluctant to attend meetings (parents meetings) and this always results in communication breakdown between school stakeholders.

With regard to the school policy, the president of the LRC pointed out that their school policy was drafted in 1995 and the school management told them that the said policy remained 'unchanged' and would be implemented.

> "We play no part in the formulation of the school policy" (LRC President). Another learner remarked "We always raise issues that need to be attended" (Table 5).

S   **The right to be treated in a fair and just manner**

The absence of disciplinary related policies such as, code of conduct and school policy, makes it difficult for the school to maintain discipline. Even if decisions are taken at parents meeting (usually not well attended) one doubts whether the validity of the decisions adopted at such meetings will be accepted by all stakeholders.

The poor attendance or non-attendance of meetings is also confirmed by a teacher participant and the president of the LRC.

"The school is forced to take decisions even if parents are few" (teacher participant) (Table 6).

"We have two disciplinary committees for teachers and learners, but we never met. Seemingly teachers undermine us. They regard us as being irresponsible and useless" (President of the LRC) (Table 6).

On the question of the 'proposal' of the new disciplinary measures, the principal suggested well-defined, more direct disciplinary policies that will empower the principal to act when the need arose. He further added that the inclusion of parents (mostly not well informed about school matters) is an inconvenience to school managers.

Other teacher participants opted for detention and manual labour in the place of corporal punishments.

S   The right of every person to basic education

The teacher participants cited the following human rights: the right to learn, the right to respect and human dignity. The two teachers further emphasised that these rights must have limitations. Although the principal acknowledged that education is the most basic right, he recommended that some of the rights need to be curtailed.

Learners participants laid emphasis on "no corporal punishment" 'right' as their most basic human right in education (Table 7).

It is interesting to note the 'right of people to be treated with respect and dignity' is given two different meanings by both learners and teachers. To learners it refers to corporal punishment. Teachers who act contrary to this 'right' by administering corporal punishment feel that learners do not give them the necessary respect they deserve.

5.4   SCHOOL C

5.4.1   The concept of school discipline

"If you close your eyes and the concept 'school discipline' is called, what comes to your mind?"

In response to the above question, the senior prefect cited 'yizo-yizo' (a drama shown on television wherein undisciplined learners disrupted schooling/classes almost everyday) as a typical example of a school without discipline. She referred to school discipline as the most important aspect of school organisation.

"Lack of discipline leads to criminality both at school and outside the school" (Table 1).

To the member of the learner representative council, the concept 'school discipline' meant behaviour - that is, positive and negative things toward school.

"In comparing the previous with the recommended present form of school management, which one do you think is the most fruitful in terms of school discipline?"

The secretary of the SGB recommended the present form of discipline because the 'previous form of management' had no freedom of expression. The concern of 'limitations to rights' was also raised.

"The problem the country is facing is to get the whole nation together... some people are still critical about the 'present. There must be limitations not too much freedom. The 'present' will come-up but it will take time" (Table 1). Another concern raised was that teachers needed to be given guidelines on how to maintain discipline. The principal also shared these sentiments.

A teacher at the very same school preferred the 'previous form of management".

"It was more effective... the school must have corporal punishment in a controlled manner" (Table 1).

His main concern was how to reconcile home discipline and school discipline. Some families are using corporal punishment as a form of maintaining

discipline. Children/learners from such families regard this type of punishment as 'the only form of discipline'. He concluded by saying: "because children have rights there must also be the right to be disciplined."

5.4.2   Most basic human rights in education

S   **Protection of citizens against discrimination at school**

Both learners agreed that a code of conduct used by the school (principal) works best when it comes to reconciling different races and cultures at school.

The response given by other stakeholders are contained in the following statement:

"Yes. Our policy is to promote better education irrespective of race, language and religion" (school principal) (Table 2).

S   **Recognition of the right of people to be treated with respect and dignity**

I must point out that the concept "corporal punishment" does not exist in the vocabulary of the two learners interviewed. The system of merits and demerits seem to be working well.

