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UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

**THE EFFECTIVENESS OF THE SOUTH AFRICAN SCHOOLS ACT TO  
DESEGREGATE THE SCHOOLS OF THE GAUTENG PROVINCE**

A Dissertation

SUBMITTED TO THE GRADUATE FACULTY

In partial fulfillment of the requirements for the

degree of

Doctor of Philosophy

By

ISAAC JABULANI SITHOLE

Norman, Oklahoma

2000

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**THE EFFECTIVENESS OF THE SOUTH AFRICAN  
SCHOOLS ACT TO DESEGREGATE  
THE SCHOOLS OF THE GAUTENG PROVINCE**

A Dissertation APPROVED FOR THE  
DEPARTMENT OF EDUCATIONAL LEADERSHIP  
AND POLICY STUDIES

BY

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### *Abstract*

The purpose of this study was to investigate whether there has been a noticeable trend in the inter-racial migration of learners within the Gauteng Province of South Africa after the enactment of the South African Schools Act #84 (1996). An assessment of such a trend was achieved by exploring the Act's related provisions in fostering desegregation of schools in the Gauteng province of South Africa. This study was guided by a historical research approach that was explanatory and descriptive in nature. The methodology used to analyze the data was both qualitative and quantitative. The first part of this investigation analyzed the quantitative data and included a descriptive examination of the percentages for non-White learners in previously designated White schools compared to the percentage of White learners in previously designated non-White schools. The researcher used the t-test to determine the significant difference of the means in percentages of learners, with the probability level of 0.05 for dependent samples which are paired by racial group. The researcher formulated conclusions to the hypotheses based on the relationships between the percentages of learners per given racial group at the respective schools following the enactment of the Act. The second part of the study was the analysis of the interviews of four respondents who gave a synopsis of education within the Gauteng schools. Open coding and Axial coding systems were utilized in the analysis of the interviews under-girded by the grounded theory which was inter-woven through out the discussion, recommendations, general implications and conclusions.

## **CHAPTER I**

### **Introduction**

**South Africa has a diverse cultural community with rich historical heritage. Therefore, it seems reasonable that the promotion of the democratic ethos should find ground in her education system. Residential and racial differentiation in South Africa continue to promote categorization among the schools, thus highlighting the vestiges of past discrimination. Gauteng schools in this study were divided into two distinct groups: township schools, which are mostly Black/African, and other schools, which were previously designated as Whites, Coloreds and Indians. So while South African schools reflect diversity on the whole, they also remain racially stratified. The cumbersome task for South Africa is to find a way to bridge this division, with desegregation of schools as a reasonable option, and thereby provide an education system that will affirm equal educational opportunity for all the learners.**

**Presently, there are no formal policy guidelines to desegregate South African schools except for the provisions outlined in the South African Schools Act # 84 of (1996). This Act promises the realization of equal quality education for all learners in the country. Unfortunately, however, the persistent residential patterns for different racial groups serve as vestiges of past discrimination and could necessitate school desegregation in order for educational equality to be achieved. Central to this study is the mere existence of township schools, which are continually subject to controversy with regard to their educational merit. There has been a growing perception among many communities that, with each passing year since the 1976 Soweto riots, the culture of learning within these schools has been diminishing. On the other hand, schools in the**

White residential areas have maintained the spirit of learning because they were not affected by the upheavals of that time.

Unequal distribution of resources, which had always been the norm in South African schools, was eliminated in 1994. The attempt to provide equal quality education for all the learners began to become evident through the enactment of various Acts that were intended to bring about change in the schools. Equal access to quality integrated education might be the most important aspiration for township children. However, measures that the present government is attempting to implement are shrouded by the overwhelming challenge of limited resources geared toward educational improvement.

Intuitively, access to quality education would have an effect on other opportunities for racial integration, especially considering affirmative action programs that are in place. On the other hand, for South Africa to achieve a positive national identity, her education system should seek to provide a diverse climate where learners of different ethnic or racial groups interact within and outside classrooms. In such an environment, each learner would then be afforded an equal opportunity to progress to his or her potential.

Above all, education in South Africa should be seen as a means to promote democracy. Throughout history, thriving regimes have achieved socialization of their citizenry through unequal educational opportunities. This study focused on the modes to redress the previous inequalities in South African education through the Schools Act. It also emphasized the caution of not viewing education as a means for political socialization but only to elicit the impact of vestiges of past discrimination affecting the schools in the Gauteng Province.

However, expecting members of a democratic society to participate in consciously shaping the future of democracy in a country where racial discrimination was rife could be an exhausting endeavor for educators and all interested parties toward educational reform. On the other hand, it is difficult to dissociate education from political socialization, as there is always a strong political influence wherever deliberate human instruction takes place. In light of these things, the goal should be to cherish the centrality of schooling to democratic education and still recognize that there is much more to democratic education than schooling.

Among a variety of scholars, there still exists a belief that education is the single most important area through which discrimination becomes evident. Consequently, the issue of who gets what is determined by whom is in power, which further complicates any measures geared toward a unitary and non-discriminatory education system. As politics and education are both implicated and subject to debate, especially in South Africa, because the attainment of quality education has been determined by race for so long. Reasonably, however, it may be expected that in a democratic system, the ideology underlying education should reflect the attitudes of the society and promote some level of tolerance among the people of a specific country.

In South Africa, the Minister of Education took the first step to redress the education system through the introduction of an Act that would reform the country's schools. Following this measure, prominent stakeholders and everybody involved in trying to make a difference in the education for all South Africans made valuable contributions which led to a legislative development process that ushered in new Acts. Among these Acts is one that forms the basis of this study, namely, The South African



Schools Act # 84 of (1996). The clauses of this Act, whereby (a) compulsory attendance; (b) admissions to public schools (c) language policy in the public schools and (d) discipline of learners in the public schools are subject to further exploration in this study.

### **Statement of the Problem**

The South African Schools Act # 84 of (1996), in its role as a policy guideline in promoting educational reform that would ensure equal quality education for all learners within a unitary system, has yet to take root in many South African communities. South Africa's continued distribution of residential patterns according to the racial representation provides conspicuous evidence of ongoing educational segregation. There is a clear demarcation of the settlement types in South Africa. For example, the Black/African majority resides in substandard housing, while the Whites live in plush homes. This study aims to explore issues that test the constitutionality of the provisions contained in the Schools Act and determine how those provisions are related to potential desegregation in the schools. Examining the aforementioned clauses of the Act can provide some insight as to whether any progress toward desegregation of schools has been made.

Presently, schools in South Africa exhibit signs of segregation through variations in ethnic (tribal), racial, and residential patterns. The ethnic (tribal) variations are as a result of the pseudo independence that was awarded to four previously semi-self governing states that enhanced and perpetuated Apartheid. These states were Transkei, BophutaTswana, Venda and Ciskei. Racial differentiation also played an important role during those times, and remains a thorny issue. But the most crucial variation, and the

one which forms the basis of this study, is the differing residential patterns and their influence on the types of schools available to particular residents. A brief overview of such residential variations, ranked by order of efficiency and comfort, is as follows: (a) Residential areas for whites, (b) Residential areas for coloreds and Asians (i.e., Indians and Chinese, Japanese, Korean etc.), and (c) Residential areas for blacks. Thus, schools followed that pattern.

It should be noted that in the years 1987-1989, just a few years before the 1994 elections, *The Group Areas Act of 1948* was annulled, and slight evidence of social mobility was seen. A pocket of non-White members of the community whose financial status allowed them to do so, crossed the residential barriers and model C schools were formed. Model C schools were the best equipped in the system and they had the highest concentration of qualified teachers. Such schools were private, but partly subsidized by the government. So, the model C schools were in the position to admit learners with varied backgrounds, as long as the learners' guardians could afford to pay the required fees. In this way, economic viability played an integral and inhibiting role.

#### Compulsory Attendance and/or Exemption from Compulsory Attendance

Compulsory education by its very nature commits the government to be fully responsible for ensuring and providing education to its citizens. Broader connotation of compulsory education touches on elements tied to schools, such as choice, payment of fees and levels of discrimination. The latter could include the economic background of the community to be served, aptitude and ability of the learners, and other characteristics typifying the psycho-social nature of the people subject to benefit in education. Although the South African education provision today is non-racial, compulsory schooling had

previously had a discriminative impact on the country's general population. For instance, until the enactment of the Schools Act, schooling was compulsory for Whites until the age 16, Asians until age 15, Coloreds until age 14 and for Blacks/Africans, school attendance was not compulsory. For the previous two and a half decades, a large number of blacks boycotted schools and destroyed school property. These actions would test whether compulsory attendance could be mandated in light of other factors, such as the learners' readiness to learn, parents' ability to cause learners to attend schools and above all, the government's ability to provide schools suitable for learning.

#### Admission into Public Schools

Admission policies are also subject to legal scrutiny, as there are hosts of problems in this area associated with vestiges of past discrimination. There are also other important aspects of admission policies pertaining to the provision of education that cannot be avoided. Such elements included *the right to education* and *compulsory education*. Admissions policies for public or private independent schools are determined by governing bodies. Members of these governing bodies are supposedly knowledgeable of the policy guidelines for admissions into public schools, and their decisions should be consistent with the constitutional guarantees on educational matters.

Therefore, admission of learners into the public schools or independent schools should be free from any form of discrimination. This provision in the admission policy is contemporaneous with the Constitution of South Africa, which seeks to promote non-discrimination and stresses equal treatment under the law. Admission on the basis of proficiency tests could not be used as a means for acceptance into the public schools.

## **Language Policy in the Public Schools**

The language policy for providing non-discriminatory education in South Africa is a thorny issue in the public schools. It is a provision that could test South Africa's readiness to deal with her political transformation. South Africa would be wise to follow the examples set by other multilingual countries of the world, such as Singapore, where schools operate multiple language streams in the same building to encourage interaction among students and to promote a feeling of national unity. The language policy as promulgated by the Act could be an essential ingredient in a strategy for nation building. The government should try to assure all citizens that difference in ethnic and cultural backgrounds is immaterial; first and more important, they are all South Africans. In that spirit, schools and society should try to find ways or adopt programs that would enhance this nation building process.

While in theory it is laudable to treat all the languages spoken in South Africa equally, as demanded by the Constitution, it is highly questionable whether this ideal can be realized within the immediate future. The political cost attached to language issues in South Africa could be unbearable if compromise cannot be found in the discourse. Antagonism and prejudice between impenetrable cultural and linguistic compartments could cause South Africa's democracy to perish in chaos.

## **Discipline of learners in Public Schools**

Discipline in South African schools has long been rooted in the notion of "spare the rod and spoil the child." This cliché has been prevalent in the history of schooling in South Africa, where corporal punishment was a norm. Both teachers and principals used corporal punishment freely, and it became an expected consequence to those learners

who failed to meet requirements. Definition of such failures varied, ranging from tardiness or not wearing a uniform to not completing homework or lack of participation in extra-mural activities.

Now, however, by the terms of section 10 (1) of the South Africa Schools Act, which stipulated that, “no person is entitled to administer corporal punishment,” as it is considered the most serious violation of human dignity and privacy. A good number of educators believe that abolishment of corporal punishment could lead to breakdown of discipline in schools. It might also be argued that lack of discipline could lead to a decline in the culture of learning, especially in the case of the Township schools, because learning cannot take place without discipline. However, allowing schools to design their own codes of conduct could be a positive step toward addressing how learners should be disciplined.

#### Purpose of the Study

The purpose of this study was to investigate whether there has been a noticeable trend in the inter-racial migration of learners within the Gauteng Province of South Africa after the enactment of the South African Schools Act # 84 of 1996, by critically exploring how the Act’s related provisions might foster desegregation of schools in the Gauteng province of South Africa.

Unfortunately, South Africa cannot boast of a landmark case such as *Brown v. Board of Education of Topeka, Kansas (1954)*, which set a tone in school desegregation matters, wherein the United States Supreme Court repudiated the “separate but equal” doctrine. Rather, South Africa can only rely on the hope and faith that the supremacy of her Constitution, together with the related Acts, may, in one way or another, invite all

South Africans to face the issues and meet the challenges of providing equal quality education for all the learners.

#### Major and Minor Research Questions

A critical review of the provisions promulgated by the Act is without doubt fostering and driving the major research question; namely, **could school desegregation promote the eradication of the vestiges of past discrimination presently affecting schools within the Gauteng region of South Africa?** If so, how then, is the South African Schools Act (1996) supposed to be interpreted by the divergent community of this country which has a history of political disharmony? Clarification and analysis of this question will yield minor research questions. In addition to the interview questions in Appendix D, there are also other related questions.

#### For example.

1. What would the legal understanding of *lack of capacity* yield to the South African community as it is related to the compulsory attendance provision of the Schools Act?
2. Is the compulsory attendance clause extended to learners with disabilities?
3. Is education free in the new South Africa?
4. Are there any categorical examples to illustrate conditions that may limit a learner's chances of being admitted into a public school?
5. Will those conditions be put in a language that is understandable to the parent or the guardian of the learner?
6. What measures will be set forth to ensure that learners with disabilities are being served thoroughly and fairly?

**7. What, if any, Constitutional provisions are in place to ensure that facilities serve learners with disabilities?**

**8. Is there a definition of a disabled learner?**

**The adoption of the New Constitution in South Africa has invited legal scholars, commentators, politicians, clergymen and ordinary citizens within the country and abroad to contribute to the provisions of the document. Previously, issues dealing with legal aspects of education were addressed in terms of common law. But since the adoption of the New Constitution, a distinct categorization of basic human rights in education has been disseminated or transmitted to schools through the Act. Parents, learners, and educators are all affected by the Schools Act and generally, there seems to be a subtle misunderstanding of the provisions contained therein. One could infer that innate indoctrination modes still exist, highlighting vestiges of past discrimination, which are rooted in the psychological impact that Apartheid had on South African people.**

**Given the historical and political background of South Africa, it is imperative to note that some members of the community still have advantages over others. Evidence of the conditions characterizing Apartheid perpetually linger in many peoples' daily lives without foreseeable solution. The dominant remnant of this policy is the differing residential patterns, which in turn impact the various school sites. Since South Africa is lauded in adopting a new system of government under the auspices of Democracy, there is no doubt that the country's justice system will be busy in the near future with testing the legality of some of the educational provisions in the Constitution.**

## Research Hypotheses and Expectations

The scars and scorching wounds left behind by the Apartheid policies are indelible on the minds of South African community. Most of the country's education system has resulted from the philosophy of separate provision of education for the different racial groups. To an outside observer today, education in South Africa could be likened to the "separate but equal" concept introduced by the Court in *Plessy v. Ferguson* (1896) in the United States. The challenging and menacing problem of separate but equal schooling in South African schools has grown in intensity and scope with each passing year since the 1994 dispensation.

The problems of separate schooling are complex, emotion-laden and obscured by semantic gymnastics, and therefore demand intelligent assessment in order to be understood clearly. Enlightened imagination and courage born of genuine concern are needed for the amelioration of separate schooling, and hard work is required when implementing corrections. Separate, whether equal or unequal, in South African schools will prove to be more than a human rights issue. Its ramifications penetrate all aspects of the educational enterprise in a democracy. Most of all, educating the country's youth in isolation will be detrimental to the nation building process.

Outlined below were two related hypotheses and their relationships that were tested with the quantitative data.

***H<sub>01</sub>:*** *There is no significant difference between the percentage of non-white learners enrolled in schools that were previously designated as white within Gauteng Province of RSA and those same schools after the adoption of the South African Schools Act.*

***H<sub>02</sub>:*** *There is no significant difference between the percentage of white learners enrolled in schools that were previously designated as non-white within*



*the Gauteng Province of RSA and those same schools after the adoption of the South African Schools Act.*

However, with reference to the purpose of this study, the following two expectations were examined by a qualitative data and they read as follows:

- A There is a link between the vestiges of past discrimination and the racial composition of learners enrolled in schools within the Gauteng Province of South Africa when examining the admission, language and discipline provisions of the Schools Act.*
- B There is a link between the vestiges of past discrimination in schools within the Gauteng Province of South Africa and the silence of the Schools Act toward promoting desegregation of schools.*

Given the conditions of the schools, especially in black residential areas, a call for payment of school fees may be paramount. Therefore, costs for ensuring compulsory attendance will be an issue. School fees are defined as the monetary amounts charged by public or private schools subject to resolution during budget proposal meetings, and subsequently paid by parents or guardians of the learners.

Additionally, the issue of legal constraint on lack of capacity related to the provision of compulsory attendance might need thorough exploration. Briefly, lack of capacity refers to limited school places and the ability of the school to contain and receive learners. The responsibility to provide such school places in terms of the Schools Act is directed to the Member of the Executive Council.

The Compulsory Attendance provision requires overwhelming governmental support in terms of providing for full integration of schools, except for areas where irreversible educational inequalities growing out of varying residential patterns. Admission to public schools influenced by the dominant language choice of an individual school could thus be seen as discriminatory in some cases. Another related aspect of

admission provision might include an assessment as to whether Learners with Special Needs in Education are being duly considered in the compulsory attendance clause of the School Act could also be needed. If it is determined they are being considered, an assessment of what procedures are in place to cater to such learners should in turn be highlighted. Whether or not there is any statutory precondition insuring such learners participation in the new democracy within South Africa remains a question.

### Research Design and Methodology

This study was set to examine the distribution of learners with reference to their racial background to illustrate diversity in schools in terms of residential pattern, focusing on the Gauteng Province, which is a highly industrialized area within South Africa. Gauteng is the “light house” province of South Africa. This undertaking was guided by a historical research approach with an intention of examining the current status quo to enable the writer to invoke legal perspective on school desegregation that could yield a systematic inquiry into the law. Pre-existing school demographic data on enrollment variations of learners within the Gauteng Province were subject to analysis in an attempt to evaluate the progress indicating desegregation of school.

The Gauteng Department of Education administered approximately 2,300 schools as of January 2000. These schools are situated within the Central, Northern and Southern regions, each of which encompasses varied sub-districts. Relatively this number proved to be too cumbersome. In addition, the writer attempted to articulate reasons behind the absence of an official blueprint for school desegregation. This was endeavored through audio-taped interviews of various public figures, such as the Member of Executive Council (MEC), the provincial Director, Governing body member, and the school

principal. Figures supporting this study were obtained from a policy support division of the Education Foundation (EduSource).

### **Significance of the Study**

This study served as a cornerstone for reviewing matters affecting schools in South Africa. In addition, the study highlighted issues from the South African Schools Act (1996) that are directly related to the country's New Constitution, with broader reference in educational matters to the United States experience. The writer used the United States as a reference because this country had made strides toward maintaining and promoting democracy both within its boundaries and abroad.

This undertaking was by no means a replication of the educational reform measures that the United States had to implement and promote. Making such a reference of this country's educational reform measures would enhance South Africa's development efforts in addressing related issues about redress. The latter endeavor does not mean that such measures would merely be carved to fit the South African situation. Rather, it aims to provide positive solutions that have been successful in the United States for possible employment in South Africa.

Needless to say, such an effort would elevate the impact that Education Law would play as part of the curriculum in institutions of higher learning for teacher preparation. Most importantly, employing such exemplary standards would play an integral part in delineating the promotion of an education system to address the remnants of Apartheid. Lastly, this study will help heighten the level of awareness toward the realization of democratic ethos within developing communities like that of the New South Africa.

### Limitation of the Study

As a practical matter, it must be noted that the promotion of a human rights culture in education will not be an easy task for South Africa. Given the new government's inheritance of the vestiges of past discrimination in South Africa, it is a tragic and troubled burden to overcome. Furthermore, the processes of school desegregation are moving at the pace of a tortoise, and in most cases, do not seem feasible. Schools that are meant to desegregate have high learner influx, and for the past two decades were used as political platforms. As a result, those school facilities are non-conducive to learning. In addition, the physical locations of such schools are detrimental to common desegregation modes. Neither busing nor zoning is possible, due to a lack of transportation coupled with South Africa's complicated political infrastructure.

Desegregation of the schools in South Africa would require that learners from a minority group be fairly distributed or placed into schools with the majority group. This process would bring about the immersion of whites and non-whites. In realistic terms, busing white students to mostly non-white schools would likely be an option. The notion is logical and for the most part practical, but given the political rubrics at work in South Africa, it seems unreasonable to even talk about actual school desegregation.

On the other hand, there is the notion of finding national identity which, in itself, would shed light on a penumbra of issues that are in concert with the system of education in South Africa. Of course, wounds of the past would take time to heal. Realistically, time is neutral; it does not heal past wounds, but rather allows them to fade away or be forgotten. In this way, people who are in a position to influence change have often used the passage of time destructively, rather than constructively. Every South African must

recognize that gaining freedom is one thing, while achieving equality is another. This observation is by no means an attempt to undermine or belittle the progress that South Africa has made thus far.

### Conclusion

Recent events in South Africa clearly indicate the transition to a new form of political struggle. Unlike the previous political upheaval, the present struggle is no longer focused on a battle between the oppressors and the oppressed. Rather, it is centered on the notion of reconstruction under the auspices of reconciliation. Reconstruction and reconciliation may be achieved through various means. Among these are: (a) Gradual eradication of vestiges of past discrimination, (b) elimination of any doubts and assumptions of each other's (South Africans) motives in any level of development, (c) fostering genuine tolerance, and (d) building a spirit of patriotism that will promote nationalism. Understandably, time is needed to achieve all of these goals.

Gradual eradication of vestiges of past discrimination could be initiated and eventually achieved by improving the South African education system. However, as anyone who has been critically observing the events in South Africa will recognize, educational reform is slow to evolve. The past and probably the future political status of South Africa are inherently characterized by the country's education system. This may be attributed to the symbiotic relationship between political culture and education. Roberts and Edwards(1987) in a new dictionary of Political Analysis explained that, "a nation or society is characterized by a political culture, into which its children are inducted, and by learning which they participate and preserve values and institutions."