"No. There is set of rules - code of conduct. There is no caning. Learners are either given positive or negative points" (learner) (Table 3).

Other participants also confirmed the non-existence of corporal punishment. "We use computerised code of conduct" (school principal) (Table 3).

S   **Recognition and protection of religious diversity at school**

Although the teacher participants acknowledged the recognition and protection

of religious diversity, they remained non-committal about the real conditions at their school.

On the other hand responses given by learners and SGB secretary, clearly indicate that the school upholds Christian teachings.

"Yes the Bible teaches us to be obedient and humble ..." (SGB member).
"We sing hymns every morning. Worshipping is part of the academic program" (senior prefect) (Table 4).

S   **The right to free speech and expression**

Communication between school stakeholders seems to be working well. The situation at this school is summed up by the secretary of the SGB:

"Things are not happening behind closed doors" (Table 5).

The learner representative council together with the school prefects serve as a mouthpiece to all learners.

"The LRC and the prefects serve as a mouthpiece of all the learners" (learner) (Table 5).

S   **The right to be treated in a fair and just manner**

The fact that each and every learner has been given a code of conduct document, a fair and just treatment become easy to implement.

Generally, all participants interviewed are satisfied with the system of discipline used by their school.

It is only a teacher participant who further recommended the use of corporal

punishment in a controlled manner.

"I will recommend a code of conduct and couple it with corporal punishment" (Table 6).

S   The right of every person to basic education and access to an active institution

The right to education was cited by all participants as one of the most basic human rights in education. Three of the participants further mentioned the right to "free expression" as another most important right in education.

S   The right to freedom and security of a person

The presence of security guards plays an important role in regulating the inflow and outflow of visitors and all stakeholders. Learners use cards (student cards) as a form of identification.

CHAPTER 6
FINDINGS, CONCLUSION AND RECOMMENDATIONS

6.1   FINDINGS

The cross-case findings will be presented in terms of each provision of the constitution analysed in 5.1 above.

S   **The concept of school discipline**

> "If you close your eyes and the concept 'school discipline' is called, what comes to your mind?"

One must first point out that the use of an opening question in the three selected schools did help me in introducing the topic for the interview. Participants were given room to talk about their feelings with regard to school discipline from the onset.

In responding to the above question, learners at both the ex-model C and the community school cited good behaviour as a typical feature of school discipline. They placed emphasis on school regulations. Although learners at the community school cited good behaviour as synonymous with school discipline, further interview questions indicated that corporal punishment is still in use at their school.

To township school learners, the concept school discipline is equated with corporal punishment.

> "In comparing the previous with the recommended present form of school management, which one do you think is the most fruitful in terms of school discipline?"

The above question was directed to teacher participants and members of the school governing body. Generally, most stakeholders interviewed preferred the previous form of school discipline. They regard the abolition of corporal punishment as erosion of school discipline.

The few stakeholders who cited the present form of school discipline as being democratic because all stakeholders are involved, had reservations about some of the rights. Their wish is to see limitations being introduced to human rights in education.

S **The most basic human rights in education**

Conditions in School A and School B are such that discrimination at school becomes a non-issue. Learners at School A reside in surrounding communities where their way of life is almost common. They belong to the same ethnic group, speak the same language and most if not all of them follow Christianity as their religion.

A model C school visited, is representative of all cultures and religion. It is alleged by all stakeholders interviewed that a school code of conduct work best because it accommodates people irrespective of their race language and religion.

S **Recognition of the right of people to be treated with respect and dignity**

It is only at School C where corporal punishment is not being used. As stated above, a code of conduct that works on merits and demerits is used. For this code of conduct to work effectively, all stakeholders are involved. Learners become involved through their learner representative council and the prefects who submit reports on irregular behaviour to the principal. Teachers and parents are involved through the school governing body where decisions with

regard to disciplinary matters are taken.

The situation in both School A and School B has not changed. Corporal punishment is still regarded as the most fruitful form of maintaining discipline. During the period of observation, I realised that at these two schools, discipline outside classes has become the responsibility of the principal, hence the remark: "... only the principal administer corporal punishment time and again ..." The caning is usually done in the morning for controlling late-coming and also after breaks. Educators who apply corporal punishment do it "safely" in their classes.

The aloofness of teachers from matters related to school discipline seems to be worsening the situation at the above two schools.

S   Recognition and protection of religious diversity at school

It is evident from the responses gathered from the three schools that Christianity is still 'the only form of religion' practiced.

The secretary of the SGB responded that the religion practiced at their school (ex-model C) is non-specific. Her response was in direct contrast with the responses made by learners (two).

"... The bible teaches us to be obedient and humble ..." (Member of LRC).
The senior prefect also indicated that because most of the learners are Christians, all morning devotions are conducted within the Christian context.

S   The right of all to free speech and expression

In School C, the active involvement of learners, parents and teachers in the running of the school contribute greatly to the maintenance of school discipline. The views of stakeholders are taken into account when major decisions are

being taken.

The situation in the other two schools seems to be the opposite of School C above. Learners are not involved in the formulation of school policy and other discipline related matters. There seems to be three camps within one school, that is, teachers who generally 'have fear for using corporal punishment', the principal who is said to be the only person who frequently uses corporal punishment, the learners who want corporal punishment to be abolished. Learners at the two schools, complained about their non-involvement in school related matters.

Teachers on the other hand, regard the abolition of corporal punishment as total erosion of discipline at school. They feel 'rights' must have limitations.

The parent component at both schools seems to be aliening themselves with teachers. They still cherish the 'past'.

S   **The right to be treated in a fair and just manner**

The absence of the learner representative council at School A, makes it impossible for stakeholders to come-up with a common understanding with regard to school disciplinary measures.

In School B, although the learner representative council has been elected, they are always acted upon. This is confirmed by the president of the LRC:
"We always intervene".

The code of conduct used at School C, seems to be reconciling different role players. The active participation of different learner structures on the maintenance of school discipline, relegate the use of corporal punishment to a "scrapheap".

S   **The right of every person to basic education and access to an active institution**

When asked about the most basic human right, almost all participants cited the right to learn or education as the most important.

Second on their list, is the right to 'equality'. Generally, participants in all schools raised limitations to rights as their main concern.

S   **The right to freedom and security of a person**

School B and School C have a 24-hour security guard services. The question of security in and around the school is in the hands of these guards. It is only at School A where the school is experiencing problems emanating from the unavailability of security measures such as proper fencing, gates and security personnel.

6.2   CONCLUSION

6.2.1   Issues of concern on human rights in education

It is important for me to highlight some of the main findings of the study.

a)   The low level of literacy of most school governing body members hinders progress at school.

b)   There is still a wide gap between learners and teachers at some schools. This in most cases results in communication breakdown.

c)   Most school stakeholders are not yet conversant with human rights in education. Teachers and parents regard some human rights provisions in education as an erosion of their 'status' in education.

d) Some schools are still run on trial and error approach. There is no code of conduct or school policy. Issues related to discipline are addressed as they come.

e) Although the use of corporal punishment is forbidden by human rights, some learners still regard it as the best form of discipline.

f) It was also discovered that most parents and teachers put their 'moral norms and values' first at the expense of the universal human rights in education.

6.3   RECOMMENDATIONS

In the light of the conclusions stated above, the following recommendations are made:

a) School stakeholders need to be workshopped on human rights in education.

b) Learners should be allowed to be part of the decision-making body (SGB).

c) It is advisable for the schools to elect parents who are generally well informed into the governing body.

d) Schools should have clear policies and codes of conduct that are acceptable by all stakeholders.

e) The management of the school should be encouraged to be innovative and not to always rely on the government for the maintenance of discipline.

f) To avoid conflicts and school disruptions, the principal should always work hand in hand with learners and teachers. That is, the principal should make sure that the school works as a unit.