This definition clearly illustrates the situation in South Africa, where the transition from the previously heinous political system is very difficult.

The second goal, eliminating any doubts or assumptions about each other's motives, would prove imperative if South Africa is to prolong democracy. Among these assumptions is a covert belief that the reason for the fall of Apartheid was economic, and that political upheavals were merely secondary features to convince the then white voters to concede to an unavoidable change. Many in the struggling masses believed that the Apartheid regime simply conceded over time. But in order to grasp the significance of the end of Apartheid and the emergence of Black leadership in South Africa, one must understand these events within the worldwide historical context.

The political changes in South Africa are tied to events in elsewhere in the world. During these times, life for South Africans was very difficult. Unemployment, high crime and inflation plagued Blacks/Africans living in the townships. Active movements of the period ordained students in various townships to carry out political aspirations, inspiring them with motivational chants such as, "liberation now and education later." Political analysts often point to such ideologies as a hindrance to the improvement of South Africa's education system, especially if a culture of learning is to be reinstated.

Fostering genuine tolerance is a multifaceted problem for South Africa, as well. The slow passage of time and gradual rate at which change occurs is perhaps the country's greatest impediment to this objective. There exists a deep socio-economic disparity among the South African people, which unfortunately breeds uncontrollable acts of violence and crime. Therefore, tolerance is required in order for the previously disadvantaged majority to come to grips with the process of change and the fact that it

does not come overnight. The underclass must also be sympathetic to the overwhelming obstacles that the South African government has struggled to overcome, in terms of attempting to correct the wrongs of the past regime. At the same time, those on the other side of the political spectrum must practice tolerance as well. A measure of patience from the many South African academicians, businessmen and others who are emigrating or contemplating denouncement of their citizenship, as well as from those whose faith and support of the present government may be wavering, might be a step toward reconciliation. In addition, international economic communities need to exhibit tolerance by investing in South Africa, despite the recurring spasms of crime and violence in the country.

Tolerance in the specific arena of education could be a major step forward in bridging the gap between the peoples of South Africa. Clearly, teaching learners with varied backgrounds and without regard to race strengthens education. However, fostering genuine tolerance in the classrooms would be a great challenge for policy makers, as it would mean circumventing the natural integration pattern in schools and disregarding the seemingly innate psychological and structural division among the people of South Africa. Also, such an endeavor would be a huge task for educators, whose learners have been taught separately for such a long time and now would be expected to forge commonality within their struggle to gain knowledge. In light of this, it is imperative for the educators themselves to practice an even greater degree of tolerance, which will better enable them to prepare learners for good citizenship.

Another consideration is that desegregation would magnify differentiation in terms of abilities, strengths, and talents among students and educators. This could usher

in second generation discrimination, via the formal tracking of learners without sensitivity to their backgrounds. A majority of educators and policy makers may become unknowingly guilty of such second-generation discrimination

Finally, at the roots of nationalism is the spirit of nation building and the platform for patriotism. The first step of this process is self-definition. Self-definition is an understanding of who South Africans are as a people. How do we see ourselves and where are we headed as a nation? These questions seem very fitting at the introduction of the new century. Of course, answering these questions could take another hundred years. But in pondering them, I will propose possible approaches for South Africa, by considering past events in other nations and their significance with regard to weaving the path toward national identity. Perhaps rethinking or recomposing a completely new South African national anthem could be a start. Another approach could involve the rescheduling of commemorative dates or establishing some level of compromise in reverence to the events that are of importance to both blacks and whites. These possible solutions address the South African crisis in terms of three criteria: political legitimacy; intellectual orientation and ethnic/cultural identity. Approaching South Africa's problems in this manner would eventually determine national identity.

#### Definition of Terms

##### **Apartheid:**

Designed by the South African National Party during the period of 1945-50, it is a rigid policy that stresses the practice of segregation of the nonwhites, separating people according to race, caste, etc. It is a system of government that propagates segregation by *De jure* and/or *De facto*.



**African:**

African a member or descendant of any of the peoples of Africa.

(Note that, African in this study means black people who are speakers of languages that are indigenous to South Africa)

**Afrikaans:**

The language spoken by White native South Africans known as the Boers and a portion of Colored people adopted this language as their mother tongue.

**Black:**

Person whose skin color is not white. However, apartheid ideology refers only to Africans as 'blacks,' and coloreds, Indians and African people together as 'non-whites.' This study uses the first definition although when testing the statistical hypotheses, the latter definition is considered respectively.

**Coloreds:**

Officially defined as any *mixed blood* persons and therefore including children and descendants resulting from black-Asian and white-Asian unions, not just those from black-white and black-Colored unions. The bulk of the Coloreds are *mulattoes*, with racial traits ranging from black to white, and thus correspond to the vast majority of the population defined as black in the United States. South African whites often describe Coloreds by saying that they are not black and not Asian. This underscores the

rejection of the one-drop rule, and also suggests that there is less social distance between whites and Coloreds than between whites and blacks.

### **Curriculum 2005:**

Curriculum 2005 is the restructured curriculum, meant to reflect the values and principles of South Africa's new democracy. This curriculum is based on the principles of co-operation, critical thinking and social responsibility, which should empower individuals to participate in all aspects of society.

### **Gauteng:**

This is a central province in South Africa. Gauteng is a highly industrialized region. Johannesburg serves as its capital city, and it boasts the highest Gross Domestic Product, at approximately R 103 870 million. Although this region covers a small area of only about 18,810 (km<sup>2</sup>), its Department of Education administers 2100 schools.

### **Indians:**

Persons who are originally from India, Pakistan, and Bangladesh but now have acquired residency in South Africa. Most of them are merchants and traders.

### **Informal Settlement:**

It is a residential area that is sometimes referred to as 'shanty town' or squatter village and its classification is lower than that of the '*township*.' This settlement type has structures are built in tin and they do not follow any pattern of planning,

usually they do not have running water. Above all these structures emerge in an unauthorized area without permission.

#### **Model-C:**

Model C Schools were state-aided, comprising 94% of the former House of Assembly schools (Bengu, 1994). They were the best-resourced schools in the system, and had the highest concentration of qualified teachers. The former House of Assembly (HoA- representing Whites in South Africa) subsidy, which was based on low pupil/teacher ratios, has been the most generous by far to any department. The per-student public cost of Model C schools was about three times the national average, despite the fact that school governing bodies were responsible for covering non-personnel costs. Almost half of the difference was attributable to the fact that teachers in Model C schools had qualifications well above the national average, with salaries to match.

#### **National Identity:**

National Identity, like nationalism itself, is a social construction that is built upon a series of inclusions and exclusions regarding history, citizenship and national belonging (Giroux, 1995). Benedict Anderson reiterated the notion that, “the nation is an imagined political community that can only be understood within the intersecting dynamics of history, language, ideology, and power.”

#### **Non-Black Learners in Black Schools:**

This is a category used in the study to represent racial differentiation of learners within the Gauteng Province. The classification is derived from the previous

ethnic/racial grouping used by the Apartheid regime. The non-Black learners constitute the following; Whites, Coloreds,

**Non-White Learners in White Schools:**

This group of learners includes; Black/African(s), Coloreds, Indians and/or any individuals of Asian descent.

**Racial Segregation:**

Discrimination solely based on race, as expressed by the laws of Apartheid. In South Africa, discrimination was directly proportional to the social class structure. An explanation of this social structure and the proportional discrimination will be made in this paper.

**Reconstruction:**

In general, this term refers to the process of rebuilding or reorganizing. With respect to South Africa, the goal is to rebuild by establishing a new approach for the promotion of democracy among the country's diverse peoples. This term is used as a rallying cry by the present government for promoting nation building during the struggle to dismantle separate development instilled by years of Apartheid.

**Reconciliation:**

The Truth and Reconciliation Commission (TRC) was established to investigate crimes committed during the Apartheid era in South Africa. The commission oversees three committees. One deals with human rights violations, a second investigates reparations, and the third handles the granting of amnesty, where appropriate, to some of the perpetrators of the atrocities that occurred on both

sides under Apartheid. The TRC was originally set up under the 1995 Promotion of National Unity and Reconciliation Act. This Act states that the aims of the commission are to investigate and provide "as complete a picture as possible of the nature, causes and of gross violations of human rights." The TRC states that amnesty may be granted "to those who make full disclosure of all the relevant facts relating to acts associated with a political objective committed in the course of the conflicts of the past."

[<http://news.bbc.co.uk/hi/english/world/africa/newsid>] (*BBC-News*. Friday, July 31, 1998 Published at 00:22 GMT 01:22 UK).

**Lack of Capacity:**

Subject to Section 3(4) of the SA Schools Act 84 of 1996, lack of capacity connotes inadequacy of the schools to contain or receive learners for attendance in a given province.

**Nationalism:**

"Nationalism is an act of consciousness, the mental life of man is as much dominated by an ego-consciousness as it is by a group consciousness. Both are complex states of mind at which we arrive through experiences of differentiation and opposition, of the ego and the surrounding world, of the we group and those outside the group" (Hans Kohn - *Idea of Nationalism - A Study of its Origins and Background* New York. 1944)

"Modern nationalism in the vast majority of cases points to a deep, almost spiritual connection between land and people. This can be related to the basic psychological needs of man in terms of the need for security and a sense of group

identity... the concern for the preservation of habitat exists as a passionate reflex in all human communities. Territory is the physical aspect of the life of the community and therefore reflects and conditions the identity of that community."  
(Malcolm Shaw - Title to Territory in Africa)

**Township:**

Also referred to as a 'location.' Urban area segregated for black/African residential purposes. This settlement type ensuring separation of racial groups which was prevalent during apartheid years. Usually, townships or locations are situated on the outskirts of a town or city.

**List of Acronyms**

<b>SASA:</b>	<b>South African Schools Act #84 of 1996</b>
<b>COSAS:</b>	<b>Congress of South African Students</b>
<b>PASO:</b>	<b>Pan Africanist Student Organization</b>
<b>ANC:</b>	<b>African National Congress</b>
<b>DET:</b>	<b>Department of Education and Training (Administered education for Blacks before Transition)</b>
<b>HOD:</b>	<b>Head of Department</b>
<b>HoD:</b>	<b>House of Delegates (Administered education for Indians before 1994)</b>
<b>HoR:</b>	<b>House of Assembly (Administered education for Colored before 1994)</b>
<b>TED:</b>	<b>Transvaal Education Department (Administered education for White before 1994)</b>
<b>SRC:</b>	<b>Student Representative Council</b>

## CHAPTER II

### Review of Literature

Introductory Statement A review of literature is by its nature some kind of historical enquiring. As a general rule, however, in a historical study, the review of related literature and the study procedures, which in this case include interpretation, is part of the same process. Thus, the literature reviewed *inter alia* assumed a much broader meaning as it appeared to be interwoven with analysis in part.

#### Historical Background of the South African Schools Act

South Africa's education ministry during the transitional government inherited unequal education systems that on its own demanded public commitment of stakeholders in bringing possible redress and establish equity in the provision of education. Despite the optimism of the transitional government, a comprehensive look at trends and patterns of residential distribution still depict segregation in schools. This is confirmed by the statutes affecting education in this country, where there are no longer restrictions existing as to where an individual learner could attend school, but little is said about the plan in place to desegregate the school system.

The most salient feature of Apartheid was to isolate and concentrate disenfranchised majority into various townships or locations as to stifle any strife of this group to have access to equal educational opportunities and all other amenities. By the same token, schools in such residential areas emphasized 'own affairs' deeply rooted within the system of separate development. Although, observers of the South African situation began to be optimistic about the prospects for school integration when the black students started enrolling in the previously designated white schools shortly before 1994's election. Henceforth, that move was laudable and is still welcomed presently. The

residential patterns together with the school sites are undoubtedly evidence of past discrimination.

Through the South African Schools Act # 84 (1996), the policy makers have contemplated a unitary education system which purports equal access to lifelong education and training opportunities. Therefore, a standard has been set which is an embodiment of an ideal showcasing the notion of equal educational opportunity. This ideal entails various connotations depending how democracy in education is promoted. Formulating an understanding of this ideal standard for distributing democratic schooling has been postulated as a vision for a non-discriminatory unitary education system that would be vital given South Africa's tormented social realm.

#### Relevancy of the South African Constitution in Support of the 'Act'

There are certain elements that need to be examined to identify the probability for the realization of equal educational opportunity ideal. To ensure realistic outcome, the distributive standard should at least reflect the following elements, namely; (a) what resources should a democratic government devote to schooling as compared to other social ends? (b) how are those resources to be distributed among the learners?, and (c) how should the learners be distributed among and within schools? Having highlighted these indicators, for a complete distributive standard characterizing the vision of equal educational opportunity, a theoretical interpretation of this ideal is necessary. The most convenient point of departure is this country's Constitution with reference to chapter two.

Granted the South African Constitution has emphasized the following with regard to education in section 29:

- (1) "Everyone has the right –
  - (a) to a basic education, including adult basic education; and



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

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

- (a) equity;**
- (b) practicability; and**
- (c) the need to redress the results of past racially discriminatory laws and practices.**

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

- (a) do not discriminate on the basis of race;**
- (b) are registered with the state; and**
- (c) maintain standards that are not inferior to standards at comparable public educational institutions.**

**(4) Subsection (3) does not preclude state subsidies for independent educational institutions."**

**These provisions serve as a confirmation to the notion that South Africa's new Constitution is very liberal and the reader is not afforded an opportunity to search for any hidden connotations or intent. Astonishingly, the above provisions were seen as a compromise by a legal scholar, Professor Rassie Malherbe who wrote in a paper presented at a South African Education Law and Policy Association (SAELPA) Conference held on 24 October 1996 at Rustenburg in the North West Province of South Africa. Professor Malherbe (1997) contended several points concerning the clauses addressing educational provision.**

**First, pertaining to the right to education, he argued that there was no reference to equal access as it is assumed to be covered by the equality principle and emphasized that,**

no freedom of choice was acknowledged apart from the language provision. Apparently, Professor Malherbe seemed to be contradicting his analogy of the fact that the said provisions for education came about as a compromise and thus flaws were imminent. His contentions may not have been mindful of the parties with their different ideological inclinations involved in rendering such a compromise. Also, he did not allude to equal access and freedom of choice where there were no guidelines or formal recommendations to desegregate schools in South Africa. As Professor Malherbe was one of the advisors to the negotiation process, it seems unlikely for him, that he was unable to suggest equal access and freedom of choice to be part of the so-called compromise. By his capacity in the drafting of the final Constitution of the Republic of South Africa in 1996, he could be one of the people to be consulted whenever the intent was in question.

Of course, contextual interpretation of the clauses in the Constitution is necessary and unavoidable. However, section 29 (2) of the South African Constitution, is significant in the sense that it highlights almost all the elements that could nullify the efforts for educational redress in South Africa. Although, the practicability test provide a special limiting guidelines as for the provision of education in the learner's language of choice, limiting in the sense that the government is obligated to provide education in the first place.

South Africa continues to be haunted by her historical past and the language issue exhibits subtle interpretations that if not monitored could render all the efforts geared toward improving racial harmony or redress invalid. For a complete compromise to be reached, in essence it would mean that a single-medium of instruction be adopted, but to identify a specific language could be equally problematic to both Blacks and Whites.

Among Blacks, geographical and historical influences without leaving out ethnic diversity as it might compound the stakes of reaching such compromise.

As for the Whites, there is still that unpronounced hostility between Afrikaners and English South Africans and this was expressed and confirmed through the Constitutional Proposals of the Conservative Party for a peaceful South Africa of June 1993. Where the Conservative Party's constitutional document alluded to the historical experiences of the Boers (Afrikaners) during the late 18<sup>th</sup> century, from the Great Trek to the British concentration camps where 27,000 women and children died. For the mere fact that such events were not forgotten by the Afrikaners, it is even difficult to envision a tranquil future for South Africa. The following statements as quoted by (Amato, 1994), confirmed that subtle hostility between Afrikaners and English South Africans:

This was the price the Boer Nation was prepared to pay for their freedom and independence. Anyone who thinks that their offspring today will simply surrender their freedom must simply think again ... The boers wanted to be free and govern themselves. This remains so and is apparent even to the most casual observer.

Thus, the notion of ordaining English as the medium of instruction in South Africa's schools would be met with the strongest opposition by mostly conservative Afrikaners. In the same vein, it is understandable why single-medium Afrikaans schools are seen as a hindrance toward the attainment of single South African nation. Practically, there is no doubt that English is the preferred language among the majority South Africans to an extent that other languages are not given deserved recognition. Hence, a handful of Black/African learners would enroll in single medium Afrikaans schools. Above all it should not come as a surprise that Afrikaans (language) still carries the stigma which was characteristic of Apartheid years.

**The South African Schools Act # 84 of 1996 became law on January 1, 1997.**

**This Act applies to education throughout South Africa. Needless to say that a provincial legislature is not barred by this act from enacting new legislation in education in terms of the Constitution. The South African Schools Act provides a legislative framework within which provincial education law is to develop. Behind this background, section 29 of the South African Constitution and the policies of the Government regarding the advancement of human rights culture in education are given effect to in the South African Schools Act and other provincial schools acts already disseminated. Professor Bray (1997) delineated the place of the South African Schools Act in the hierarchy of education laws to be complete if focus is on the legal status of the school as the basic agent for providing education in accordance with the constitutional requirements. In the same vein the issue concerning the wishes of the parents, the learners and other stakeholders cannot be ignored.**

**The act as a source of public law has vested a public school with legal personality. This legal 'person' is composed of its governing body, the principal, educators, staff and parent, and learner community. The Schools Act has in part stressed the envisaged involvement of parents in the governing bodies. This involvement is alluded to in the preamble of the 'Act' and it is intended to illustrate the partnership principle. Therefore, the entrenchment of the position of parents is an indication of the importance attached to their input and this national provision will most probably override any provincial legislation in which the position of parents is weakened (Visser, 1997). Lastly, it is evident that these role players have a responsibility for the success of the new education system.**

### Literature Relevant to Research Questions and Expectations

The current theoretical explanation of the situation involving schools in South Africa was eloquently delineated in an article titled, “ New year, new schooling: South Africa” (The Economist, 1995 v 334 n 7898 p. 42 ). This article was about tactics used to bar black children from attending previously all-white schools. The scenario explored and discussed in this article characterized the conditions in Model-C schools around the Gauteng region from January 11th to 17th, 1995. These conditions clearly illustrated that issues addressing desegregation of schools such as, planning and design of this process was not dealt with extensively during the discussions toward the adoption of South Africa's new constitution.

South Africa had had a glimpse of forced integration as CNN Correspondent Mike Hanna reported that a judge in Pretoria ordered black students to be admitted to the White-only school (February 21,1996). This move highlighted expected compliance to the ruling with subtle fears by conservative White minority South African. One major fear expressed by White parents was that, admitting Black learners would bring an end to Afrikaans language and culture, although they argued that the New South African Constitution gave “minority people” a right to establish their own educational institutions.

Anger and frustration engulfed the Potgietersrus conservative White (Afrikaners) community to an extent that those parents had differences in opinion about the whole judgment. One parent was reported as to have said: “Everybody’s got a chip on their shoulder because of Apartheid. No matter what they say, we are concerned about our culture, our religion and our language.” (A parent quoted by Mike Hanna, CNN

Correspondent, Johannesburg South Africa, February 23, 1996).

There was an exception, one parent was receptive to the whole idea of change in the South African schools. He was then quoted as having said: "I want my kids to go to a normal school and by that I mean I want all South African children to be able to go to the same school as my child." (CNN Correspondent Mike Hanna, February 23, 1996).

These quotes illustrate how South Africa was further divided during the inception of the new dispensation. Above all, such comments allegorized the inability and readiness to receive change in general even by members of the same ethnic background.

"Just sort of fumbling in the dark:" is a case study of the advent of racial integration in South African schools by Penny, L., Appel, S., Gultig, J., Harley, K., & Muir, R., (1993). This study served as an attempt to explore the notion of promoting integration in the schools of South Africa just before the new era in this country's political dispensation. The researchers interviewed the principal of each colored, Indian, and white high school in the area. A structured interview schedule was compiled and it was obtained from the Department of Education at the University of Natal in Pietermaritzburg. The questions focused on the school's choice of Model A, B, or C. The actual numbers of students of other ethnic groups presently in the school and accepted for the 1992 academic year including the grade levels to which these students had been and were to be admitted was included. Other questions probed at the rationale behind schools' decision to "open" or to maintain the status quo and the schools' admission policies and procedures.

Twenty-five high school principals were interviewed over a three-week period for 30 to 60 minutes each. These interviews were analyzed to discern prominent themes and

tensions to illustrate the extent of integration in the open schools. Relatively, the broader perspective of this article was to elicit some of the problems South Africa would face in the education arena. The researchers in this article found the following themes to be of significance: (a) schools should be opened to children of all other races for it was morally right and economically expedient, and to do that was a good thing; (b) prevalence of apprehension and uncertainty among staff, parents, and students under-girded by four sub themes, example a rise in expression of crude racism; opposition by the principals to participate in the referendum; whether standards be maintained or lowered schools readiness for change; and expressions of “ideology of racelessness.”

What those respondents expressed as their concerns were first, the evidence of “crude racism.” To my astonishment two things came into mind. (a) Racism was at issue in the first place because it was the main ingredient sustaining Apartheid. (b) At that time racial integration of schools was a thorny issue because the schools which were studied were still segregated. (c) Lastly, this “crude racism” was expressed in terms of physical elements, which illuminated sexual innuendo that enhanced pre-disposed parental fears because there were rumors of Black or African young males fondling White female learners. That instant helped increase skepticism and jeopardize the opening of schools to all South African learners. Along with such fears was the notion of bridging the gap between the cultural backlog of Black/African learners to that of the White learners. Already, there existed the notion that White learners were better than Black/African. Ultimately, the move of bridging the gap would address the issue of lowering or maintaining the standards in White schools. Interestingly, although unpronounced the white schools seemed to be acknowledging that they should open their doors and that

integration was inevitable.

Second, the principals were opposed to participate in the discourse that had to do with the referendum after noticing that change was inevitable. Apparently, at that time parents of learners in White schools had an influence in determining admission policy since had overtime been exposed to democratic practices. As you might recall, Whites mostly participated in the Apartheid system democracy. Therefore, admission policy in white schools was strictly on color line and that those principals who exercised leniency were met with strongest opposition by conservative parents. More so, they were even forewarned by the then authority not to engage in politics. Keeping that in mind, it was evident that even if the legislative guidelines governing the admission policy could be as direct as purported by the South African Schools Act #84 (1996). There was no guarantee in what the respective governing bodies (Black or White); parents and principals could enforce as the admission procedure characteristic of their school since the school acted as a juristic person.

The third issue was whether standards should be kept where they were or be lowered because of the impending school integration. Apparently, school integration would have had a bearing on the ethos of the school. There are double-sided connotations associated with standards and ethos of the schools. First, admission of learners of other races would affect the standard and ethos of the open White schools. That in essence rendered those incoming students incapable of coping with presumably the level of instruction or the nature of the curriculum offered. Also an emphasis was made that the standard would not be lowered but the prospective learners should be either academically good or possess athletic prowess to be admitted. The latter reinforces the



historically contentious problem affecting modes of racial integration in schools in most diverse communities around the world. Of course people ordained with both qualities of being mentally astute and good in sport are a rare find. So lowering the standard would be detrimental to the whole idea of education. The issue of standard being maintained or lowered at the suburban schools, basically served as a confirmation of the perceptions of both Blacks and Whites that schools for white learners were better than those for blacks. Most importantly, parents' right to choose would be affected hence there could be opposition from both parties.

The final issue noted was the question of readiness for change. This readiness for change could be transposed to all sectors of political realm that changed South Africa. Both Black and White South Africans were not ready for the change, hence spasms of intolerance and suspicion of each other's motives were noted trends characterizing the new dispensation even though the transition was peaceful. Characteristic to school readiness was the inevitability of multicultural eventuality of the curriculum epitomizing the diverse South African community. Thus such schools would aim at reflecting the unique authentic South African culture. By the same token, an "*ideology of racelessness*" was envisaged by those schools. The ideology of '*racelessness*' as coined by Signithia Fordham quoted by Penny, A. et. al (1993), contended that schools preferred children who were able to discard their ethnic affiliations to be '*raceless*.'

It is crucial to understand that ethnic identities have cultural distinctions as their basic tag. Those distinctions are enhanced in schools because they are central sites of the social transmission of culture. Signithia Fordham, seemed to have overlooked the fact that racial and ethnic identities are essentially contrastive and relate centrally to social and

political power. Hence, propagating an “*ideology of racelessness*” in schools would be an illusionary dream for education policy makers. Unfortunately, race is constantly defined in terms of ethnicity and color. Most significantly, it was reported that the principals wished to just have learners in their schools regardless of ethnicity or racial identity.

The Supreme Court's decision in *Brown v. Board of Education* (1954) was one of the most important case that established guidelines to initiate school desegregation in the United States. Hence, it is also understandable for legal scholars, proponents of desegregation or educational policy makers to justifiably test and revisit the burden of Brown. Prominent publications have since emerged addressing segregation in schools and neighborhoods. For example, an article by Bracey (1995) focusing on the de facto segregation of public schools as worsening in most metropolitan areas resulting in many urban blacks attending predominantly black schools due to a salient societal upward mobility has illuminated in part the use of housing as a justification for school segregation. This article was as a result of the study done by Rivkin on school segregation over a two decade (1968 to 1988) period in four regions, namely; Northeast, the South, the Midwest, and the West. The issue in question in this article was whether mandatory desegregation orders were the major causes for demographic variations. Apparently, different views could be made with regards to demographic variations illustrating integration in some level.

Most importantly, such shifts could be influenced by a variety of factors other than a school district's attendance policy. Yet, the Supreme Court's decision in *Milliken v. Bradley* (1974) made inter-district remedies very difficult, leaving reduction of housing

segregation as the only viable way to integrate schools. So the question remains for South Africa whether a plan involving rezoning and busing of learners be a panacea to promote equal quality educational opportunities for all South Africans.

Orfield (1995) in a paper presented in a symposium- "Shaping American Communities: segregation, housing and the urban poor"; elicited major court cases that highlighted the relationship between housing and school segregation since the early 1970s. Fortunately, South Africa's Apartheid policies could be blamed for segregated residential patterns and for separate school systems for her community. Nonetheless, the United States' experience in a case like *Milliken v. Bradley* (1974) whereby the Court's decision brought an end to significant increases in desegregation provided a key element in the justification of a constitutional policy that made desegregation a right without a remedy.

This was evident in *Board of Education v. Dowell* (1991), and in *Freeman v. Pitts* (1992) whereby the courts held that "unitary status" released the district from its obligation to maintain desegregation even if integration had not been achieved in all specified areas as per requirement in the *Green* decision. It was noted in an article by Newberg (1995) in response to Orfield's (1995) article that Orfield failed to consider the need to improve the quality of inner-city schools and that his approach to the problems of segregation was flawed by focusing exclusively on desegregation of housing as the remedy.

In Tovey's (1995) article, a very cynical but direct inference to racial and class inequities eliciting low-income families' assumption that all white schools were better than any black school. The issue of choice always came up when the modes of

desegregation were dealt with. Although chapter 2, section 29 (2) of the South African Constitution does not explicitly illustrate plans for school desegregation and integration or actually promote choice, it is evident that the realization of school desegregation would be reached as time goes by. “Lucky for some, unlucky for most” is an article by Collier (1996) which emphasized that school desegregation would decrease the standard of education for most students.

### Theory Relevant to Research Questions and Expectations

International Perspective South Africa’s experience is not anything that has never been experienced elsewhere in the world. For instance, the country like United States has made commendable strides in matters dealing with school desegregation. Accordingly, South Africa could refer to when attempting to create a unitary education system. There could be some contentions as to how such a system can be achieved in a country whose political infrastructure was as a result of a divisive system of government. The country whose majority population group received an education that prepared them for menial work and needed to be assimilated into the main stream.

Above all, through many years South Africa has operated a segregated system of education. Thus, through such history South Africa could learn from the experience of other democratic countries, especially in providing equal education for all her citizens. Fortunately, the United States is one such country that could boast of having a record in desegregating her schools with influence by the Courts. For the purpose of this study, only the leading Court decisions within 1896-1995 in the United States on desegregation of schools are to be considered.

### Leading Decisions on Desegregation 1896-1995

The subsequent Court Decisions were meant to serve as a way to guide the interpretation of the provisions contained in the South African Schools Act # 84 of 1996 that are subject to review in this study. It is evident that this act contains all major themes that could foster integration of learners from different racial backgrounds in South Africa even though desegregation procedures were not directly implicated. As outlined by Orfield, G. et. al. (1996), the following Court Decisions are important as they were used as the guiding foreign case law, namely:

***Plessy v. Ferguson*, 163 U.S. 537 (1896).**

This case involved a challenge from Homer Plessy, a black man, to a Louisiana state law requiring that blacks and whites use separate train car facilities. The Supreme Court concluded that racial segregation did not constitute discrimination under the Fourteenth Amendment, so long as the separate facilities were equal. The doctrine of 'separate but equal' meant that federal government sanctioned segregation. Subsequently, laws requiring racial segregation in education and other social and political domains were enacted throughout the South. On the contrary, no form of discrimination is permitted in South Africa and her Constitution and its bylaws confirm that. Paradoxically, for years segregated school systems in South Africa were built on a platform of residential pattern. Township schools and suburb schools that are totally different in clientele but seen as separate and equal with the advent of the unitary education system.

***Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) ("Brown I")**

In this case, the Supreme Court unanimously concluded that state-imposed

segregated schools were “inherently unequal” and must be abolished. This decision is seen by many as the landmark Supreme Court decision of this century as it struck down the “separate but equal” doctrine. Unfortunately, South Africa may have to put much effort to ensure that township schools are equal to suburb schools.

***Brown II*, 349 U.S. 294 (1955).**

After *Brown I*, this was the Supreme Court’s first attempt to define how and when school desegregation would be achieved. In *Brown II*, the Court hedged on *Brown I*’s powerful anti-segregation stand, setting no standard or deadline for desegregation to occur. Desegregation the Court said, should occur with “all deliberate speed” in plans developed in federal district courts. Consequently, desegregation was delayed in many Southern Districts.

***Green v. County School board of New Kent County*, 391 U.S. 430 (1968).**

This case challenged “freedom of choice” plans that had been implemented by school districts throughout the South. Such plans gave students the option of transferring from a black to a white school. Those plans placed the burden of integration on blacks, who were reluctant to transfer in the face of intimidation. In *Green*, the Supreme Court ruled that schools must dismantle segregated dual systems “root and branch” and that desegregation must be achieved with respect to facilities, staff, faculty, extracurricular activities, and transportation. Subsequently, courts used these “*Green* factors” as a guide in crafting desegregation plans. More recently, however the factors have become a standard by which to determine whether school districts have achieved “unitary status” or fully integrated schools.

***Alexander v. Holmes County [Mississippi] Board of education, 396 U.S. 19 (1969).***

Weary of the South's evasion of its obligation under *Brown I*, the Supreme Court unanimously declared that desegregated school systems be achieved "at once" and "...operate now and hereafter only unitary schools"

***Swann v. Charlotte-Mecklenberg Board of Education, 402 U.S. 1 (1971).***

This decision struck down "racially neutral" student assignment plans that produced segregation relying on existing residential patterns in the South. The Court in *Swann* ruled that desegregation must be achieved in each of a district's school to the greatest possible extent and approved busing as a means to do so.

***Keyes v. Denver School District No. 1, 413 U.S. 189 (1973).***

This was the first ruling on school segregation in the North and West, where there were no explicit statutes requiring segregation. Under *Keys*, school districts were responsible for policies that resulted in racial segregation in the school system, including constructing schools in racially isolated neighborhoods and gerrymandering attendance zones. Once intentional segregation was found on the part of the school board in a portion of a district, the whole district was presumed to be illegally segregated. This case also recognized Latinos' right to desegregation as well as that of African American

***Milliken v. Bradley, 418 U.S. 717 (1974).***

In this decision, the Supreme Court blocked efforts for inter-district, city-suburban desegregation remedies as a means to integrated racially isolated city schools. The Court prohibited such remedies unless plaintiffs could demonstrate that the suburbs or the state took actions that contributed to segregation in the city. Because proving suburban and state liability is often difficult, *Milliken* effectively shut off the option of

drawing from heavily white suburbs in order to integrate city districts with very large minority populations.

***Milliken v. Bradley II*, 433 U.S. 267 (1977).**

The Supreme Court faced the challenge of providing a remedy for Detroit schools, where *Milliken I* made long-term integration impossible. The Court ruled that a court could order a state to pay for educational programs to repair the harm caused by segregation

***Riddick v. School Board of the City of Norfolk, Virginia*, 784 F.2d 521 (4<sup>th</sup> Cir. 1986)**

This was the first federal court case that permitted a school district, once declared unitary, to dismantle its desegregation plan and return to local government control.

***Board of Education of Oklahoma v. Dowell*, 498 U.S. 237 (1991).**

The Oklahoma City school district had been ruled unitary by a federal court. The school board voted to return to segregated neighborhood schools. The Court held that “unitary status released the districts from its obligation to maintain desegregation.

***Freeman v. Pitts*, 503 U.S. 467 (1992).**

The Court ruled that school districts could be partially released from their desegregation responsibilities even if integration had not been achieved in all the specific areas outlined in the Green decision.

***Missouri v. Jenkins*, 115 S. Ct. 2038 (1995).**

The Supreme Court ruled that *Milliken II* equalization remedies should be limited in time and extent, and that school districts need not show any actual correction of the education harms of segregation. The Court defined rapid restoration of local control as the primary goal in desegregation cases.



The preceding cases are relevant to the country like South Africa, which is attempting to find solution to address vestiges of past discrimination through her education system. It is equally imperative to determine how this foreign case law could serve as a source of reference. What South Africa is experiencing during her transition in grappling with educational equality is nothing new to the world; some places had to deal with similar issues. Fortunately, United States dealt with desegregation issues, which could guide the efforts that South Africa is presently addressing. Of course, arguments could be posed as to how could foreign case law be applicable to a different country. The answer to that query lies on these countries' similar historical backgrounds.

#### South Africa and United States: A Comparative Perspective

In the United States, Courts may not be regarded as ideal institution toward desegregating schools, but they have been very instrumental in offering decisions for and spearheading the restructuring of racial opportunity in schools. On the contrary South Africa's court system is yet to decide on desegregation cases. Unfortunately, South Africa did not talk about actual desegregation of schools for the reasons unknown to the researcher but it is evident that the complexity of her population output and the disparities created by varying residential patterns would render the desegregation plans futile. Majority Blacks/Africans living in South Africa are in one way or the other in need of some forms of reparation for enduring alienation from major decisions shaping their future.

South Africa is at the moment faced with challenges to educate her citizens equally, but the numbers can not be reconciled with the availability of resources. Unlike in the United States, where minority members of the community were immersed into the

main stream for the purpose of providing equal quality education for all. Desegregation was then a not so difficult undertaking although the implementation was in most times decided by the Courts. Whereas, in South Africa through the SA Schools Act (1996), all forms of discrimination were abolished but the implementation of this act proves to be too cumbersome to fulfill.

The separate but equal doctrine characterizing *Plessy* seem befitting in describing South Africa's education system at the moment. A majority of Black/African learners are still educated separately because a lot of them are unable to attend better resourced schools than the township schools which are not in demand. Such schools are situated in predominantly white neighborhoods. There are various reasons which, are assumed to be behind the difficulties that township children are confronted with when attempting to attend those well equipped schools. Easily identifiable reasons are:

1. Exorbitant school fees in suburban schools;
2. Traveling distances to and from such schools; and
3. The township children assume to be exhibiting lacking readiness to learn; etc.

Therefore, with the inception of the new dispensation, the National Education Department had to deal with either promulgate desegregation or building and remodeling township schools to be equally in status as the academically inviting white schools. One of the major challenges faced by the National Education Department was that the various provinces had different education needs for their schools, thus, different Provincial education departments provided for their respective schools dissimilar services from one another. Take Gauteng Education Department for instance, its metropolitan outlook would compound desegregation of schools because vestiges of past discrimination are

clearly visible. For example, the visibility of the residential patterns illustrating racial stratification and the type of schools serving those different communities will render desegregation modes unattainable.

### Equal Educational Opportunity revisited

The concept of equal educational opportunity is harmonious with desegregation of schools because the premise behind the latter is to prepare the general citizenry to the mainstream. South Africa cannot avoid but learn from other countries who had attempted to curb problems associated with educational inequalities. Gutmann (1987), had invoked liberal interpretation of equal educational opportunities by citing Gardner, J.W. who identified three processes which offered a theoretical rule to solve distribution problems. These processes were (a) Maximization; (b) Equalization; and (c) Meritocracy.

### Interpreting Equal Educational Opportunity through Maximization

According to Gutmann (1987), the interpretation of equal educational opportunities through maximization requires that the government or the state devote as many resources to education as needed to maximize children's life chances. I believe that this interpretation was with an assumption that education is a national priority outweighing other services that are enhancing democracy. Thus, within a liberal society the maximum development of individual potentialities at every level of ability could enable each learner to achieve the best that is in him. On the other hand, maximization supports basic liberal values of free choice and neutrality among diverse cultures, and distributes the chance to benefit from these values as equally among South Africans. When one reads deeply into the reasonable practicable standard as promulgated by the South African Constitution, could be obliged to be critical of maximization because it can

hold the government at moral ransom. Meaning that the government would be expected to channel as many resources to education in order to maximize the learners' life chances and probably ignore other services.

It is evident that maximization provides no answers for the South African Education system because determination of life chances for all learners in this country would mean to revamp all other opportunities such as housing, health care and even providing measures to curb unemployment, violence and crime. Therefore, it could be noted that maximization requires many social commitments beyond improving schools, raising teacher salaries and more so parents should also spend more money to ensure that their children's life chances are extended. Thus, maximization as an interpretation for equal educational opportunity does not indicate whether it could yield positive outcome for addressing vestiges of past discrimination.

#### Interpreting Equal Educational Opportunity through Equalization

With what has been said about maximization, the focus could be directed to the literal interpretation of equal educational opportunity that would connote equalization. Gutmann (1987), asserted that equalization requires the state to distribute educational resources so that the life chances of the least advantaged learners are raised as far as possible toward those of the most advantaged. But the question could be asked, as to how could the South African government advocates equalization in a state where disparities seemed to be on the extreme? Where the proportion of the least advantaged learners constitute a majority relative to most advantaged minority. Nonetheless, the education provision of the South African Constitution has been coined to gradually overcome all the causes of differential educational attainment be it political or

circumstantial.

Undoubtedly, to equalize educational opportunities would at some stage violate citizens' right or freedom to choose where to educate their children. For example, citizens who had lucrative opportunities in the past might argue that if the least advantaged learners are brought into their schools, chances are that educational standards would drop. And if those citizens choose to educate their children on their own, be it home-schooling, they will still be met with criticism. It is imperative to note that equalization of educational opportunity at this stage excludes proficiency or achievement of any kind but it is concerned with proportionality. Although this might seem speculative, the other element that could be critical would be issues dealing with educational finance and subtle elements that are dealing with equity. Unfortunately, South Africa with her political past would render the realization of equal educational opportunities far fetched because the starting point for the Education Ministry is to help instill a culture of learning onto the least advantaged learners.

#### Interpreting Equal Educational Opportunity through Meritocracy

It seems befitting to include meritocracy in interpreting equal educational opportunity in understanding education in South Africa. As it was expressed before that, educational provision was one area where the then negotiating parties struck a compromise, therefore it is safe to say that meritocracy was a hidden implication for a unitary education system. Gutmann (1987) defined meritocracy as a "standard dedicated to distributing all educational resources in proportion to natural ability and willingness to learn. Whereby in principle, meritocracy should provide those children with relatively few natural abilities and little inclination to learn with the fewest educational resources

and the least educational attention, and those children with the greatest natural abilities and motivation with the most.”

There are key concepts relevant to South Africa’s education situation, namely: (a) abundant resources and willingness to learn; and (b) few resources and little inclination to learn. The overall theme in Meritocracy is preference based on merit whereby motivation provides a vital ingredient. Thus, the hidden implication is related to the vestiges of Apartheid conditions whereby, township students were viewed or still are perceived to show a lesser inclination to learn than their counterpart because of the role they played in shaping the new political dispensation in South Africa. Arguably, this case could prove irrelevant to people who might disassociate politics from education. There are broad nuances suggesting that a majority of such students were casualties of the struggle. Forgetting that their offspring are now entitled to a fair share in the education enterprise provided through the unified system. Abundant resources and willingness to learn is indicative to minority (White) learners whose motivation for the most part is unparalleled because the existing learning environment requires lesser improvement than the majority (Black) learners whose learning spaces need a major reconstruction or refurbishment and as a result little motivation to learn seem imminent. Therefore, the proportional distribution of resources will constantly be unbalanced.

#### The legal framework of schools in the new South African education system.

Understandably, the unitary system characterizing schools in South Africa was as a result of the introduction of the South African Schools Act, 1996, which came into operation on 1st January 1997. Consequently, the South African Schools Act (1996) was an epitome for the political transformation, which the country experienced in April, 1994.

Thus, the Act is regarded as the fundamental source of the legal guidelines for public schools. Section 1 (xix) of the Act defines 'a school' as a public or independent school which enrolls learners in one or more grades between grade zero and twelve. All these schools fall within public education system. The public schools could be ordinary or distinctively for learners with special education needs. Most importantly, all public schools in South Africa are organs of state bound by the provisions of the bill of rights and they function within the parameters of the new constitution (Bray, E. 1997).

Section 15 of the Act, accords a school with legal capacity to perform its function because every public school is a 'juristic person.' To say that a school is a juristic person connotes that the law regards it as a legal subject and has the capacity to be the bearer of rights and obligation. So as the legal entity, the school participates in the law and may enter into different legal relationships with other legal subjects (e.g. learners, companies and institutions). Also, such relationships could be noticeable in contractual capacity where a school could engage itself into private interest in a purchase contract of equipment necessary for its operation.

Above all, the school through its governing body can also determine its own language policy, of which fact could make it difficult for the learner to choose his/her own preferred language. More so schools are products of communities, they also mirror the limitations and achievements of the community they serve. This notion is so evident in South Africa with her distinct racial stratified communities. By and large, whatever governing bodies elect to propose on behalf of the schools they represent, the language policy they choose to implement could be easily extended to the admission process of that particular school.

## The South African Schools Act (1996) as a source of Public Law

The clauses contained in this act has everyone wondering whether the judicial system will play a part in ensuring that such provisions are being followed to the letter. For instance, reading into the contextual meaning of proscribed preamble of the 'Act,' one tend to wonder how would the South Africans have equal access to lifelong education and training opportunities given their socio-political disparities. The preamble of the Act reads as follows:

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

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

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

This preamble helps define the scope of a democratic theory of education. Amy Gutmann (1987), succinctly gave an explanation of a democratic theory of education that it focuses on what might be called “*conscious social reproduction*” – the ways in which citizens are or should be empowered to influence the education that in turn shapes the political values, attitudes, and modes of behavior of future citizen. Since the democratic ideal of education is that of conscious social reproduction, a democratic theory then



focuses on practices of deliberate instruction by individuals and the educative influences of institutions designed for educational purposes (Gutmann, A., 1987).