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APPENDIX L

PRESENTATION OF DATA

SCHOOL A

Table 1: The concept of discipline

LEARNER GRADE 10	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
If you close your eyes and the concept school discipline is called, what comes to your mind?		In comparing the past with the recommended present form of school management, which one do you think is the most fruitful in terms of school discipline?			
Answer: Behaviour of learners towards teachers or school regulations and work.	A: "Learners must know themselves. At school they must drop their bad behaviour and follow school regulations".	A: The past. 'It was Ok', the present is self-dealing and rights are being violated.	A: The past. Teachers today are not allowed to administer corporal punishment. Grade 12 results have now deteriorated because of laxity to disciplinary measures.	A: The past. "Even if we were denied the rights, I think this helped us to achieve at the end of the year".	A: The past.

THE MOST BASIC HUMAN RIGHTS IN EDUCATION

Table 2: Protection of citizens (including learners) against discrimination at school

LEARNER GRADE 10	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
Do you feel learners at your school are being treated equally irrespective of race, language and religion?					
A: Yes most of the learners are Pedi, speak same language and most of them are Christians.	A: Yes.	A: We have no problem of learners who reside outside of the surrounding area.	A: Our learners are from the same area. So the question of race, language and religion falls off.	A: Yes. They are all accommodated.	A: Yes. All are from the same area.

Table 3: Recognition of the right of people to be treated with respect and dignity

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
Is corporal punishment still being used as a form of maintaining discipline at your school?					
A: Yes, only the principal administer corporal punishment time and again. Other teachers do it after a long period.	A: Yes. "It is the best thing .... It makes us to succeed".	A: No. We resolve problems related to learners by consulting parents.	A: It is only the principal who uses it. It is no more used like before.	A: "These rights are a waste of time. Parents must agree that discipline be re-implemented. Can you drive a car without lights" (school has no direction).	A: Some teachers are still using it but not openly.

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Table 4: Recognition and protection of religious diversity at school

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
Do all learners and all teachers at your school assemble for the purpose of prayer before lessons could start?		Do you think religion play an important role in maintaining discipline at your school?		What form of religion is being followed at your school?	
A: Yes. We assemble to pray before lessons could start.	A: Yes. We must first ask wisdom from God.	A: Yes. It brings us together especially that all of us, learners and teachers are Christians.	A: Yes. Religion in itself has a code of conduct. Fortunately we have Christianity as our religion.	A: Christianity. It plays a major role.	A: Almost all or learners are Christians including their teachers.

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Table 5: The right of all stakeholders to free speech and expression

LEARNER GRADE 10	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
As a learner, what role do you play in the formulation of your school policy?		Q: Do teachers and parents at your school accept learners as people who can make positive contribution towards the maintenance of discipline?			
A: "I haven't heard about school policy". "We are only told about it at morning assembly especially during preaching".	A: There is no communication between learners and other school stakeholders.	A: Learners lack orientation. Their leadership has collapsed.	A: Learners have no say. Their opinions are not accommodated.	A: Rights are destroying our community.	A: In SGB meetings discipline related matters are not given priority.

Table 6: The right to be treated in a fair and just manner

LEARNER GRADE 10	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
What role do you play in seeing to it that the disciplinary measures taken by the school are just and fair?	If you were given a chance to propose a system of disciplinary measures, what would you suggest?				
A: "No comment! That one 'aish'! I am eh...."	A: There is no LRC, as such our problems are left unattended.	A: Manual labour and detention.	A: Involve stake-holders in decision-making.	A: No any other means except corporal punishment.	A: Parents involvement in maintaining discipline.

Table 7: The right of every person to basic education and access to an active Institution

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
What do you think is the most basic human right in education?					
A: A learner does not have rights, he must do what is right for the school.	A: Free education and equality.	A: Equality.	A: Right to learn.	A: Right to me is a joint venture.	A: Education.