The provisions of the 'Act' such as (a) compulsory attendance and admissions to public schools (b) language policy in the public schools (c) discipline in public schools are subject to further exploration as they are unsettling in practice. Although, the passage of this 'Act' is meant to redress the ills of the past but in essence, it is a legislative measure to bring about educational reform to all South African schools. The latter was confirmed by a study of reforms at compulsory level. Wherein it seemed like compensatory ideals were initially being purported. Eurydice European Unit (1996), defined educational reform as any change in the education system which is intentional and far-reaching responding to a specific educational policy and introduced with the intention that it should be lasting; and has emanated from the government or regional education authority with full powers in education and has been translated into a binding into legislative measure.

#### Compulsory Attendance in South African public Schools

In the case of South Africa, it is necessary to first identify the goals of Compulsory Attendance before one can analyze its implication as the clause contained in the 'Act.' Identification of such objectives would only be realized after a sound definition of compulsory attendance provision. This clause could not be delineated without reference to compulsory education or schooling. Even though compulsory education and compulsory schooling would seem to be closely related however, on the contrary they are not alike. For the purpose of this study, compulsory schooling and compulsory attendance are treated as related to one another. Therefore, compulsory

attendance is an instance whereby the government establishes specific education programs required for learners to attend schools for a specific number of years for them to acquire basic education. This instance within the education system is generally on full-time basis and also compulsory for all learners.

The provisions of South African Schools Act (1996) pertaining to compulsory attendance has goals that are obscured but few inferences could be made alluding to compulsory education as a policy strategy to ensure literacy. In general, compulsory education goals bind the government financially to fully take responsibility of providing education for all of its citizens. Thus, the major aim of compulsory education could be to provide every learner with basic education. With this aim there could be some contentions on 'what would constitute basic education?' This question could be answered with another goal of promoting stability and social change inculcating a culture of learning among the learners. Another objective, could be to enable the learners to acquire the motivation to continue to learn and to prepare themselves for the changing world. Relatively, the goals of compulsory education are always future based or oriented, e.g. preparing learners for adult and working life, leisure and respectable citizenship.

Section 3 (1) of S.A. Schools Act, states that responsibility is placed on the parent of a child who attains the age of seven on or before the first day of July in any year shall cause the child to attend a school day of the year if the child attains fifteen or ninth grade. The phrase "shall cause" raises several questions. Given South Africa's socio-economic and political infrastructure, the first question is whether or not education is free? The second issue is whether the phrase in question be construed without regard to the guardian's or the parent's economic circumstances.

The third issue is whether at this point the question of educational choice of the parents should be left aside. That is, whether the parents or guardians in their strife to “cause” the learner to attend school, are exercising their right to choose the school at which their children could attend. Note, reviewing the issues alluded to before could undoubtedly infer to the varied residential patterns which are a conspicuous vestige of past discrimination. The act does not say anything about proximity of the learners to the schools, except where the responsibilities of the Member of the Executive Council (M.E.C) are being articulated.

According to section 3 (3) of the Schools Act an M.E.C. shall provide sufficient school places to enable every child resident in his/her jurisdiction to attend school as provided in subsection (1) This duty being limited only by an existing ‘*Lack of Capacity.*’ There is a broader question that is linked to compulsory attendance and it deals with Lack of Capacity. Example, *What does Lack of Capacity mean especially if ills of the past are said to be in dispute?* In an attempt to answer this question there seem to be a number of befuddling elements accompanying this clause. Example, although the government has indicated its willingness to gradually eradicate notable imbalances within the education system; First, it is understandable that a larger revenue would be needed to help rebuild the schools in most South Africa’s trouble torn townships.

Secondly, the question could be asked, *does this mean that learners from a specific jurisdiction be contained in that abode without being given latitude to move around and exercise their freedom to choose?* Attempting to answer the latter question, a light could be shed by reading into section 3 (3) that I referred to earlier which states that the Member of the Executive Council must ensure that there are enough school places.

Third, does *Lack of Capacity* denote an inability to learn or it is actually directed to learners exhibiting special needs?

Lastly, does *Lack of capacity* mean that the burden should lie on the government's ability to successfully finance education and also introduce programs that would help curb disparities in the new dispensation? Apparently, these questions may not yield immediate answers. This power has been criticized as amounting to the alteration of a fundamental right by an executive official (Dlamini, 1997). Bray and De Groof (1997), suggested the correct approach was to regard the power to exempt entirely, partially or conditionally from compulsory school attendance as falling within the limitation clause of the bill of rights (Section 36 of the South African Constitution).

In light of section (3) 4 of the Act, an M.E.C. shall remedy any such lack of capacity as soon as possible and shall make an annual report to the Education Minister on the progress achieved in doing so. This might be too cumbersome task to carry per given M.E.C. This clause seems to be too accommodative because issues such as conscience and belief with an exception of culture could be unidentifiable. These issues will give rise to a question like; *How could conscience and belief be measured?* This clause would somehow nullify the issue of Lack of Capacity, which would invalidate the compulsory attendance laws. Especially, if lack of capacity is as a result of economic difficulties experienced by parents or guardians.

#### Exemption from Compulsory Attendance in South African Schools

In terms of section (4) 1 of the Act, a Head of Department may exempt a learner entirely, partially or conditionally from compulsory school attendance if in the opinion of the Head of Department, is the best interest of the learner. The Head of Department shall

maintain a register of all learners exempted from compulsory school attendance.

Reference to the latter might further complicate things especially if the Head of Department uses his/her opinionated discretion as suggested in the exemption of the learner from compulsory attendance.

At this point the Due Process Clause can be explored. Therefore, under this clause it would be necessary for the school principal to think of the Constitutional requirement and to seek guidance as to whether refusal of the student's admission is not in a way denying the learner a right to education. Particularly, issues as to what would be the time frame whereby a notice is sent to parents informing them about the learner's admission or refusal. Dlamini (1997), elaborated on the idea of a right to education that it could be traced back to the traditional concept of the natural duty of parents to take care and bring up their children. Emphasis has shifted towards formal education as an indispensable part of the of upbringing. Today in South Africa as in other parts of the world, the right to education is considered as primarily the right of all children to be educated.

Since the '*Act*' did not outline areas where the learner would be rendered inadmissible, so an explanation of the reasons or glitches for barring such a learner could be necessitated. Problems might arise when the parent of the learner whose admission was refused if he/she brings or seeks advice from the legal counsel during the appeal process. The writer is quite aware of the role and responsibilities of the Governing bodies of the school. By the same token, the political infrastructure during and post Apartheid years is bound to play a role. This is true because there are no notable changes except that there are regulations in place and that the present governing bodies need further training

to enable them to fulfill their responsibilities.

### **Rationale for school language policies and characteristics of Language Programs**

The language issue in most culturally diverse countries is a source of many conjectures when it comes to educational provision. As a result problems attributed to the unfavorable power relations between dominant and non-dominant language groups would persistently plague the sociopolitical conditions of South Africa. Beykont, (1997) defined the term(s) “non-dominant language group” as groups whose native languages are different from the country’s:

- official language(s);
- Prestige language(s);
- Language(s) of wider communication;
- Language(s) of upward mobility; and/or
- Standard dialect

In addition, non-dominant/first/native language referred to a language or a dialect that non-dominant language groups speak and learn at home. Whereas, dominant/second/official language referred to the prestige and power language in a society that non-dominant language groups learnt at school. Whereas, Unfortunately, in South Africa a larger percentage of her people are native speakers of languages or dialects other than the previously proscribed languages or standard dialects namely; English and/or Afrikaans. Fortunately, with the new dispensation the non-dominant language groups’ languages were upgraded to official language status.

### **Aspects of School-Language Policies for Non-dominant Language Group**

The Language policy in South Africa has evolved over time. Schools, industries, and the mines had coined their own language policies to better exploit the services of their employees and in education the language policy helped to enhance the socialization

process to benefit the ruling party. Therefore, there are intricacies associated with choosing school language policies for non-dominant language groups. Determining the official language or a standard dialect for this group could be a very crucial and exhaustive endeavor. Thus, the preferred official language should enable the non-dominant group acquire literacy skills, achieve upward mobility and enhance worldwide communication.

The use of an official language as the medium of instruction has some advantages. As Dada (1985) suggested, in countries where there is more than one influential ethnic group like Nigeria, a politically neutral language as a medium of instruction might prevent ethnic rift that could arise from one regional language or ethnic group over another. Although, Beykont (1997), made reference to South Africa that a politically neutral language, which may promote linguistic unity and make nationwide communication possible was also necessary.

On the contrary, in South Africa neutral language is a sensitive issue because the ethnic heterogeneity with related language variation served as a vehicle to carry the goals of Apartheid. Also Spencer (1985), expressed one other advantage of this policy of having a politically neutral language promises financial advantages because it allows standardization in planning, preparing or importing textbooks, other teaching materials, and teacher education programs. This could be true only if the preferred language does not affect the cultural traits of the indigenous peoples of a specific country and that if the natives were not compelled to agree on the choice.

Different arguments could be made about using a politically neutral or official language as a medium of instruction. Speculatively, there could be lack of parental

assistance and community involvement in children's education, particularly if the users are non-dominant language group. Hakuta (1986), argued that children are overburdened in trying to gain literacy and academic skills through a language that they are not fluent in, and that they are more likely to be tracked out of academic path, to repeat a grade, and to drop out school. A distant related issue on an official language choice has ecological and moral perspective. Crawford (1991) pointed out that language policy was catastrophic because it resulted in steadily decreasing numbers of languages and cultures across the world and a consequence loss of major human potential and rich cultural knowledge.

Furthermore, bearing in mind the pedagogical, cognitive, motivational and economic advantages of native-language instruction, it is not surprising to prefer a language policy that uses children's native languages as the medium of instruction. Proponents of this policy argued that acquisition of basic literacy skills and comprehension of academic material was much more understandable if instruction was in native language. In light of the preceding contentions, Moll (1992), emphasized in favor of the use of native language as a medium of instruction that parents could be involved in their children's education, could help with and monitor homework and could communicate with teachers about their children's academic progress.

Unfortunately, the stigma associated with the word 'native' to some might symbolized an inferior notion of learning especially if perceived by non-dominant language speakers themselves after surviving a long period of indoctrination. The same pertaining to South Africa where the word 'native' or mother-tongue education has been synonymous with inferior education for the Black people of South Africa prior to the



introduction of Bantu Education. More importantly, the Blacks in South Africa were once referred to as 'natives.' Consequently, they in general bore an innate resistance to the native –language medium of instruction due to indoctrination emanating from the negative proselytizing effects of Apartheid system of education. Hence a majority of non-White South Africans would generally opt for English-medium education.

By the same token, numerous arguments could be posed about the negative aspects of using native language as the language of instruction to the education of non-dominant language speakers. Practically, most native languages lacked written literary tradition that would transcend national boundaries to qualify for use as a medium of instruction. Economically, a large investment might be needed to finance standardization and vocabulary expansion to enhance academic issues for the non-dominant native languages in South Africa.

#### Language Policy for Public Schools in South Africa

A Learner in the public school shall have the right to instruction in the language of his or her choice where this is *reasonably practicable*. As reflected in section 6 (1-4) of the Act, the governing body of a public school may determine the language policy of the school, subject to: (i) The National policy determined by the Minister under National Education Policy Act 1996. (ii) The Provincial policy determined by the Member of executive Council - provided that no forms of racial discrimination may be practiced in exercising its policy. When these provisions are assessed contextually with section 29 of the Constitution of South Africa Act 108 of 1996, it is possible to assess the extent of the governing body's discretion.

Potgieter (1997), contended that in principle the government body may determine the language policy but emphasized its limited discretion. He further warned of the possible role of the government in enforcing its own language policies in schools. Somehow, I do not think that instant is possible because the South African Constitution guarantees the enjoyment of the language provision culminated by the right to education. It is evident that the language policy of this Constitution is among the provisions that characterizes 'a compromise' reached during the negotiations. Consequently, the acceptance of the '*practicable reasonableness*' standard as a realistic guideline for the South African schools and above all the promotion of democratic ethos for this culturally diverse nation will balance conflicting public interests and strengthen this country's fragile democracy.

The issue of the learner choosing his/her own language as a medium of instruction on the surface, would be detrimental to the whole idea of schooling given the diverse social dynamics that are reflected in the South African school population. Let alone the idea of teacher training or preparation which would mean that, teachers should be conversant in a variety of languages for teaching within the confines of South Africa. Thus, implementing teacher education programs and preparation of instructional materials in eleven official languages may be impractical. How feasible can the governing body reach a consensus? Given its diverse nature to decide or determine the language policy or the issue of language policy that would yield direct relations with the medium of instruction. The issue of language policy would yield the same effect of the past Apartheid principles or it will be the wheel of the past discriminatory laws reincarnated.

Lastly, any person who has a sound understanding of South African history would recall that for Apartheid to have such an endurance was because of differences that were directly tied into the languages spoken by various people in the country. Needless to say that language distinguishes who we are whether as a tribe, canton or nation for that matter. There is a growing notion among the Afrikaner population that by allowing Afrikaans (language) to be gobbled up into the modes of democratization in no time their voices would not be heard. This instant was similar to what Le Page et. al. (1995), has alleged as one among “other cases of fissiparous nationalism in Europe with the language banner flying from the masthead accompanied by a call from idealistic nationalist intellectuals for their ‘language’ to be acknowledged as the badge of their identity and the medium of their literacy.”

#### Discipline of Learners in South African Schools

According to the South African Schools Act, section 8 (1) a governing body of a public school, after consultation with the learners’ parents and educators of the school shall adopt a code of conduct for the learners. In section 8 (2) further states, a code of conduct referred to shall be directed at enabling a disciplined and purposeful school environment to be established, dedicated to the improvement and maintenance of the quality of learning process. The Minister after consultation with Council of Education Ministers may determine guidelines for the consideration of governing bodies in adopting a code of conduct for learners, namely: No person shall administer corporal punishment at the school. Subject to this Act, a learner at a public school may only be suspended from the school by the principal pending a decision whether the learner should be expelled. A learner may be expelled from a public school only on the grounds of serious

misconduct, as determined by the Member of Executive Council in terms of appropriate provincial legislation.

At this stage, it might prove to be worthwhile for the governing body, parents, educators and learners to categorically outline what would be included in the code of conduct. Misconduct seems to be the buzzword in the discipline of learners. Still, there should be a caveat emptor to the readers of the 'Act', meaning of '*due process*' issues might be implicated. The phrase '*due process*' does not have a fixed meaning but it expands with jurisprudence clarifying attitudes of fundamental fairness. Due process is divided into Substantive Due Process and Procedural Due Process.

Substantive due process requires that all legislation be in furtherance of a legitimate governmental objective. It also help to determine whether the law is rationally related to a legitimate goal. Due process in this context connotes fundamental fairness in the procedure to address discipline in schools. At issue here is that nothing was said about the learner been afforded a fair hearing as one element of due process. "Pending a decision" does not say anything about due process. Thus, there should be a thorough explanation of misconduct.

#### Learners with Special Needs in South African Education

Provisions of education for learners with special needs within the South African education system are subject to more exploration. Governing bodies at schools providing education for learners with special education needs also could benefit from in-depth training concerning admission procedures and disciplining such students. The writer would adduce the U.S. example or experiences in support of rewriting the clauses specifically addressing learners with disabilities.

This scenario could prove to be ad infinitum because the starting point would be to define Learners with Special needs in education and the placement of such learners. For example, the Individual with Disabilities Education Act (IDEA), defines individuals with disability as those having the following: mental retardation, hearing impairment including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments and specific learning disabilities, who, by reason of their disabilities are in need of special education (20 U.S.C. § 1400 et reg.).

Such categories of disabilities vary per individual. That goes without saying that the related services will differ as well. Since the South African School Act (1996) did not provide definition of learners with special needs, it is onerous to just acknowledge the learners with special needs without delineating the various types of disabilities that might hamper the learner to benefit from the education enterprise.

However, the above notion should by no means be geared toward ignoring the level of severity of individual learner with special needs. To begin the process of providing for learners with special needs in education, it is important to address the issue of identifying such students. This instant might sound superfluous but the fact is “we do not know down the line as to who would be placed in Special Education Programs” (Rossow, L.F., In a lecture on Education law –The University of Oklahoma, *Spr.* 1998). So the questions that might arise are (a) *Who would be eligible for special education program?* Note #1. Remember from the guiding text none of the categories of disabilities were listed. It seems like telling the educators that they will be able to spot a disabled

learner as they enter their classroom or otherwise, they just have to use a face value judgement, which might be applicable during physical education session.

(b) *Can the learner's disability be easily recognized?* Note #2. If the answer is no! The identification process is over but that opens a door for a minor question, like, *can that learner be referred elsewhere?* Note #3. If yes! The parent/guardian should be contacted for their consent or permission to allow testing to take place. When the permission is granted, evaluation will then go on.

There seem to be no easy way in identifying and providing educational placement for learners with special education needs. Since there could be no specific labels to be used to identify learners with a disabilities, a procedural determination for child find as it is broadly outlined under the Individuals with Disability Education Act (IDEA), 20 U.S.C § 612 (3) would be necessary. In the light of the American experiences in providing for the disabled through (IDEA) and their related jurisprudence might well serve as a source of reference to broaden the scope of providing for learners with special needs in the South African education system.

#### Literature that would Explain Education in Transition for South Africa

It is of paramount importance for a sound democratic government to have education in the center for social policy to foster change. With a belief that all South Africans have equal access to a lifelong learning enterprise and training opportunities which ultimately contribute toward the improvement of the quality of life, a chance to enhance the dignity of the people and help in the establishment of a peaceful democratic society. South Africa is a perfect example where education has been connected with economic and political renewal.

Linking educational solutions to social problem requires implementing logic, a paradigm around which effective policies can be formulated and support mobilized. Often, paradigms adversely or inversely affect reality. They explain the relationship between events and envisaged consequences. For South African education system the paradigm was as follows, schools in the townships for the most part were political pawns during the fight against Apartheid and a good number of students then were sacrificed. Some of them are part of the statistical data expressing adult illiteracy and some are common features in the unemployment lines if they are still alive. The schools on the other hand were left dilapidated and the learners therein lack motivation to learn. Thus, it is against this background that a paradigm could be noted, the education department is grappling with slim budget constraint to even try to upgrade such schools. On the other hand the issue of inculcating a culture of learning seems to be a challenge. The matriculation results compounded this instance.

As a result, the Education Minister Kader Asmal launched a nine-point education mobilization campaign aimed at reviving the education system. Troubling features that he highlighted were; poor quality of learning, teaching and service; low teacher morale; poor school governance; lack of facilities and massive inequalities. The following are the priorities he planned to overcome; (a) "Breaking illiteracy among all adults all levels in the next five years by increasing the efficacy and effectiveness of the adult basic education and training system; (b) Turning schools into centers of thriving community and cultural life; (c) Ending the physical degradation in schools by making them fit for human habitation; (d) Ensuring the success of active learning through outcome-based education; (e) Developing the professional of the teaching force; (f) Creating a vibrant

further education and training system to equip the youth and adults to meet the social and economic needs of the 21<sup>st</sup> century; (g) Implementing a rational and seamless higher education; (h) Dealing urgently and purposefully with the HIV-Aids emergence in and through the education and training system; and top of his priority list was to make provincial education systems work by making cooperative government effective.”

(Mecoamere, 2000, p.1). Articulation of such priorities illustrate the notion that, although the war against the philosophy of separate provision of education for the different ethnic groups, South Africa has to brace herself for a bumpy road to equality. Hence, a broader perspective of which the South African government is to reorient itself toward ensuring *Nationalism, Democracy and Development*

#### Nationalism, Democracy and Development.

The past, for South Africa is still fresh in the minds of her people and dealing with the present is not an easy task. Bearing that in mind, it sounds befitting for the leadership of the present government to devise means and formulate ideas that could help the her people develop a sense of group identity. Fortunately, the ground work has been laid by the Truth and Reconciliation Committee established in 1994. So, basically the healing process has begun to sink into the consciousness of various communities in this country. Therefore, ‘nation building’ is the way forward. A Tamil writer in publication about Tamil Nation posted on the Internet (<http://www.tamilnation.org/nation.htm>) attempted to answer the following question-What is a Nation? And the writer responded in part:

The roots of a nation are to be found in kinship, and a nation grows by a process of differentiation and opposition - but a nation is not simply an ethnic group. A nation is not simply a cultural togetherness. It is a political togetherness concerned with the structure and exercise of power in a world frame. A nation



exists with other nations - and because other nations exist. A nation is a political togetherness directed to secure the shared aspirations of a people for equality and freedom - and to create the institutions necessary for that purpose (Satyendra, N., written on Maha Veerar Naal, 27 November 1997).

In the same vain, since nationalism is achieved when a certain level of self consciousness is reached, thus the notion of individual responsibility to society find resonance within diverse elements of national culture. This diverse appeal is a source of strength for such a notion. The spirit of nationalism could be reached in South Africa by enhancing the level of patriotism especially directed at addressing social needs of our nation. Above all, the new South Africa should be mindful of the intensity of emotions surrounding the question of the flag and that patriotism expresses the desperate desire for a strong sense of community in a highly fragmented and socially stratified culture. Although we owe our strength and uniqueness as a young nation to our diverse culture, we are not dealing well with that diversity at this juncture. Therefore, it could be argued that schools should be encouraged to promote anti-racist education, desegregation, and teach children to live in harmony.

Within the broad concern given South Africa's residential patterns, what particular inflection or emphasis educators might give would ultimately depend on the place and community that they serve. In contrast the overtones conveyed by the latter notion sound like reinforcement of segregation. As Le Page, A., et. al., (1995) fairly defined '*nationism*' and '*nationalism*' as the acts of identity and collective self protection which have drawn together groups of people feeling they had a collective interest in combining, whether for genealogical or geographical or cultural or social reasons. So, what makes this definition relevant to South Africa is that these acts furnished past political leaders and linguistic identities their inherently characteristic to indigenous

group. And what was imposed upon them ultimately became a political issue and a weapon.

Thus, the question of which language to promote and employ for literacy in turn becomes a volatile and pressing issue as it was prior to the new dispensation. Sharp (1992), who contended that ethnographic evidence, highlights the importance of cultural and historical conditions in shaping educational forms. Be that as it may, nationalism cannot be fully explored without related concepts such as cultural diversity which is beginning to be the catch phrase for the education system in South Africa. However, recognizing cultural diversity would not insulate racial, ethnic and language identities which undoubtedly could reinforce the notion of opting for multicultural curriculum to be followed by South African schools.

#### Educational transformation and the Promotion of Democracy in South Africa

It would be reasonable to open this section by revisiting theories associated with democratic education. Clearly, the notion of democracy could never be uncontested in any society that exercises citizenship, equality and justice as the public virtue. As Pateman (1990), once postulated that the paradox in the 90's was that democracy is more popular than ever before, but the conditions under which all citizens can enjoy the standing of full members of the polity are under serious threat. Thus, reading into the above inference, I immediately thought of the situation in South Africa where the government could not avoid the interconnectedness of historical relationship between politics and education and the long way to overcome most of the related issues.

However, it would be imperative to note that “democracy” is often seen as an important commodity emanating from the Western powers to foreign regimes as an

option to foster political stability and is received with a certain amount of skepticism in the so-called third world countries. Hence, South Africa with her tormented history had no choice but ensure the promotion of this form of Government. Nonetheless, democracy is often assumed to be self-evident even though it differs from one country to another. Democracy per se is not new to the South African political sphere. Before the crumbling of the Apartheid Regime, White adults in this country had had their suffrage as a means to identify a democratic rule for themselves whereas other people of color did not. This instant was no different from when the “founding fathers of America” wrote the Constitution, wherein Blacks were not afforded rights as citizens but only as 3/5 of a person even when *Dred Scott v. Sanford*, 60 U.S. 393 (1857) was decided.

As I alluded before that democratic regimes differ among themselves. Their Juridical institutional implementation highlights such differences. Example, presidential versus parliamentarian; influence of political parties toward the implementation of a democratic regime and maybe the fragmentation of political cultures could all be attributable to the differences. Noting such differences among the various democratic regimes of the world, Torres (1998) in exploring the concept of democracy noted that there could be clear distinctions between formal and substantive democratic regimes. With such distinctions various models of democracy could be identified.

Connolly (1993) identified four key models of democracy first, was Protective Democracy, which presupposed the hegemony of market economy. This model sought regular elections to advance market interests and to protect against the tyranny of the state within that environment. Unfortunately, this model in the new South Africa would

be hard to achieve because of the pre-existing socio-economic inequalities of her community.

The second model was that of *Developmental Democracy*, which in Conolly's (1993) view 'represent a notable advance in democratic idealism where democratic participation becomes the central route to self-development. In the same vein for South Africa to reach and actualize this model, there should be a sweeping educational policy that would promote democratic education whose major tenet is to *conscientise* every stakeholder to think of the betterment South Africa for the future and eradicate the notion of separate development characterized by the ideology of 'separate but equal' as expressed in *Plessy v. Ferguson*, 163 U.S. 537 (1896).

The third model was *Equilibrium or Pluralist Democracy* promoted by Joseph Schumpeter in 1942. This model elevated the functional importance of apathy and devalues participation. Although, both Blacks and Whites generally see South Africa's political transformation as a collaborative effort, there seem to be apathy noticeable among the respective communities. For Blacks this lack of interest is exacerbated by the snail pace introduction of programs specifically designed to transform their socio-economic conditions, e.g. fight against poverty, curb ever rising unemployment rate and building and remodeling of schools to make them conducive to learning. Whereas, for the Whites, the apathy is due to the feeling and the sense of being left out or not given a full platform to ere their views. Above all apathy in South Africa generally is due to the dwindling sense of accountability. Thus a sense of urgency is need also in addressing the resurgence of high crime rate, homelessness and inequalities in schooling.

Connolly (1993) has further argued that, the equilibrium model protects against tyranny, but it performs poorly when measured by the standards of developmental democracy. The fourth model is Participatory Democracy identified by Macpherson (1973) in his theory built around Rousseau's paradox (1967): " We cannot achieve more democratic participation without a prior change in social inequality and in consciousness but we cannot achieve the changes in social inequality and consciousness without a prior increase in democratic participation."

Thus participatory democracy tessellate well into South Africa's political rubrics and it seem congruent with the reconciliatory and collaborative efforts addressing change in this new country because equality and liberty are seen in historical experience. Doubtless to say that much focus to initiate reconciliation and collaboration should be articulated via the educational provision eliciting the democratic character of the new South African education system.

#### The Democratic Theory for the new South African Education System

The theory behind democratic education could be understood as a shared trust, of citizens, parents, teachers, governing body members and students whereby the promulgated terms are be democratically decided within the bounds of the principle of non discrimination and non-repression. As Gutmann (1987) elicited some traits about democratic education that it is demanding not just of laws governing schools and other primarily educational and cultural institutions, but also of laws that shape economic and political institutions. There seem to be an underlying factor which lie within democratic education, that the legitimate democratic authority should institute practices educate learners fully to their rights and responsibilities as citizens. Hence, the collaborative

efforts of the governing body members, parents, teachers as well as learners working together toward the improvements of schooling through out South Africa is a major aspect of the schools 'Act' (1996).

Thus, the preceding inference presupposes that, education is fundamentally a social phenomenon that propels the socialization of the learner. It further confirms the notion that, to send a child to school is to prepare that child to become part of the society and with a special warning that schools are reflective of the societies they serve. By the same token however, educators should have a multi-pronged language that would skillfully address theory, practice and politics associated with schooling. That language would eventually offer explanations of cultural, ethical and power issues that are critical to understanding how schools construct knowledge, identities and different means that help promote healthy relations.

Although, the great awakening for South Africa's National Education Department came about the appalling Matriculation Results Of 1999. That drew much attention to the education policy makers to reemphasize their vision for the schools in this country. So the impact of such a vision invigorated nomenclature of questions addressing aspects of 'educating for democracy.' Such questions included what kinds of citizens does South Africa hope to produce through her public education? What type of society does the government want to create? Both, educating for democracy and democratic education could definitely yield answers to the above questions and hopefully would shed the light by initiating development process in South Africa.

## **CHAPTER III**

### **Methodology**

#### **Introduction**

The challenge facing the South African National Education Department is to provide an education for all the learners on an equitable basis. However, a sizable number of the learners in the country are still educated in isolation, i.e. the Blacks/Africans in the township schools. The purpose of this study was to determine the effectiveness of the South African Schools Act by examining how the Act's related provisions might foster desegregation of schools in the Gauteng province of South Africa. In the process, this study examined the distribution of learners of varied racial backgrounds both before and after the enactment of the Schools Act.

For the past two and half decades, the township schools carried the torch for freedom and were used as political pawns. As a result, the culture of learning within these schools has diminished and their current potential for ensuring fruitful learning is discouraging. For the most part, it appears that it would be easier for the government to bulldoze these schools rather than attempt to refurbish them. One must wonder rhetorically how educational policy makers can reinstate a culture of learning among mostly Black learners in such appalling conditions.

Gauteng Province was selected as the research site because of its metropolitan image and its historical importance in shaping education and the politics of South Africa. A close examination of demographics also reveals that Gauteng Province is representative of South Africa as a whole. Although it is a metropolitan province, one can find various other types of settlements, including rural, informal settlements (i.e.,

makeshift or shanty/shacks squatters/- all are homes that are tin constructed). Other common features of the Gauteng Province include townships or locations ( these are residential areas where most South Africa's Blacks/African live and this settlement type enhanced the longevity of Apartheid), and urban or suburban houses (where most White live).

Understandably, the schools in the Gauteng Province reflect the social aspects of these settlement patterns. Given the adverse history of South Africa and the challenges that such settlement patterns resemble, the new government is to be applauded for promulgating basic educational reform *Acts* since 1994 aimed at healing the wounds of the past. One in particular, the South African Schools Act, could infuse new conceptual elements for education during this important time of redress in South Africa.

#### Restatement of the Problem

Schools in South Africa continue to exhibit signs of being segregated on the bases of tribal, racial, and residential patterns. Consequently, these patterns influence the racial representation of learners within the schools and affect the educational opportunities of learners. However, the magnanimity of the process for equalization of these opportunities is daunting. Furthermore, the potential of the South African Schools Act for promoting a unitary education system faces is diminished, due to the vestiges of past discrimination still lingering around South Africa. By examining the following areas of the Act, this study sought to provide some insight as to whether any progress toward desegregation has been made:

1. Compulsory Attendance and/or Exemption from Compulsory Attendance;
2. Admission to public schools;



3. Discipline in the public schools
4. Language policy in the public school; and

#### Restatement of the Purpose of this study

The purpose of this study was to investigate whether there has been a noticeable trend in the inter-racial migration of learners within the Gauteng Province of South Africa after the enactment of the South African Schools Act # 84 of 1996, by critically exploring how the Act's related provisions might foster desegregation of schools in the Gauteng province of South Africa.

#### Restatement of the Research Questions

The examination of some of the provisions promulgated by the Act is without doubt fostering and driving the major research question; namely, *could school desegregation promote the eradication of the vestiges of past discrimination presently affecting schools within the Gauteng region of South Africa?* Attempts to answer this question were implemented through both quantitative and qualitative approaches. The quantitative approach was directed at depicting the interracial representation of learners before and after the enactment of the Act.

The qualitative evaluation provided a narrative interpretation of the semi-structured interviews. Schwandt, (1997), defined qualitative evaluation as a broad designation for a variety of approaches to evaluating social and educational programs, policies, projects and technologies that make use of typically 'qualitative' methods for generating data a (e.g. unstructured interviews, observation, document analysis) and non-statistical means of analyzing and interpreting that data. The quantitative approach focused on the racial distribution of learners during a three-year period that includes the

year prior to the Act (1996), the year in which the Act became law (1997), and the year following its enactment (1998).

The qualitative approach focused on a narrative interpretation of the semi-structured interviews. A relationship between the basic statistical quantitative data and the qualitative interview data shed light on the process and progress of desegregation within the Gauteng Province schools.

### Design of the Study

This study was designed to examine the enrollment trend in the Gauteng schools. This enrollment trend was revealed through the available prerecorded demographic data for learners in the province. Since the South African Schools Act became effective on January 1, 1997, the data included one year prior to and one-year following the Act's enactment. In addition, this study determined if the provisions of the Act would effectively enhance the attainment of equal quality education for all the learners in the Gauteng Province of South Africa through the desegregation of schools. This determination was made through interviews of various Gauteng Education Department officials.

Above all, the study was guided by a historical research approach that was explanatory and descriptive in nature. The intention of this methodology was to examine the current status quo in order to enable the writer to invoke legal perspective on school desegregation that yielded a systematic inquiry into the law. A historical research method which was characteristic of the *grounded theory approach*. According to Strauss and Corbin (1990), the grounded theory approach is a qualitative research method that uses a systematic set of procedures to develop an inductively derived from a grounded theory

about a phenomenon. They further expressed the purpose of the grounded theory approach as follows: to build theory that is faithful to and illuminates the area under study.

Gay (1992), defined historical research as the systematic collection and objective evaluation of data related to past occurrences, in order to test hypotheses concerning causes, effects, or trends of these events that may help to explain present events and anticipate future events. Typical historiography requires that this researcher expound on how Apartheid and separate education system has forced South African Blacks to bear the social costs of their victimization or oppression. The nature of the topic and the testing of its respective hypotheses necessitated this study to utilize both qualitative and quantitative approaches. When the two approaches were merged, they revealed the approximate reality of how the desegregation in schools was progressing. Typically, the combination of qualitative and quantitative methodologies represent triangulation in research (Denzin, 1970). However, this study used some form of quantitative data to partially validate the qualitative analysis. Overall, this study was qualitative and it also followed a descriptive path.

#### Rationale for selecting the Historical Research Method

A common understanding of the historical approach to research finds that people, events, and ideas cannot be understood in isolation from their historical context. This holds true in the case of educational matters in the schools of South Africa. The historical inquiry is not directed only toward the past, but toward the present as well. The historical approach raises questions that are recalcitrant to empirical demonstration, thus, historians arrive at a theory by examining natural settings, not the other way around.

Edson (1986) expressed that, “natural settings are central to historical inquiry, for history is not a quest to validate concepts or theories; rather it broadens our understanding of ourselves by helping us to understand past experiences.”

In executing the historical research method or historiography and the application of legal interpretation, the writer hypothesized that forced desegregation was a panacea for the gradual elimination of vestiges of past discrimination within the schools of South Africa. In accordance with the historical nature of the law and its reliance on precedence, The past was examined for the authority that would guide the disposition of the research questions. One such question is whether or not formal school desegregation could be carried out in a land where residential segregation was a landmark feature of the apartheid system of government.

Because the South African Schools Act does not implicitly state that schools should be desegregated, there seems to be a connotation within the Act that circumvents actual desegregation of schools in the Gauteng. That is, natural segregation is allowed to prevail because of the existing different residential patterns with different schools, as well as other obstacles to voluntary integration, such as transportation, costs (school fees) and parental rights to choose. Thus, interviews will help shed the light to the latter.

#### Data Collection

Specific enrollment data was acquired by the researcher writing a letter directly to the Member of the Executive Council (MEC)'s office or by sending an e-mail to the Regional Director's office. This correspondence requested permission to access information about the following independent variables: (a) location of schools (distribution), (b) types of schools in region, (c) and enrollment figures depicting racial

composition in that region. In addition, age, race/nationality and language variations were be considered in the study. Figures supporting the study were obtained from the following published sources:

- (a) Directorate-Information Systems, Department of Education, (unpublished);
- (b) Department of Education, SANEX District Grouping, Data for 1994, 13/4/95
- (c) Angela Arnott, Education in Gauteng 1994, EduSource, April 1998
- (d) Education Co-ordination Service, Salient Features of the Proposed Gauteng Area Province, 1994.

As for the qualitative data, initially the researcher planned to conduct telephone interviews that were scheduled to take place in October 1999 but due to time differences and the unavailability of the targeted respondents because of their varied responsibilities, the researcher looked into physical visitations. Thus, the researcher had to make the trip to South Africa. Fortunately, that went well. A lot of adjustments were made by prospective interviewees because conducting research during the first few months of the school year could be a futile exercise especially when the education system is undergoing transformation.

#### Pre- recorded Quantitative Data

This study examined the preexisting demographic data showing enrollment variations of learners in the schools of the Gauteng Province. The Gauteng Department of Education administers 2300 schools, situated within three regions, the Central, Northern and Southern, each of which encompasses varied sub-districts. This large number of schools proved to be too cumbersome for comprehensive analysis, therefore the analysis focused on schools previously designated as white compared to those previously

designated as non-white, with reference to learners in such schools.

The percentages obtained from the pre-recorded quantitative data were used to test the following hypotheses:

**H<sub>01</sub>:** There is no significant difference between the percentage of non-white learners enrolled in schools that were previously designated as white within Gauteng Province of RSA and those same schools after the adoption of the South African Schools Act.

**H<sub>02</sub>:** There is no significant difference between the percentage of white learners enrolled in schools that were previously designated as non-white within Gauteng Province of RSA and those same schools after the adoption of the South African Schools Act.

The representations of the data were in an exegetic form. First, the researcher showed the distribution of learners within specific departments. This information illustrated the de facto segregation with major subdivisions based on racial classifications, (i.e. Blacks, Coloreds, Indians, and Whites) for 1996 to 1998 before the transition. Categories of education departments in this data showed how each racial subgroup was represented differently under the previous systems of education. For example, Department of Education and Training (DET) administered education for Black/Africans. The Department of Education and Culture (House of Representatives or HoR) administered education for Coloreds. Department of Education and Culture (House of Delegates or HoD) administered education for Indians (Asian origin). And the Department of Education and Culture (House of Assembly or HoA) administered education for the Whites. The variation in the enrollment figures in the schools these were recorded either by race/nationality, grade level and/or language groups, depending on the raw data. Data representation was shown in the form of a spreadsheet in the following pattern.

The following data were the major focus of the quantitative aspect of the study.

Figures 1. (A) through to ( C) illustrate raw data of sub -categories (racial) of learners in various ex-departments of education.

Fig.1.

**(A) 1996 LEARNERS BY RACE IN VARIOUS DEPARTMENTS**

Department	B/AfrStud	WhStud	IndStud	ColStud	Other	TOTAL96
NEW	607	433	119	29	0	1188
DET	692498	38	209	710	0	693455
HOD	16718	129	25840	1930	0	44617
HOR	17053	601	98	50753	0	68505
TED	67293	260622	4803	10833	0	343551
TOTAL	794169	261823	31069	64255	0	1151316

**(B) 1997 LEARNERS BY RACE IN VARIOUS DEPARTMENTS**

Department	B/AfrStud	WhStud	IndStud	ColStud	Other	TOTAL97
NEW	4239	721	176	42	0	5178
DET	825364	33	314	1877	62	827650
HOD	23176	65	25591	2419	50	51301
HOR	26633	4	227	57298	1230	85392
TED	89169	288570	7248	13521	2614	401122
TOTAL	968581	289393	33556	75157	3956	1370643

**( C ) 1998 LEARNERS BY RACE IN VARIOUS DEPARTMENTS**

Department	B/AfrStud	WhStud	IndStud	ColStud	Other	TOTAL98
NEW	9288	723	220	64		10295
DET	856147	180	188	982	175	857672
HOD	27803	15	23262	2311	53	53444
HOR	30638	16	300	56644	25	87623
TED	103689	279830	8515	15902	4654	412590
TOTAL	1027565	280764	32485	75903	4907	1421624

Data Source: Directorate-Information Systems, Gauteng Department of Education, (unpublished) obtained via EduSource 1999

**Note\*** The following are previous Education Departments Prior to the New Dispensation:

DET = Department of Education and Training - serving = (A = Africans/Blacks)	
HOD = House of Delegates	- serving = (I = Indians)
HOR = House of Representatives	- serving = (C = Coloreds)
TED = Transvaal Education Department	- serving = (W= Whites)

### Limitation of the Quantitative Data

Many years of data were necessary to effectively identify the racial enrollment trend of learners in model C and other schools in the Gauteng Province before and after the enactment of the Act. Unfortunately, the available data were not sufficient to illustrate these trends statistically. Example, composite data for 1991 through 1995 and 1999 did not represent learners by race in each department and thus complicated the computation and the illustration of the trend that could show desegregation process. Also data for 1992 were not available and the possible reason thereto could have been that South Africa was engaged in the toughest negotiation process in her history. Therefore, the quantitative data necessary for this study were limited in detail to illustrate the overall enrollment trend in various schools. But, inferences were drawn quantitatively by the computation of respective percentages to validate the qualitative aspect of the study.

### Qualitative Data

Following the research protocol in a historical research study, primary sources were preferred for qualitative data collection. The primary sources for this study included the people who were directly involved in promulgating the provisions of the South African Schools Act and provided firsthand information through a format of personal interviews.

As in any research method, the hypotheses (which in this study are the expectations) were guided data collection. Therefore, with the interviews as the primary data source, the qualitative approach explored the following expectations of the researcher:



- A There is a link between the vestiges of past discrimination and the racial composition of learners enrolled in schools within the Gauteng Province of South Africa when examining the admission, language and discipline provisions of the Schools Act.*
- B There is a link between the vestiges of past discrimination in schools within the Gauteng Province of South Africa and the silence of the Schools Act toward promoting desegregation of schools.*

Targeted respondents who posed as primary sources included the following public figures: Principals, Governing Body Members, Members of Executive Council and Provisional Directors. The researcher followed a scripted and ordered list of interview questions, as well as a list of possible additional questions to probe the interviewee. The interviews were conducted in a consistent manner and followed a semi-structured approach. This approach involved asking structured questions followed by an additional, improvised question that served to clarify the issue of concern to the researcher.

The duration of each interview lasted for about 30 to 45 minutes. The interviewees were required to respond to approximately 12 (out of 29) qualitative questions related to the South African Schools Act. These questions probed the subjects' perceptions, observed improvements and opinions about the trend in racial composition of schools since the adoption of the South African Schools Act. The interviews were mechanically recorded to allow the researcher to transcribe and analyze the responses at a later time. The subjects were informed of and asked to give consent to such recordings. The recordings were safely secured and kept for about six months and thereafter destroyed. Lastly, the respondents were assured that the interviews would be held in the strictest confidentiality.

### Data Analysis

The first part of this investigation analyzed the quantitative data and included a

descriptive examination of the percentages for non-White learners in previously designated White schools compared to the percentage for White learners in previously designated non-White schools. The researcher used the dependent sample *t*-test to determine the level of significance, with the probability level of 0.05 for dependent samples since the sample data were matched. Based on the result of the *t*-test, the researcher would either reject or not reject the null hypothesis as a probable explanation. The researcher formulated conclusions to the hypotheses based on the relationships between the percentages of learners per given racial group at the respective education department following the enactment of the Act. Only data for 1996 as the year before the Act came into law and 1998 the year after the enactment of the Act with 1997 percentages to formulate comparisons. The noted percentages were therefore used as quantifiable facts to enhance the interpretation of the qualitative interviews.

The second part of the study analyzed the qualitative data generated through the interviews. A qualitative research methodology guided this analysis. Glesne and Peshkin (1992) noted that qualitative researchers seek to make sense of personal stories told by the participants. The data analysis in the second part of this study sought to organize the interviews to form a narrative that would explain the process of desegregating schools in the Gauteng Province.