Table 8: The right to freedom and security of a person

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
Q: Is your school a safe place to be?					
A: No. Strangers do enter school premises because there is no fence.	A: No guarantee because of lack of strong fence.	A: The absence of fence don't make us feel safe.	A: We don't feel safe. In 1995 the principal was stoned by learners.	A: Anything can happen. Learners are no longer disciplined.	A: No fence. It is difficult to differentiate a learner and a stranger because male learners do not wear school uniform.

SCHOOL B

Table 1: The concept of School discipline

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	CHAIRPERSON SGB	SECRETARY SGB
If you close your eyes and the concept school discipline is called, what comes to your mind?	In comparing the past with the recommended present form of school management, which one do you think is the most fruitful in terms of school discipline?				
A: Corporal punishment and self-discipline.	A: Corporal punishment even though these days is rarely used. It is only used by the principal sometimes.	A: The present but there must be limitations to rights.	A: Past because learners used to progress.	A: The past. Today rights are without limitations.	A: The past. There is no longer discipline at school.

THE MOST BASIC HUMAN RIGHTS IN EDUCATION

Table 2: Protection of citizens (including learners) against discrimination at school

LEARNER	LEARNER SECRETARY LRC	EDUCATOR - HOD	EDUCATOR	PRINCIPAL	SECRETARY
Do you feel learners at your school are being treated equally irrespective of race, language and religion?					
A: It needs a concerted effort from learners for teachers to recognise their rights.	A: Yes. The school recognise us.	A: To a certain extend.	A: Still has some reservations about it.	A: Yes. Most if not all of them are Christians.	A: Yes. Teachers are always doing their best.

Table 3: Recognition of the right of people to be treated with respect and dignity

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	PRINCIPAL	SECRETARY
Is corporal punishment still being used as a form of maintaining discipline at your school?					
A: Yes. Some of the teachers and the principal.	A: it is rarely used.	A: yes. But it is used with some reservations.	A: Learners accept corporal punishment but rights are against it.	A: To the minimal.	A: Teachers have fear of using it.

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Table 4: Recognition and protection of religious diversity at school

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	PRINCIPAL	SECRETARY
Do all learners and all teachers at your school assemble for the purpose of prayer before lessons could start?		Q: Do you think religion play an important role in maintaining discipline at your school?			
A: No. Some of us avoid it.	A: Yes. Prayer does help to maintain discipline at school.	A: Yes. "We preach about norms during morning devotion".	A: Yes. Religion is a way of life.	A: Christianity.	A: Christianity.

Table 5: The right of all stakeholders to free speech and expression

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	PRINCIPAL	SECRETARY
As a learner, what role do you play in the formulation of your school policy?		Q: Do teachers and parents at your school accept learners as people who can make positive contribution towards the maintenance of discipline?			
A: We play not part in the formulation of school policy.	A: We always raise issues that need to be attended.	A: They lack self-discipline.	A: Yes. Learners are represented in the SGB.	A: Yes. They are always consulted through LRC.	A: Yes, but they lack discipline.

Table 6: The right to be treated in a fair and just manner

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	PRINCIPAL	SECRETARY
What role do you play in seeing to it that the disciplinary measures taken by the school are just and fair?	If you were given a chance to propose a system of disciplinary measures, what would you suggest?				
A: We always intervene.	A: We are first informed before any action is taken.	A: I will lay emphasis on limitations to rights.	A: I will introduce corporal punishment	A: I will come-up with clear guidelines on rules and regulations for the entire schools in the province.	A: Corporal punishment.

Table 7: The right of every person to basic education and access to an active institution

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	PRINCIPAL	SECRETARY
What do you think is the most basic human right in education?					
A: Free speech and expression. 'No corporal punishments'	A: Right to learn. Right to respect and human dignity. (No corporal punishment?	A: Right to learn.	A: Right to learn. Respect and human dignity.	A: Right to education.	A: Right to learn.