Objectively, the analysis of these interviews was to integrate the themes and concepts according to the topic(s) under investigation. As data analysis continued, these themes and concepts were categorized in codes which, provided broader explanation of theoretical or practical information that guided the final report. Classifying these ideas by

means of code in order of their relationship was a crucial aspect of this study. Possible sub-themes included residential segregation, discrimination, and equality, among others.

Two coding procedures, namely Open Coding and Axial Coding were implemented to enhance the data analysis process for the qualitative portion of this study. Strauss and Corbin (1990) defined the preceding data analysis procedures thus, “Open Coding is the process of breaking down, examining, comparing, conceptualizing, and categorizing data. Whereas Axial Coding: is a set of procedures whereby the data are put together in new ways after open coding, by making connection between categories- This was done by utilizing a coding paradigm involving conditions, context, action/ interactional strategies and consequences.” Therefore, the charts utilized in this section were the result of the two coding systems, but mainly *axial coding* of which reference was made following the discussion of each segment. The researcher opted for these procedures because the data at first did not seem to tessellate with the purpose of this study and the special ethical considerations concerning confidentiality, anonymity of the respondents. Specifically, this study used unstructured, open-ended, informal interviews because those factors accounted for flexibility and responsiveness to any issues that the interviewees inadvertently addressed.

According to Schwandt (1997), coding is the procedure that dis-aggregates the data, breaks it down into manageable segments and identifies or names those segments. This process required constantly comparing and contrasting various successive segments of the data and subsequently categorizing them. Therefore, coding for this study used context –sensitive scheme. Following the axial coding, subcategories were related to their categories through what is referred to as the paradigm model of Strauss and Corbin,

(1990). Thus, the usage of this model in axial coding was characteristic of grounded theory. In grounded theory subcategories are linked to a category in a set of relationships denoting the coding paradigm. For example, Education for All as the *phenomenon*; Unitary education system as the *causal condition*; Educational Institutions as *context*; The process of school desegregation in South Africa as intervening conditions; Approaches taken to address the problems in South African education as *action/interaction strategies*; and the South African Schools Act # 84 (1996) as the consequences based on the various approaches taken in resolving the problem. With this scheme, the researcher worked with the actual language of respondents to generate categories and worked back and forth between the data segments and the codes to refine the meaning of categories as they proceed through the data.

### Conclusion

The broader objective of this study was to describe and elicit the dynamics of the paradigm shift in South African education. This shift was characteristic of a transformation of the education system from divided education departments to a unified system that caters to every learner. The endeavor to reform the South African education system was doubtlessly an exploration of a legal issue in educational provision. Therefore, three broad categories of sources were considered in approaching such an endeavor: primary sources, secondary sources, and other research tools.

Information on each of these categories were accessed and obtained manually or through relevant electronic databases. Similar to an inquiry in the social sciences, legal research methods rely immensely on primary sources, (i.e. federal or state law). Included in this category, as expressed by Russo (1996), were aspects of the constitution, statutes

(and their legislative histories), regulations (along with Administrative decisions and rulings which interpreted them), and relevant case law. In the case of South Africa, provincial laws were a relevant substitute for state laws. For this study in particular, some aspects of the South African Schools Act (1996) served as a primary source. Secondary sources included writings about the law, such as scholarly articles in law reviews, periodicals, encyclopedias and dictionaries, books & treatises and even unpublished conference papers on the subject.

It should be understood that South Africa's education arena has yet to experience litigation in the long run. Therefore, it could be expected that interpretation of school desegregation efforts in the South African education law be modeled after the developed democracies of the world, with such example like those in the United States jurisprudence. The latter then served as a source of reference to demonstrate the role of the constitution, statutes and regulations with regard to setting precedence. Lastly, interpretation of the interviews would explore the legal issues that might test the constitutionality of the provisions in the Schools' Act implicit with some members of the South African community being educated in isolation.

Due to lack of control, such legal issues served as extraneous variables that could potentially affect the outcome of the study (Baldwin, 1996). These variables included the decision-making process by an individual governing body of the school. The status of the budget allotted to a school, and the perceptions of individual provincial department's official responding to the new dispensation obtained through the interviews. Based on the related interview responses, the hypothetical conclusions by the researcher were formulated.

## CHAPTER IV

### Findings

#### Overview

At issue was whether the data provided enough evidence to answer the major research question for this study, namely, *could school desegregation promote the eradication of the vestiges of past discrimination presently affecting schools within the Gauteng Province of South Africa?* This question was intentionally coined by the researcher with cognizance of the laudability of the South African Schools Act #84 (1996) as an educational policy text that is meant to redress South Africa's education system that was characteristic of unequal provision of opportunities.

The vestiges of past discrimination include a plethora of elements that are linked to the previous Apartheid regime, among other things, the psychological factors that created a mindset of noncompliance; socialization of resistance and reluctance to view change in a positive light; and the list goes on. It is behind this background that vestiges of past discrimination could be traced with reference to the provisions of the Schools Act. Such provisions included admission, language policy and discipline in public school with relation to the respondents' report.

#### Restatement of the purpose of this study

The purpose of this study was to examine the effectiveness of the South African Schools Act by critically inspecting the Acts provisions in fostering desegregation in the Gauteng Province of South Africa. Furthermore, in exploring the primary research question the researcher's expectations were brought into focus where the subsequent

provisions of the Schools Act such as admission, discipline, and language in public schools were addressed. The expectations were:

- A. There is a link between the vestiges of past discrimination and the racial composition of learners enrolled in schools within the Gauteng Province of South Africa when examining the admission, language and discipline provisions of the Schools Act.*
- B. There is a link between the vestiges of past discrimination in the schools within the Gauteng Province of South Africa and the silence of the Schools Act toward promoting desegregation of schools.*

In conjunction with the research question, prerecorded statistical data illustrating enrollment of learners by race in various school types following racial categories reflective of apartheid legacy formed part of the findings. The purpose for incorporating the quantitative data was to examine the significant difference in learners' enrollment by race within the schools in the Gauteng Province of South Africa. Initially the researcher had planned to analyze data to reflect a trend in interracial enrollment of learners over a nine-year period. Unfortunately, the data were insufficient in delineating that because some years pertinent to different periods of South Africa's transition were missing. Therefore, the years considered for the findings were; one year prior to the enactment of the South African Schools Act # 84 of 1996; the year when the Schools Act was implemented i.e. 1997; and the year after the School Act became law. Thus, the insufficiency of available data rendered tentative interpretation of the results of the findings.

### **Results for the Quantitative Data Analysis**

In an attempt to test the significant differences between the means of the Non-Black (White, Colored, and Indian) learners in Black schools and the Non-White (Black, Colored and Indian) learners in White schools, matching of the two groups was used as

an option. After establishing that in the data based on the primary groups, the researcher elected to use the *t*-test for dependent samples to establish the significance of the differences. The *t*-test for dependent samples was used to determine whether there was probably a significant difference between the means of the two matched samples or between the means for one sample at two different times. The pairs were matched in this manner, Non-Black learners in Black Schools for 1996 and Non-Black learners in Black Schools for 1997 and second pair was for the Non-White Learners in White Schools 1996 and 1997. The preceding approach was guided by the two null hypotheses, namely:

- H<sub>01</sub>: There is no significant difference between the percentage of non-white learners enrolled in schools that were previously designated as white within Gauteng Province of RSA and those same schools after the adoption of the South African Schools Act.
- H<sub>02</sub>: There is no significant difference between the percentage of white learners enrolled in schools that were previously designated as non-white within Gauteng Province of RSA and those same schools after the adoption of the South African Schools Act.

With reference to the results for a paired sample data congruent to the first hypothesis above, the *t*-test yielded a *t*-statistic of -1.399 ( $p < .05$ ). Therefore the result is not statistically significant at ( $\alpha = .05$ ). The null hypothesis was not rejected. It was found that there was no significant difference between the percentage of the non-White learners enrolled in schools that were previously designated as White within the Gauteng Province of South Africa and those same schools after the adoption of the South African Schools Act.

The other sample of data were concerned about the enrollment of Non-Black learners in Black schools, It was also found that there were extremely rare cases of White



learners seeking admission into the schools that were previously designated as black. The *t*-test yielded a statistic of -1.130 ( $p < .05$ ). The null hypothesis was not rejected.

Most importantly, this study showed that out of approximately 1.2 million learners enrolled in public schools in 1996, the year before the Schools Act became law, 10.45 % learners were enrolled in schools which, were not previously designated as their own. Thus, 9% of those learners were Black/African, 6% of them went to previously designated White schools, 1.48% went to previously designated Colored schools and 1.45 % of went to Indian schools in 1996. Only 0.08% of Non-Black Learners went to schools that were previously designated for Blacks/Africans. Accordingly, there was a much higher percentage of Black learners enrolling in schools that were previously reserved for Non-Blacks, compared to the percentage of Non-Black learners in Black schools before the enactment of the Schools Act.

In 1997, approximately 1.4 million learners were enrolled in public schools and 12.02% Of those learners were enrolled in schools other than their own. Blacks/Africans constituted 6.5 % of the learners enrolled in previously designated White schools, 1.94 % of them went to previously designated Colored schools and the other 1.64 % were in previously designated Indian schools. On the other hand, Non- Black learners in previously designated Black schools constituted only 0.16 %. There was a slight increase from 0.08% in 1996 and 0.16 % when the Schools Act became law, but that increase is not significant and thus, the *t*-test for independent sample could not be computed because of less information provided through the data. Overall, there was a slight increase of 1.6% between 1996 and 1997.

The 1998 data indicated that out of approximately 1.42 million learners enrolled in all public schools in the Gauteng Province, 13.40 % were in schools other than their own. The number of Black learners was seen to be increasing in that there was a sudden jump from 6.51% in 1997 to 7.29 % in 1998 which was also higher than 6% recorded in 1996. Unfortunately, the enrollment of the Non Black Learners in Black schools yielded minimal change which, in itself was reflective of the notion that the previously designated Black schools were actually not preferred as an option for conducive learning.

### Presentation of the Qualitative Findings

Interviews were conducted and mechanically audio taped. For confidentiality purposes, the respondents were only referred to by pseudonyms and their capacity in terms of position was suppressed. Nonetheless, four individuals were interviewed and that group included, Ms. Spree representing one high school in <Township K>; for <District B>, Mr. Ben; <District C> was represented by Mr. Box; and Mr. Top. Typically, all the interviewees had constant physical contact with the schools within the province. They were very well conversant with the latest developmental trends in the Gauteng Department of Education.

The data analysis thereto was interwoven with data collection. After the transcription of the audio taped informal interviews, the researcher implemented both open coding and axial coding systems. The researcher chose these systems because the interviewees gave a host of general information concerning the schools in the province but at times definite responses were offered. So in that case, axial coding system of data analysis helped the researcher decipher meanings of the interviews after the transcriptions, which is illustrated by numbered tables in the appendix section. With an

exception of one interview whereby the researcher implemented the open coding system because the interviewee often offered indefinite responses to questions.

#### Admission provision in Gauteng's public schools

After arranging the axial coded data, the questions that were posed by the researcher in an attempt to gather information about the practical implication of the Act on Admission provision yielded responses that hinted on myriad of issues that inadvertently implicated desegregation of schools.

**Q.1. *Would you say that different residential patterns that are seen as landmarks of Apartheid are major stumbling blocks to desegregating schools in South Africa?***

This question was asked to determine the role of the varying residential patterns as possible reasons for the government not to recommend a forcible legislation to desegregate schools in South Africa. Apparently the respondents connected admission policies with issues related to desegregation of schools. Thus, Mr. Ben included broad and general conditions bearing upon desegregation of schools. He alluded to the fact that White schools were reluctant to admit learners from the townships. The reason he provided was ambiguous in the sense, because he claimed white schools feared that Black learners would not cope. Based on that, the researcher concluded that Mr. Ben's response was rather vague.

Speculatively, one would make inferences to his claim to have meant; first, whether Black learners would not cope, because they lacked intelligence to deal with the amount of work they had to overcome in White schools. Second, whether White schools would not cope with the influx and large numbers of Black learners seeking admissions

which fact might implicate the Member of Executive Council's ability to act in creating enough learning spaces. Third, whether enrollment of Black learners would force White schools to lower their standards of which case was to admit that the education in the township schools was actually inferior.

As the discourse continued, it appeared that the White schools officials were well aware of the policy guidelines that had implications on the Schools Act, pertaining to the admission policy. That White schools acting through their respective governing bodies understood that preference was to be given to the children living in the neighborhood. Mr. Ben was cognizant of the fact that some of the White schools hid behind the policy guidelines of proximity hence such schools devised their own policy guidelines which kept learners from township from being admitted. That measure was inconsistent with the admission provision put forth by the government via the Schools Act, which prohibits unfair discrimination in any form. Even if proximity was the reason, parents of a child who would be from an informal settlement situated closer to a suburb would therefore qualify for the child to be admitted into the previously designated White schools by claiming proximity on the bases of residency. Hence Mr. Top thus responded when asked the following question:

**Q.2    *Did you ever have to address the issue of 'lack of capacity' when dealing with maybe the parents for being incapable of paying school fees?***

In all public schools a kid cannot be turned down, and there's basically two clauses: One clause covers us in terms of feeder areas, the other clause covers us in terms of exemption. What they have done especially in previous Model C schools. They have awarded bursaries to the parents, to the kids of those parents who genuinely cannot pay as a way of keeping the school fund there. We have accepted that, but in no public schools we have allowed them to turn away kids, because the basic access to education is what our constitution guarantees. So in the public school you

cannot say that we were a previous Model C school, you have (X) amount of extra teachers therefore you must pay school fees, you can't afford to pay the fund. But they are in the process of applying, asking for exemption, and like I said many of the schools have adopted ... which I think its good, because I think it's proper. (Mr. Top, Interview, 01/27/2000)

According to Mr. Ben's experience with various parents in his jurisdiction, the procedure that seemed to be common among Black/African parents was that, they preferred to take their children an early age into the previously designated white schools for admission. In that way they would be avoiding stresses experienced as children get older. Unfortunately, there was lots of competition for placement in White schools even if the applications were made during the primary years. Mr. Ben referred to the notion of Black/African parents seeking enrollment of their children during the early years of schooling as "self-censorship." He did not expound on the matter. Self-censorship is about conveniently avoiding challenging some of the provisions of the School Act with an assumption that the outcome might be unfavorable at the given time. Therefore, further assumptions could be made as to the notion of self censorship by the parents pessimistic demeanor for not seeking admission of their children whenever they deem it fit at any school that would better serve the educational needs of their children.

Apparently, Mr. Ben's Reference to self -censorship of Black/ African parents yielded numerous connotations that when probed by the researcher, different meanings were formulated. These meanings were based on the parents' reactions as Mr. Ben visited the schools. First, parents were reluctant about challenging the admission provision of the Schools Act. Second, that these parents were admitting that education was better at the previously designated White schools than education in the township schools. Lastly, whether these parents were willingly sacrificing their older children who

were past elementary school age by not providing what was best for them. So, with all those factors prevailing, admission procedures in the schools were seemingly inconsistent with the provision of the South African Schools Act (1996). The latter statements was confirmed with reference to section 5 (4) of the School's Act, that reads as follows: "the Minister of Education may determine the age requirements for the admission of learners to a school or grades at the school."

Mr. Ben noted that there were numbers of white schools that were yet to desegregate in his jurisdiction. He also exhibited some level of awareness that Black/African learners in the desegregated schools had to work harder than their white counterparts. It was not clear whether they had to work harder because they showed lack of mastery of the language used as the medium of instruction in such schools. Second, whether it was because Black/African learners were assumed on the face value as incapable of handling the rigorous curriculum offered in the previously designated White schools.

Mr. Ben further explained that even though Black/African learners had to exert themselves when they got to the previously designated White schools, that in itself should not affect the efforts by the government to formally desegregate schools. He acknowledged that having segregated residential areas complicated the problem of encouraging equal educational opportunities. Mr. Ben revealed that the government also entertained the idea of building better schools in the townships because reconciling with the varying residential patterns was deemed a cumbersome task to address.

Mr. Box, an official charge of the district that had a larger percentage of former Model C schools, it was somehow expected that at least a fairly representative mixture of

racism should not be difficult to identify. A probe question was posed as to how much impact did residential variations contribute toward encouraging racial balance of school population within Mr. Box's jurisdiction. Apparently, his district had a deliberate initiative to promote racial mixing by encouraging township schools to form partnership with some of the previously designated White and Model C schools. Unfortunately, this program did not yield positive results. He further explained that it seemed like the targeted schools were not ready to undertake such an endeavor. Compounding such a problem was that the idea of encouraging the schools to group themselves into pairs lacked legislative mandate because desegregation of schools was envisaged to assume a natural process.

The idea of grouping schools in pairs was not all faulty. It would have been viable if intensive planning and if such partnership objectives were well communicated to the prospective participating schools. First, inviting the former Model C schools to team up with an ex-DET school could be much of an effort from the status point of view. The former Model C schools epitomized an ideal learning environment with top notch facilities, well qualified teaching staff and challenging and rigorous curriculum were common features. On the other hand, township schools were seen to be lagging behind in every aspect. Worse, these schools were trouble torn by violence and filled with ill-disciplined learners.

Second, avoiding geographical grouping was in itself admitting that residential differences did actually hinder any efforts to desegregate the schools. As far as the elementary schools being able to participate in paired partnerships was attributed to the fact that the academic backlog could be easily bridged in lesser time than in high schools.

Whereas in high schools character formation has germinated and problems associated with discipline of students had reached disproportionate levels. Lastly, by recognizing that township schools were highly politicized was an indication that mere teaming up of schools, especially high schools needed more than just hope that one day there would be a smooth commingling of races where past experiences would be quashed.

Mr. Box's opinion was that schools should be integrated by force because leaving it up to hopes that things would gradually change might not be the case. Year after year there were problems with admission in the schools. Mr. Box also noted a growing number of Black/African parents who did not want to send their children to the schools in township. According to Mr. Box, Black/African parents preferred the previously designated White schools in the suburbs. Determining feeder areas by the Gauteng Department of Education would not encourage desegregation of schools, instead more and more township schools remained mono-racial and an instance of *separate but equal* would be seen as the norm.

The previously designated White schools constantly had to grapple with larger numbers during the beginning of the new school year since the new dispensation. These schools constantly came up with various individual policies to curb the influx of non-Whites in White schools. Out of that group Black/African learners suffered as the result of those policies. Seemingly, preferences based on proximity also compounded the problem because admission based on whether parents of the learner worked in the area or whether they resided in the area raised other issues associated with informal settlements around suburban schools.



In other related matters, the previously designated White schools had increased their fees in an attempt to curb the influx of learners from lower socio economic background in which case would be contradictory to the Schools Act. Inability to pay school fees was no longer the reason to exclude learners. By the same token parents were very much aware that the school needed money to operate. Therefore, with that rationale there could be no qualms when the parents were asked to pay the school fees for services but not for the admission of their children into the suburban school.

The argument presented by the respondent on the question of how did the provincial officials decide whether a particular learner could be exempted was a bit problematic. First deciding exemption on the basis of how much parents or in which salary bracket did they belong was a little of the mark. Two instances could be played out, first by the government after noticing that a number of learners from the township flocked to the previously designated White schools in droves. Chances were that the parents of those kids had sacrificed a lot to get them there, so some kind of a policy for redress would have been offered. Subsidizing transportation could have been an option since it was the biggest service parents had to pay for.

Second, those parents whose salaries were above the norm could present a case, even if payment of school fees was not an issue to them. However, it seemed as if they were penalized for earning good money because it was required and expected of them to pay for the services that were also used by disadvantaged learners whose parents could not afford the fees. In that sense, the school fees issue did get complicated. This complication then encouraged movements such as home schooling, which are common

among White families. Thus, noticeable transformations of the previously designated White schools were becoming mono-racial with an exception of the teaching staff.

According to Ms. Spree, the transition in education was a huge venture whereby the present government had to undertake. Consequently, schools in both the Townships and Suburbs were seen as dysfunctional. Township schools formed part of the education action program whose main objective was to alleviate poor performance mainly among those schools who participated in this program. There were quite a number of learners from the township schools who were leaving these schools to go to white schools in the suburbs. Those learners who remained in the township schools were characterized as lacking accountability.

However, schools in the suburbs having to serve the learners in their immediate vicinity were also battling in coping with the influx of learners who were transferring from the township schools. Additionally, that movement included learners from previously designated Colored and Indian schools, and those learners whose parents were immigrants. Thus, the previously designated White schools were rendered dysfunctional respectively because of the limited learning spaces due to overcrowding. By the same token, township schools with dwindling numbers had yet to enroll a white student.

***Q.3 What changes have you noticed in schools within the Gauteng Province since the enactment of the South African Schools Act?***

This question was posed to assess the impact of the South African Schools Act (1996) with identifiable changes that could have been noticeable so far. The respondent Mr. Box, started by describing his district in part that: "It consisted of 80% former Model

C (White but open) schools, 16% former DET (Black/African) schools, just about 3% former HoR (Colored) schools and 1% former HoD (Indian) schools.”

He added that his district was part of the Special Presidential Lead Project that channeled millions of 'Rands' (South African currency) as a remedy to alleviate problems following violence in the area. The Lead Project started before the enactment of the South African Schools Act (1996). As there were no interim policies to address issues pertaining to education, a huge amount of the money went to renovation of schools and a smaller portion went to empowerment of school management, training of the district officials, governing bodies and Student Representative Councils. With this taking place, a consultant was hired to help in the drafting of a curriculum. That in the nutshell was the basis of Mr. Box's district operation including addressing problems along with the transition from Gauteng School Act (1995) to the South African Schools Act (1996). According to Mr. Box, such transition also had impact on their training.

Ms. Spree on the other hand responded on the progress with regard to official departmental positions. She first applauded the idea that Blacks/African were occupying top jobs and that the amount of progress of them moving forward has been phenomenal. In the same vein she also pointed out that not everybody has been thrilled with that progress. So, behind that statement, Ms. Spree made a paradoxical comparison in saying that what Black people achieved in 4-5 years, White people achieved in twenty. I could not figure out the relevancy there but reading into her tone the researcher sensed a hidden deeply felt envy.