Table 8: The right to freedom and security of a person

LEARNER	LEARNER	EDUCATOR - HOD	EDUCATOR	PRINCIPAL	SECRETARY
Is your school a safe place to be?					
A: No. Male learners do gamble within the school yard.	A: Yes. There are security guards.	A: Safety is limited. To a certain extend we do feel free.	A: Yes. There are security guards.	A: Not quite.	A: With undisciplined learners anything can happen.

SCHOOL C

Table 1: The concept of school discipline

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
If you close your eyes and the concept 'school discipline is called, what comes to your mind?		In comparing the past with the recommended present form of school management, which one do you think is the most fruitful in terms of school discipline?		
A: Discipline is most important at school. The lack of discipline leads to criminality both at school and outside the school.	A: Behaviour, positive and negative things and attitude towards school.	A: The past was more effective because of corporal punishment.	A: The present. All stakeholders are involved.	A: Present, but there must be limitations to rights.

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THE MOST BASIC HUMAN RIGHTS IN EDUCATION

Table 2: Protection of citizens (including learners) against discrimination at school

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
Do you feel learners at your school are being treated equally irrespective of race, language and religion?				
A: Yes. All learners are accommodated. "Code of conduct works best, it accommodates different cultures".	A: Yes, there are different races at school.	A: Yes. We have different religions, race and language at school.	A: Yes. Our policy is to promote better education irrespective of race, language and religion.	A: Yes. Our school is representative of all cultures and religion.

Table 3: Recognition of the right of people to be treated with respect and dignity

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
Is corporal punishment still being used as a form of maintaining discipline at your school?				
A: No. There are set of rules - code of conduct. There is no caning. Learners are either given positive or negative points.	A: We don't have corporal punishment. We work on merits and demerits.	A: It is non-existent.	A: No. We use computerised code of conduct.	A: No. I don't believe in it.

Table 4: Recognition and protection of religious diversity at school

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
Do all learners and all teachers at your school assemble for the purpose of prayer before lessons could start?		Q: Do you think religion play an important role in maintaining discipline at your school?	What form of religion is being followed at your school?	
A: Yes. We sing hymns every morning. Worshipping is part of academic program.	A: Yes. The bible teaches us to be obedient and humble. Religion helps to maintain discipline.	A: Religion is the key to discipline.	A: Ministers from different religions are invited to school every Thursday.	A: Non-specific. Religious diversity.

Table 5: The right of all stakeholders to free speech and expression

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
As a learner, what role do you play in the formulation of your school policy?		Do teachers and parents at your school accept learners as people who can make positive contribution towards the maintenance of discipline?		
A: The LRC is our mouthpiece. We report to class representative who inform the LRC which is represented in the SGB.	A: The LRC and the prefects serves as a mouthpiece of all the learners.	A: Yes. They contribute positively.	A: For a computerised code of conduct to be effective I rely on learners and teachers. They play an important part in maintaining discipline.	A: They are involved. Things are not happening behind closed doors.

Table 6: The right to be treated in a fair and just manner

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
What role do you play in seeing to it that the disciplinary measures taken by the school are just and fair?		If you were given a chance to propose a system of disciplinary measures, what would you suggest?		
A: "Children have all space to complain about their dissatisfaction.	A: There is no punishment without cause. Each learner has a code of conduct document.	A: I will recommend a code of conduct and couple it with corporal punishment.	A: Our computerised code of conduct and administration seem to be working well.	A: I will recommend the system used by our school.

Table 7: The right of every person to basic education and access to an active Institution

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
What do you think is the most basic human right in education?				
A: Right to education.	A: Right to education and Equality (between learners and teachers) Respect and human dignity.	Right of expression Right to learn Human dignity	A: The right to quality education.	A: Free expression Right to learn.

Table 8: The right to freedom and security of a person

LEARNER	LEARNER	EDUCATOR	PRINCIPAL	SECRETARY
Is your school a safe place to be?				
A: Yes. The prefect body, LRC and SGB always take safety measures to protect learners.	A: Yes. No stranger is allowed without permission. Learners are always vigilant.	A: Very safe.	A: The school is well protected.	A: Yes. There are security guards.