#### Discipline in the Public Schools within the Gauteng Province

The dominant theme reported on discipline by Ms. Spree was the level of tardiness in Black schools. Some of the elements she noted were that learners arrived late.

They did not seem to care even if they missed a class period. She also noted that the learners did not see a reason to be on time because they figured that teachers were less punctual or usually unprepared for the lessons or worse, even absent themselves.

Usually, learners were expected to wear uniforms in most schools but unfortunately a majority of them in the township schools dressed like they were attending a picnic, thus asserted Ms. Spree. At the time when they were supposed to be in class they would be standing outside the schoolyard gates. That scenario did not portray a healthy learning environment. As noted by Ms. Spree, township schools were seemingly not regarded as an option for a proper education setting, thus some Black/African parents preferred sending their children to previously designated White schools.

The factors outlined above had resulted in various contentions directed at the government trying to do something to bring back the culture of learning. On the other hand, in white schools things seemed to be in order. Ms. Spree was asked, why this was the case? She reported that the whole education culture in the previous designated White schools had always been characterized by strong discipline. She emphatically pointed out that, based on her experience, there has never been the politicization of White schools as it was with Black/African schools. This statement was the typical case of Blacks/Africans having to suffer the consequences of their own victimization. Thus, some Black/African schools became dysfunctional and ultimately there was less demand for these schools.

The common themes by the respondents reflected that Black/African parents were well aware of what was taking place in Black/African schools and so they did everything in their power to transfer their children into White schools. Consequently, that move led a competition for learning spaces in the White schools because according to Mr. Ben and

now Ms. Spree, these parents viewed that competition as giving their children an opportunity to attend in White school where better education was an expected outcome. In general, it was reported that Black/African parents were experiencing difficulties in getting their children admitted into some of the previously designated White schools. Admission of learners from the township into the suburb schools was at times regarded as sheer luck to some not as a right. Hence, there were speculations that alluded to standards at the Black/African schools as lower than those in the previously designated White schools.

Interestingly, Ms. Spree shifted her focus onto teachers saying that they should have been doing a much greater job in educating the learners in Black schools, as there was nothing to fight for because five years had passed and they have seen the dawn of freedom. Unfortunately things were getting worse hence, the topical issue of bringing back the culture of learning has received much attention. Teachers had their own grievances to the government and chaos is looming all over education. The government has brought programs to try to inculcate the culture of learning by introducing the Objective Based Education, which according to Ms. Spree was introduced prematurely.

She contended that the introduction of the *Objective Based Education* (OBE) as the new approach for South African schools was brought with the false hope that it would equal the playing field. This had not happened because teachers needed to be reoriented as well. On the other hand, Mr. Top did not seem to entertain the idea of taking teachers out of the classroom for an extended period of time to be educated toward the mastery of the principles of Objective Based Education. The authorities rather settled for mini training sessions. Understandably, some of the reasons might be related to the

department's budgetary constraint. Ms. Spree was asked this question, “ *What should be done to bring back the culture of learning?*” This question was meant to draw out the basic tenets associated with school discipline. A number of factors were brought up.

The culture of learning could not be achieved unless the schools are brought up to the standard of being conducive to learning. Unfortunately, a majority of schools in the Township were seemingly de-motivating. Black/African children were moving out in large numbers. Those learners who were left behind were not benefiting from the education enterprise. The schools that were being renovated had been exposed to constant vandalism. Increasingly, fewer numbers of students were recorded daily and some of the schools were threatened with closure. Ms. Spree also alluded to the fact that gone were the days where Apartheid legacy was used as an excuse; what was paramount was that time of blaming the previous system was long gone. She emphasized that it was time to act, to rebuild the country and the only way to achieve that was through education. Unfortunately, rebuilding would not be that easy especially with the noted escalating poverty and ravaging AIDS epidemic threatening the future of the country.

Mr. Box had alluded to similar things that were expressed by Ms. Spree. In the same spirit Mr. Ben continued on the general attitudes assumed by learners, especially those in the township schools, and also emphasized the role that such schools played in motivating these learners. This respondent brought an interesting point about the learners from the township schools who did not see any reason for arriving at 8 o'clock in the morning, because their lessons commenced at 9 o'clock when their teachers showed up. It was interesting because the blame had suddenly shifted and pointed towards teachers, who were now under the watchful eye of the government, parents and the learners. The

government blamed them for not fulfilling their side of the bargain that enhanced decline in the culture of learning.

According to Mr. Ben, who noted that parents of the learners from the township schools perceived teachers as no longer portraying that revered role of having a capacity to teach their children. The learners on the other hand, looked at teachers as not giving their best because of the declining element of accountability ranging from punctuality to absenteeism. Overall, Mr. Ben also emphasized that township schools including their physical conditions were de-motivating the learners. So he acknowledged that de-motivation was a crucial reason for tardiness and lack of accountability. Mr. Ben elaborated on the issue of discipline in the township schools by looking at the possible ways in bringing back the culture of learning among Black/African youth. He recognized the impact of the historical factors as a causal condition.

All of those factors were tied into the education system that was designated to serve the education for Blacks/ Africans, namely Bantu Education of 1953. Interestingly, he recalled those days when both educators and learners were dedicated. The days when education was seen as the only avenue that offered hope for gaining respect and a chance to live a reasonable life as Black/African person in South Africa. With time, things began to change numbers in township schools and learners increased and teaching profession became a “mass production.” Teacher training colleges multiplied at an enormous rate, standards for entrance into these colleges were lowered, and hence the quality of teachers did not improve.

Such intervening conditions were connected to the then (previous Apartheid Regime) government’s ploy to meticulously ensure that Blacks/Africans continued to

receive an inferior type of education. One major blow was when the Apartheid government forcibly legislated Afrikaans to be the medium of instruction. Accordingly, that undertaking resulted in most referenced event in South African education, the 1976 Soweto School Riots. Since then, the image and the character of education had never been the same. Township schools became political pawns.

A huge wave of political consciousness engulfed the schools. Inequities were exposed and dissatisfaction grew in momentum. Slogans like “freedom now and education later” were coined and actualized. Gradually, the culture of learning was eroded. So with the new dispensation, the notion of bringing back that culture of learning seemed to be an elusive but tantalizing actuality especially in township schools. It is a new dawn in South Africa; time of fighting against aggression was gone. However, a different type of a struggle is now being unveiled. It is the struggle to rebuild the country, from the conscience of vengeance, to rid the rot of those in the position of power, to social and economic stability and to the celebration of unity in diversity. Above all, accountability should form a major thrust in this struggle. Time of pointing fingers and blaming was long gone. Immediate pressing issues are centered around the language policy and thus, the following question was posed:

***Q.4    Would you say that the government’s endorsement of multiplicity of languages as official could hinder South Africa’s participation in the world economy, or affect the nation’s building effort for nationalism or patriotism?***

Mr. Ben’s response was that the endorsement of the multiplicity of languages would definitely help for competing in the world economy and in enhancing the nation building efforts by the government. That ideal was extended to other minority ethnic



groups that are indigenous to South Africa in an attempt to enable them to fit into the mainstream and then participate equally with the general citizenry. Therefore, by recognizing that the language spoken by every South African citizen would on its own be confirming diversity and the caption of this country as being the “rainbow nation” would not be misplaced. In that vein, nation building would be a certain consequence. As for participation in the global economy, Mr. Ben emphasized that it should be understood that English might have to be promoted, although empowerment of other languages would always be encouraged.

The situation within the previously designated White schools whereby proficiency in any of the indigenous languages was not clearly articulated by the respondent, except when ceremonies honoring learners in those schools who successfully mastered a variety of such languages were applauded. Well that alone did not illustrate the extent of the promotion of indigenous languages but it only shows that at least learners in previously designated White schools were encouraged to take these languages. Thus, the implication was that not too much emphasis was directed to teaching of indigenous languages. Unfortunately, the first language speakers who might be staff members in those previously designated White schools did not participate in the teaching of any of the indigenous languages, and so mastery of those languages then would be questionable.

Apparently, schools in collaboration with their respective governing bodies were given scope to choose which languages were going to be part of the curriculum. However, learners in the township schools were confronted with difficulties when it came to the language issue. It has occurred in many instances whereby learners had to take three languages, that is Vernacular, English and Afrikaans and three other content

subjects. However, the convenient choice that was generally made was Vernacular and English but that choice left quite a number of Afrikaans teachers in the township schools who could not be placed anywhere were declared in excess, hence learners had to take Afrikaans as well.

At this point, it could be noted that learners were not the ones making decisions on the language medium as the Schools Act might suggest but the latitude rested on the schools and their governing bodies. Such a background would raise doubts about the tenets of the reasonable practicability standard of the language provision regarding the learners' right of choice as proffered by the Schools Act. The respondents were asked the following question that would clarify such a concern about reasonable practicability;

***Q.5 How would the reasonable practicable standard of the language provision as promulgated by the Schools Act be realized within the public schools?***

Responding to this question, Mr. Box pointed out that the English schools were the first ones who attempted to overcome racial barriers through language. He also alluded to the fact that the Afrikaans schools opened their doors for the learners who would not have a problem speaking Afrikaans. Interestingly, Mr. Box was critical of the Schools Act that it had granted various governing bodies more power to make choices on the language policy of an individual school. Bearing that in mind, the respondent felt like the government was now shortchanged in terms of allowing officials to interfere in individual school language preference. In that respect, Mr. Box felt like the Schools Act was not enabling them to desegregate the schools through the language provision.

The broader connotation in this instance was that some of the schools could maintain a single racial group as long as they would keep a language policy that was not

a popular choice. Unfortunately, political dynamics surrounding a language issue might play a major role; for example, Afrikaans language still remains an unpopular choice to most Black/African members of the community, maybe with an exception of Coloreds. The reason being that Coloreds are either the first language speakers of English or Afrikaans, and thus the language policy to them would not be an immediate part in their agenda. As for any of the African languages, Mr. Box felt that there should be a deliberate attempt to highlight and uplift the importance of the indigenous languages at any level of governance.

At the moment all the correspondence from the national or provincial education department was in English and Afrikaans. The respondent felt like it could be worthwhile if these documents were available in all the recognized official languages. Indeed, the newsletters, gazettes and government documents must be published in all official languages, but the problem would always be brought down to economics. Imagine the amount of paper that would be needed for this undertaking. Also the targeted readership should be borne in mind. Example, South Africa is grappling with the illiteracy level among the general adult population. It must be remembered that some of the people who are in the latter group were the very same people who were sacrificed in the name of the struggle. Nothing was said about duplication of services, let alone the amount of paper to be needed to make this venture possible.

Mr. Box also mentioned that in his jurisdiction, about 80% of the parents who were sitting in various governing bodies of the township schools were semi illiterate to illiterate and he also found it difficult to communicate with them because he himself was not conversant in any of the indigenous African languages. Apparently that became

evident after the training of the governing bodies because they did not perform to the expectation of Mr. Box. So all of his efforts in conveying whatever important message to his audience was rendered moot because of communication restraint. Mr. Box confirmed and concurred with the researcher that language will remain a problem in the schools, be it in the classroom or with the parents in meetings. Not much of a problem was noted with the management of the schools. But he strongly believed that a lot has to be done around the language issue.

So, when Mr. Box was asked as to, how would he propose to the department to pay more attention to the complexity of the language problems in the daily operation of various township and suburban schools? His response pointed at the bureaucracy within the department and that proposing anything would be possible at least via the lobbying route. Seemingly, language was not on the agenda for the Gauteng Department of Education, but the matriculation results were in the mind of every official. So, a different question that implicated the language policy was asked;

***Q.6 Do you think the notion of nation building could be reached through strengthening the different languages spoken in South Africa?***

Mr. Box responded positively toward this question and he also added that not just language but also recognition for religious and cultural diversity was essential. After having said that, he voiced his appeal to all South Africans that they should start realizing that there can be unity in diversity. Although integration has been gradually going on for some time in certain White schools, Mr. Box noted evidence of strong anti-African Languages. It would have been expected that Afrikaans schools would display the anti-African language but some English schools showed negative sentiments thereto.

Seemingly, in some of the previously designated White schools teaching of 'isiZulu' as one of the African languages had been prevalent because the Zulu language is believed to be an easier language, as it is spoken by a number of people in the Gauteng Province. Unfortunately, the Zulu language in most of those integrated English schools was still taught by White teachers. Whereas there were a number of Black teachers in the township schools who were declared in excess and who could do justice to the teaching of African Languages in most or if not all the previously designated White schools. Mr. Box also reported that white teachers taught African languages even when there were African staff members in the previously designated White schools.

### Discussion

Most educators held for many years that no fruitful learning and proper education could take place in an undisciplined environment. Maintenance of discipline at school was of utmost importance. It is behind this background that school officials are vested with the power to maintain discipline in any setting where learning takes place. Disciplinary issues were triggered when the interviewees provided their response to the question of bringing back the culture of learning directed to Black/African learners in the township schools, which phrase has reached topicality among stakeholders in South African education. A concept like culture of learning is by itself having nuances of inferiority in terms of ability to learn. Thus, based on the common themes discovered during the data analysis process, discipline issues were addressed rather narrowly because concerns were directed mostly toward punctuality, tardiness, and lack of a sense of urgency and accountability on the part of the learners and educators equally. As it appeared, issues that could invoke 'due process' would become imminent.

So, regardless of how disciplinary issues were articulated through the interviews, section 8 of the Schools Act provides for the discipline of learners. Therewith the governing body in any public school is bestowed with powers to adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school. The purpose of the code of conduct is to establish a disciplined and conducive learning environment directed at the improvement of the quality of the education process. Therefore learners are supposed to observe the code of conduct as determined by the governing body of their school.

With vanishing sense of accountability by both learners and teachers in the township schools, questions were raised about the government expecting to inculcate the culture of learning in these schools, when the same schools that needed attention were highly politicized before the new dispensation in South Africa. This concern forms the basic tenet of the vestiges of past discrimination, in which the psychological backlog created by Apartheid legacy to both learners and educators in that they are still attuned to blaming the system rather than joining forces to find solutions. One of the respondents articulated this notion by saying:

The time of saying all right we are running along with an Apartheid legacy, I don't think we can use that as an excuse anymore because five years have passed, so those kids, who came into high school after the new government, they have now passed out of matric[ulation] and things have gotten worse. One would have thought that with the new government there would have been a sense of pride in performance of the teachers but it has not and things have gone the other way. ....

You know I said to a gentleman the other day, why don't you rather sign now yours in building? You know. Rather than signing yours in the struggle because there might be a struggle now on, but it is no longer the same political struggle against aggression it is now struggle to actually build and to get going. And I said to him really can't you drop this thing

yours in the struggle because it is very per se it's very outdated than yesterday. (Ms. Spree, Interview, 01/19/2000)

It is because of such sentiments as expressed above that the government, through the Preamble of the Act, has attempted to consign to history of the past system of education which was based on racial inequality and segregation to the present unitary system where the South African Schools Act is seen as providing for a vantage in community involvement. Therefore, a cursory examining of discipline provision of the Schools Act may illuminate the meaningful role of governing bodies of the schools that may also be extended to other provisions of particular concern for this study like Admission and Language. Particularly since the governing body is the mostly referred to entity that has input on various aspects affecting learning environment within the schools even though, this unit would in some cases make decisions with lesser knowledge. Thus, substantiates the expectation alluded to earlier that, there is a link between the vestiges of past discrimination and the manner in which some of the provisions of the Schools Act are being implemented by the schools.

There were a number of factors that were highlighted during the interviews that had connotations to discipline and also implicated the admission provision of the Schools Act. These factors included the notion that in some case teachers thought that because they were no longer allowed to participate in administering corporal punishment, they in turn were losing control of their schools and thus, concluded that affected the culture of learning in the township schools. Considering the *bill of rights* which outlaws cruel inhuman or degrading treatment or punishment as reflected in section 12 (1) (e) of the Constitution, conjoined with, section (9) of the Schools Act both are in concert with the latter admonition by clearly expressing that no person was entitled to administer corporal

punishment to a learner at a school. Even if the parent of the learner grants permission or administers corporal punishment him/herself that would be in violation of the bill of rights and other similar laws. Thus, invoking these laws simply means that the Gauteng department of education, through its leadership, must find a way to reinstall the most talked about culture of learning.

The prevalent intervening conditions mostly noted in township schools where majority of Black/African learners were, included such elements as late coming of both learners and teachers. Township schools not starting lessons on time and evidence of lack of accountability. Learners would come to school dressed like they were having picnic and politicization of schools were seen as reasons for discipline problems within the township schools. Physical features were discouraging. Also, the fact that there would not be any readmission of those who failed their final year.

Teachers and principals of those schools who produced lower matriculation results, their jobs were threatened. , Lastly, having non traditional or over age learners causing discipline problems to mention a few, were aspects describing the enormous task that the Gauteng Education department had to grapple with. These elements became cause for concern for the government, therefore strategies were devised to curb the situation by the Ministry of Education. There could be several contentions to be made concerning those strategies.

The introduction of the education action zone team, which to me is like a covert policing or spying unit, as the strategy to root out elements of unaccountability by the teachers and principals in the targeted township schools is but worsening the problem. First, teachers are products of the system in that before the new dispensation they



challenged the idea of inspectors who were coming to evaluate their practices. As to the present, this lack of accountability is due to how the government handles their grievances. From the teachers being declared in excess which led to redeployment of some and others were being moved around to be mentored in other school districts in the area, is the root of teachers getting de-motivated. The schools became dysfunctional and most of these schools lacked facilities to promote learning. Thus such schools were clustered together and referred to as belonging to the '*education action program*'

Now with the inauguration of the monitoring unit (*known as education action zone team*), teachers and principals feel they are receiving the raw deal. Apparently, if found not performing to the optimum of the department's expectation or if they do not improve after having being mentored, they could lose their jobs. Therefore, administering by threatening people does not yield positive long-term result.

Surprisingly the department was aware of the deplorable conditions within those schools and there was less questioning of the possibility that the lack of accountability could as well be the by-product of de-motivation. The same rationale could be transferred to the learners whose schools were not conducive to learning. Therefore, the existence of such a policing unit may prove to be counter productive but its impact is yet to be seen. Looking for productivity in an environment that is deplorable is just as good as measuring the ability of both teachers and learners to endure the deplorable conditions characterizing some of the schools in the township. On the other hand, the idea of the education action zone team could be a very good strategy if the learning conditions were brought up to a reasonable standard where the physical conditions of the schools are improved. In that way the department could say we have done everything by creating a

healthy learning environment, and thus both teachers and learners should be in a position to bring in their end of the bargain.

There were some instances noted during the interviews where over age learners were seen as the main source of discipline problems within schools. Excluding them could jeopardize the departments' effort to redress ills of the past, which might stall progress. Not readmitting those learners, who did not pass their final examinations due to numerous reasons probably beyond their control, could nullify all the efforts of promoting literacy. Several arguments could be brought in this issue that first begin with the basic human rights. It is evident that education is paramount in affording one a brighter future even though there are no guarantees in realizing such an ideal. Reading into section (3) of the National Education Policy Act 27 of 1996, one could note the provision as being directed towards the advancement and protection of fundamental rights of every person guaranteed by the bill of rights. These include, *inter alia*, the right to protection against unfair discrimination within or by an education department or institution on any ground as it is confirmed by section (4) of the Schools Act.

So above all, if these provisions are in compliance with section (2) of the Constitution, the Gauteng Department of education officials, together with the stakeholders involved in not readmitting the learners who failed their final year, could be liable for violating the Constitution. Especially, because the Constitution is the supreme law of the country which renders any inconsistent laws null and void. Therefore, by keeping these learners out is not anyway addressing discipline problems or rather helping in bringing back the culture of learning. Assuming in *arguendo*, that if discipline was at issue, the education stakeholders should have a supporting evidence beyond reasonable

suspicion that learners who have failed their final year would taint or jeopardize improvement in bringing back the culture of learning in the targeted schools. Or, if keeping such learners out of the school because of overcrowding since these learners might have failed in large numbers, that in itself could be a good measure of the vested powers of the MEC in providing learning spaces.

The alternative provision of advising these victims to seek admission at technical institution is an undertaking that is filled with uncertainties because matters of economics come into play. The fees that are charged in those institutions might be excessive. Issues implicating the psychological impact that the victimized learners might feel among their peers could as well be a factor. Example, that the over age learners could not cope with the academic stream and the probability of not making it in the technical side is all but a chance as well. Lastly, that sending the over aged learners to the technical institution is a move that would yield less adulation from the community at large.

For Mr. Top, to advise parents to send the over aged learners to night schools or technical schools without a policy could chide the department for discrimination. This would be true even if those learners were no longer at compulsory school age. Only their indication of wanting education will suffice. Targeting and singling out the non-traditional learners by the Gauteng Education Department would be tagged as being counter productive to bringing back the culture of learning, especially when the learners show their willingness to learn. So the preceding contention could only be applicable in conjunction with section 29 (1) (b) of the Constitution which reads as follows: “Everyone has a right to further education, which the state must take reasonable measures to make progressively available and accessible.” Therefore, the government officials

could be in violation of the above subsection when advocating not readmitting those learners who have failed without a showing that there are other alternative programs in place.

Admission of learners in public schools: Mostly problems associated with admissions occurred in some of the previously designated White schools and such problems are linked to the idea of school desegregation. As a result of the interviews various themes indicated that some of the previously designated White schools were reluctant to admit learners from the townships. The reasons thereto varied from the scare that bringing Black/African learners would lower standard or the quality of education and that these learners would not cope with the curricula followed in the previously designated White schools. Evidently, all the officials interviewed from the Gauteng Education Department concurred in that the learners may not be refused admission to a public school. One respondent Mr. Top summed it up by saying:

I think let's just say, no South African kid must be denied through their parents the right to choose which school their children would like to go to, because we are all supporting, with this whole evolutionary process in transforming the previously designated white schools, to become South African schools, so I will not stop any parent from any township that want to send their kids to a suburb school, the parents have got a right of choice what we must ensure is that in turn increase the choice of the parent, because if there is a school nearest to the parent that can be good or even better than the school in the suburbs, but no kids must be denied.

So the de-racialization of the schools must be continued, it is important, no school must be a no go zone or area for any kid, white or black, but at the same time saying that, and I believe in organized transition and organized approach in bringing about change. Though we do have a major problem, that most of those kids that are going to those schools from the township to the suburbs are black and most of those schools are becoming black, but teachers of course remain white. (Mr. Top, Interview, 01/27/2000)

If that was the case, Mr. Top was asked a follow up question that was meant to examine his perception about the organized transition he referred to in the preceding text

whether; *would there be a possibility of institutionalizing the process of desegregating schools?* The researcher pointed out some of the factors that he believed might impact formal desegregation of schools. Example problems with numbers of the available school places as might be the case in the suburb schools could complicate issues because as it appears now a reasonable number of the previously disadvantage learners were seemingly seeking admission into the previously designated White schools. In essence the researcher was trying to establish what could have been the reaction from all the stakeholders if all non-Black/African learners were to be transported, if busing was an option, to the township schools or vis` a vis`. Mr. Top's response was as follows:

No! We don't have desegregation policy, what we do have is teacher education ratio. Gauteng is one province, and at the moment most of our schools are within that mode, the national ratio is 1:40, but Gauteng with its own economic status and a whole range of other reasons where we have good schools, throughout the province and we've opened up many public schools, we have been able to keep our ratio 1: 32. So as much as there is flocking to the suburb has helped us to deal with those ratio, because ultimately in a province where close to 5 million people are Africans and only 1.5 million are white, spreading out the African population in Gauteng has helped us through integration, while in other provinces, KwaZulu-Natal and Eastern Cape that comes to mind, it must be too difficult, because the areas are as much vast, I think Eastern Cape has got about 6 570 public schools and Gauteng has got only 2 300 public schools. (Mr. Top, Interview, 01/27/200)

This was contradictory to the response by Mr. Box who believed that the only way to get the schools integrated was through forced integration. The question still remains, how would desegregation of schools be done. It is unfortunate for South Africa that desegregation could be dual folded especially in relation to the provision of education. First, attempting to integrate schools one has to directly address the root of the problem in this case segregated housing system. Second, the physical disparities illustrated by schools in those segregated communities will not guarantee the interracial

enrollment of learners even if the conditions were fixed. Looking at all those intervening conditions, the question of the mindset will come into focus because it is then that the South African community will start confronting the vestiges of past discrimination. Everybody is probably content that, now that Apartheid is gone it would be easier to start life on the new page and forge forward. Unfortunately, it is not the case; the struggle of rebuilding has just begun.

The interviews revealed some of the difficulties encountered in schools or in working with various communities who are positive toward South Africa's education prospects but at same time very skeptic about the approach in encouraging integration in schools. The South African situation is very unique in that it was known that educational provision in the past was segregated. It is unique in that those who could be classified as minority are the ones who enjoy greater educational opportunities than the majority group.

Finally, the present scenario illustrates that there are no separate education systems for different members of the community as it was noted during apartheid years. It is equally imperative that having the country's youth educated in isolation and divided by irreconcilable moments of their history of unfortunate displacements, is but surrendering without putting an effort. It is behind this background that desegregation of schools should be a priority. It is my contention that desegregation of schools should not be left to chance. I also believe that circumventing and avoiding to mandate the process to desegregate schools and just to be content with mere teacher/learner ration is but futile exercise. To desegregate schools is in itself a strategy to enhance the reform efforts especially if transition is linked to history of inequality of opportunities as in the case of

South Africa. At this juncture, there is a necessity for the government to take charge over the admission and language policies in the public schools for the realization of “national unity” and an establishment of the rainbow nation which is characteristic to a single South Africa. Although the Schools Act is silent about enforcing school desegregation, it only states in its Preamble that the new schools system will protect and advance our diverse cultures and languages.

On the issue of the language, the interviewees were asked this question;

***Would you say that the government's endorsement of multiplicity of languages as official could hinder South Africa's participation in the world economy, or affect the nation's building effort for nationalism or patriotism?***

The reason behind this question was that, Language policy is conceived of as an integral and necessary aspect of the government' strategy of building a non-racial South Africa. In June 1997 the National Department of Education published the norms and standards regarding Language Policy as well as the Language in Education Policy envisaged in section 6 (1) of the Schools Act, wherein it emphasized the importance of cultural diversity, including multilingualism, and its promotion. However, the interviewees responded differently as expected because issues around the language provision tended to be sensitive given South Africa's history.

The different viewpoints were also due to the actual practices in various schools. Suppression of less popular languages was noted in some schools and if the situation persisted without being monitored the language provision that would ultimately affect the nation's building efforts. So because the Schools Act is silent or rather vague in section 6 (1), it does not contain any guiding principles other making reference to the Minister of

Education as having influence subject to the Constitution norms and standards of the language policy for schools. Therefore, it was no surprise at all to hear Mr. Box indicating in part that, “unfortunately South African schools Act allows that governing bodies to decide the language policy in schools, so in that respect the South African Schools Act is not enabling us to open up those schools and that is a problem.” So, at issue then is the decision on the language policy of the school as proffered by the Schools Act having a bearing on the right of the learner to be instructed in the language of his or her choice which should be done during admission. But, there should be some exercise of caution that the chosen language of instruction might change with time, may be as learners grow or as governing bodies change.

In exploring Mr. Box’s response of saying the school Act does not allow the officials much leverage in the language provision because the schools via their respective governing bodies determine their own language policy. As indicated in the paper where Potgieter (1997), argued that although in principle the governing body may determine the language policy of the schools as it was illustrated through the interviews, however governing bodies have limited discretion in this regard. On the contrary, some critics, have since the new dispensation contended that the way in which the provisions on the language policy of the schools has been coined, would make it possible for the government to enforce its own language policies in schools. Possibly, thereby making the continued existence of single language medium schools difficult. Which by the way, single medium schools would not be conceived within the townships. The latter was confirmed by Mr. Box’s response in part to a probing question:



***“Why is it still the case with most learners in the schools having to take three languages whereby the proficiency of two, i.e., English and Afrikaans, was mostly promoted with less emphasis on the vernacular?”***

**MR. BOX:** You see, and I don't know that whether this is applicable with the composition of the other schools. A group of Afrikaans speaking people still has the ability for a lack of better words to ensure that their language is still the main language. That's the one problem that we are dealing with. That is not happening with the African languages, you see unless that can happen that is what you are talking about will not be realized.”...(Mr. Box, Interview, 01/27/2000)

In essence, from reading together of section 6(2) and section 9 of the Constitution of 1996, one could conclude that there is a duty of the government to take practical and positive measures to elevate the status and advance the use of the indigenous South African languages. Therefore to establish the government's effort to regulate the admission and language policies of schools in shaping the South African schools system, Mr. Top highlighted the following:

That's one of our objective this year to make a difference and as I said to you earlier, we have programs in place to enhance diversity teaching, and learning a language is a critical part of that. But what we have found with it, in the suburbs schools in particular have serious problems with languages. My own view is still that, even if parents have a perception that they want their children to be taught in English, because they have to go to the University or the work place, but at the same time must not lose the pride, cultural values and norms that come with your language. So we want, and Gauteng as a messiah, all eleven languages if I am a Zulu learner, the first language is Zulu and have English as second language, but what has happened the black youth are taking English as a first, and when you tell them about Zulu as a first language they say it is boring, we would not accept that, but at the same time it is again the mindset both of parents and learners, but I must tell you that in some of the public schools, parents have taken initiative, both black and white. (Mr. Top, Interview, 01/27/2000)

However, during the time of the interviews another intervention program was still on the pipeline. This intervention program was intended to initiate development of

Mathematics and Science teaching through indigenous models. This undertaking was a collaborative venture between Microsoft South Africa and the Gauteng Department of Education. If such an undertaking becomes successful it would be extended throughout the country. Also, programs designed to enhance diversity teaching and learning through all official languages are all in line with the notion of redressing vestiges of past discrimination.

So far advances in establishing the inherent rights of learners and the role of parents and governing bodies through the language provision still need to be explored. Much of the implications of the language provision influencing language policy in the schools of South Africa are outlined in section 29(2) of the Constitution which reads as follows:

Everyone has the right to receive education in the official language or languages of their choice in public institution where that is reasonably practicable. In order to ensure the effective access to, and implementation of, this right the state must consider all reasonable educational alternatives, including single medium institutions, taking into account: (a) equity; (b) practicability; (c) the need to redress the results of past discriminatory laws and practices.

The connotation of the introductory sentence of this provision overwhelmingly guarantees equal treatment in upholding the notion of choice. But what is happening in the schools is totally different. Through the interviews, the researcher gathered that the problems concerning the language provision were prevalent in the previously designated White schools. The underlying conflict in those white schools seem to be deeply rooted in the history of political factions among various groups, on the one side is English and Afrikaans and on the other side is Afrikaans and indigenous language groups. To the Afrikaans schools acting through their governing bodies to determine language policy

could be mistakenly assumed to be creating single medium schools purposely to exclude other members of the community. Consequently, Afrikaans single medium schools would remain largely White and thus fail to reflect and contribute to the development of unitary “rainbow nation.”

Confirming, Mr. Top’s observation of the situation in some of the previously designated White schools, in acknowledging that the majority of Black/African parents apparently would want their children to study through the medium of English and not through their native or mother tongue African languages. Thus, English is seen as the key to economic empowerment and gateway to international opportunities. Therefore, it is behind this background that vestiges of past discrimination are still prevalent in the language provision because for most Black/African people in South Africa, education through mother tongue has been synonymous with inferiority.

Another potential implication of the language provision is the second portion that deals with the phrase “reasonably practicable.” It is through this phrase that equal treatment of several languages should be considered. Although the indigenous languages are known to lack the vocabulary enabling them to be used as the medium of instruction, the equality principle should guide the schools when determining language policy decision.

On the other hand, the Schools Act and the Constitution both do not however require the learners to learn at least two official languages. If it were, White teachers would not have taught learners in previously designated White schools indigenous languages. On the contrary there is a number of Black/African learners who are taking

three languages which, if allowed exercising their right of choice would be content with two official languages.

Integration is not desegregation, assimilation, immersion or an alternative to ethnic pride. Integration is the goal of sharing major institutions in a way that recognizes and teaches respect for our different cultures as well as shared goals. Institutions moving toward integration must treat students from each background with fairness and respect. The significant step that South Africa has undertaken was the establishment of the Treaty and Reconciliation Commission where grounds for forgiveness were laid and doors for tolerance were opened. That was a good start in unity and nation building efforts.

But most importantly, South Africa's Constitution and the Schools Act are the most significant policy documents that foster positive racial relation and guarantee enjoyment of equal educational opportunities. Unfortunately, these documents provide important guidelines for redressing aspects of past discriminatory laws but the burden lies with all South Africans to adopt different strategies and the approaches to preserve her fragile democracy. In which case school desegregation should be an option as the first step under girded by the ultimate goal of transforming segregated institutions into integrated communities. The interviewees indicated that there was no formal school desegregation in the Gauteng Province or even South Africa as a whole. It can be argued that maybe the policy makers and interested commentators knew that it was better to circumvent school desegregation. Understandably, this process might put a steep financial burden on the government that would lead to the suppression of the most pressing issues like poverty, AIDS, and the bringing back of the culture of learning. Especially, if desegregation is perceived as an educational treatment only, by ignoring its

logic, objectives, and the impact in influencing the roles the schools and educators could play.

Obviously, it is evident to understand that Apartheid policies would not have had such endurance if they were not carried out through education. It is equally understandable that forces that helped toward the dismantling of Apartheid were propelled from the education arena. So just initiating compensatory educational programs alone does not change the perceptions of the recipients, let alone changing the other conditions outside the schools. Perceptions of inadequacy and the innate stigmatizing inferiority which, give rise to the lingering effects of past discriminations manifesting itself through a variety of mindsets in both minority and majority groups.

So, if the ultimate goal of the South African government is to build national unity, then it is with this reason that school desegregation should be an applied approach. For school desegregation aims to create connections with new opportunities that would change learners' life chances not only through academic achievement but access to lucrative jobs and enhance learners leadership abilities for the sustenance of future democracy of South Africa. School desegregation aims are also trans-formative in that, they create new institutions with stronger educational programs and positive race relations. These goals would help especially in the promotion of the 'rainbow nation's' ideals by helping both Whites and Blacks/Africans stereotype and learning to function in an interracial society.

### Summary

The first part of the analysis of this study dealt with the quantitative data that enabled the reader to have a general picture of the interracial distribution of learners

around the schools within the Gauteng Province. Unfortunately, the actual trend could not be computed because there were insufficient data for a comprehensible picture to illustrate enrollment of learners by race during the crucial periods of South Africa's transition. Some years depicted enrollment of learners by race some did not. Therefore, the researcher only considered three years that had the learners' enrollment by race which made it easier for the researcher to run a test of significant. The basic purpose of the quantitative part of this study was to examine the extent at which learners from different racial groups were distributed. The years that were considered were, 1996 was before the School Act became law, 1997 the year when the Schools Act was formally upheld and 1998 the year after the enactment of the Schools Act.

The reigning initiative to bring back the culture of learning had throughout the interviews illustrated nuances of perpetuating residual of differences manifesting themselves in compensatory programs. As much attention were focused at the conditions in Black or township schools, suburban schools on the other hand had dynamics that if were left unchecked would breed a different South African society altogether. The statistical data in concert with concurrence by the interviewees had some connotation on the desire for integrated schools. The migration of Black/African learners to the previously designated white schools even though this move seemed to be one sided. As one respondent indicated that learners seem not to have problems integrating the trouble starts when parents, and politicians get involved. The results of the qualitative data supported the researcher's original expectation that there is a link between the racial composition of learners within the schools in the Gauteng province and vestiges of past discrimination.

## **CHAPTER V**

### **Conclusion**

#### **Summary and Hypothetical Conclusions**

**This study was intended to examine the effectiveness of the South African Schools Act (1996) in light of the persistence of the vestiges of past discrimination. The areas where such vestiges manifested themselves were in the Schools Act where in the following provisions were outlined: namely, Discipline, Admission and the language provisions in the public schools. Admissions in the public schools was at issue because through the interviews, it was revealed that the previously designated White schools were reluctant to admit learners from the townships even though the Schools Act conjoined with the Constitution annulled any form of discrimination. Admission provision of the School Act yielded much interest because this provision illustrated the extent of the process of dismantling previous apartheid laws in education.**

**Discipline in public schools was articulated in the manner that characterized conditions of schools in the townships. Wherein, discipline problems illustrated lack of accountability and responsibility by both educators and learners. The relevance of discipline provision in this study was due to the decline in the culture of learning that was presumed to be due to the politicization of township schools before South Africa's new dispensation by the then political movements, part of which forms the present government.**

**The language provision was also a point of focus because language contributed toward shaping South Africa's history. To put the latter statement into perspective,**

language provision in Black/African education triggered the 1976 Soweto School Riot which is most referenced event in the history of South Africa's black/African education.

The historical methodology followed by this study enabled the researcher to incorporate literature review and interpretation simultaneously. Hence, the literature review was interwoven with interpretation. This study involved interviews and it included statistical data. Thus, the primary sources constituted firsthand information, example, the South African Schools Act 84 of 1996, and actual participants.

Discipline in most township schools is a plague to most stakeholders in the Gauteng Province or even South Africa as whole. Often the government and the legacy of apartheid are blamed for the decline of the culture of learning. The government is constantly reminded by the education critics about the role the township schools played to help dismantle apartheid. This criticism stem from the characterization that was due to politicization of education in the past and that has been a cause for concern in saying how could the government 'deconscientize' the mindset of declining level of accountability and responsibility in both teachers and learners.

Some teachers were reported to be disrespectful to the teaching profession; teachers who were ill disciplined; teachers who taught when they felt like or when they could find time; who did not care to do research to keep up with the latest trend in their subject area; and some who are suffering from substance abuse. Learners, on the other hand, were reported to be unruly, disrespectful and undisciplined even from home; they arrived late; learners were disruptive in class; and they came to school dressed like they were preparing themselves for a picnic. All these characteristics rendered the township



**schools dysfunctional and consequently, manifested themselves in decline in the culture of learning that exemplified lack of interest in education.**

**The critical observers of the conditions in the Township schools viewed the decline of the culture of learning as an inverse proportion of '*freedom now and education later,*' which was one of the slogans chanted during the height of the struggle against apartheid. Therefore, such sentiments are related to the vestiges of past discrimination in that township schools were used as political pawns and hence a mindset of disregarding the importance of learning and lacking interest in education, often the government is blamed. As a result, the critics always ask the question; "how then will the present government reorient that mindset of both learners and teachers in bringing back the culture of learning?" It is no surprise that the government charged a special unit, which set up this year to investigate and possibly rectify the situation in schools by any means, deemed appropriate.**

**However, it is still yet to be seen how the Education Action Zone Team performs in its report card. Despite the inauguration of this unit, nothing was said during the interviews about the same unit visiting the previously designated White schools. Also, there was no information about how the non white learners were doing in the previously designated White schools except for isolated nuances of racism. Unless one draws some conclusions based on the statistical data which, reflected that a less significant number of non-White learners were flocking to the previously designated White schools compared to the high number of learners still educated in isolation in the townships. Subsequently, an inference could be made that the conditions in the previously designated White schools were conducive to learning. Therefore, schooling in the Gauteng Province of**

South Africa could be regarded as still separate and unequal. Thus, confirming the expectation that there is a link between the vestiges of past discrimination and the racial composition of learners enrolled in schools when examining discipline of the Schools Act, because there are less or no discipline problems in the previously designated white schools compared to the township schools.

The other inference would be in the issue of banning of corporal punishment or the removal of the cane from the hands of the educators that has led to discipline problems in the township schools whereby the teachers felt like they were loosing control of the learners. It is behind this background that the position of the teacher in disciplinary procedures in the schools has not been given proper delineation, whether teachers were acting in *loco parentis* to *tutelage*. I am still yet to see in the code of conduct of a particular school where the educators characterized as *tutelage*. This could reflect a teacher as the tutor as well a custodian for the learning environment.

Having said all that, the South African government has done a lot in improving the whole education system for the country. This government has provided the South African people with well thought of enabling legislation, policies and opportunities in education than any of its predecessors had done. It has allocated a substantial budget for improving education. So the onus should now be with all South Africans to bring their end of the bargain to rebuild and improve the education system.

Admission provision of the South African Schools Act #84 (1996) in relation to the outcome of the interviews yielded aspects that triggered school desegregation. Additionally, some connotations were extended to the language provision of the Schools Act in that language in some instances where there was as a condition to grant or deny

prospective learners access to the previously designated White schools. Discipline matters were also incorporated with admission provision of the Schools Act in that a covert undertaking by some of the previously designated White schools preferred admitting non-White from the townships at younger age with the rationale that younger learner would not cause problems. Apparently, three provincial department officials who participated in the interview were in full agreement on the admission provision of the Schools Act and how various school types were in compliance with the provision.

In light of that, the complex issues with which the department officials had to improve, were the admission provision and the influx of over age learners within the province. The over age learners were assumed to be part of the discipline problems in most township schools in the area. Additionally, those learners typically epitomized vestiges of past discrimination in that they might have been denied access into schools because of various reasons attributable to their socio-economic background. Or their socio-political roles they had played in the past where their educational endeavors were stalled. With that understanding as the strategy by the officials not to violate equal access in light of over age learners' possible claim of the right to basic education, those learners were advised to explore other option they could follow. Technical route was one avenue opened for non traditional learners. Based on their level of education, the over age learners were advised to take the route of an accreditation agency or enroll in 'night schools' and follow adult education program.

In general, the admission provision of the Schools Act as explored by this study reflected a link between both discipline and language policies in public schools within the Gauteng Province with regard to the role played by the governing bodies of various

schools. In view of the latter, section 5 (5) of the Act, confirms the role of the governing body in this manner: “the admission policy of a public school is determined by the governing body of such school.” Thus, in part the evidence presented by the interviews illustrating the reality that the various governing bodies of schools would face in making effective decisions on admission provisions because schools presented different realities.

Despite this position, the question of effectiveness of the governing bodies in township schools was not explored subject to lack of focus to such because not much admission problems were noted there. Lack of participation by the governing body members of the township schools was noted. Quite a number of them needed training preferably through any of the indigenous languages spoken in their locale. This undertaking complimented the observation made by one of the departmental officials. He asserted that lack of understanding and participation of the governing bodies in the township schools was attributable to meetings or workshop sessions mostly conducted in English which to some might have been difficult because the group’s characterization ranged from semi- literate to illiterate. Consequently, issues such as the resolutions for the payment of school fees were difficult to resolve if a majority of parents do not attend meetings convened by the governing bodies.

Language provision of the Schools Act was another area where it could be determined whether desegregation of schools was a possible option to remedy educational problems. As the result the language provision of the Schools Act became the critically piece of legislation, and *inter alia* this provision played crucial role in some schools in shaping the decisions of various governing bodies in determining admission

policies affecting learners. Subtly, the language provision served as the yardstick in determining the extent of integration in the public schools.

By the same token, the extent of integration in the township schools has always been positive due to the enrollment of learners with various language backgrounds. Since the township schools are linguistically integrated, that should not be construed as being success because the major objective is that of racial equality and enjoyment of equal quality education. There are two conclusions that could be drawn from the language provision of the Schools Act.

First, recognition of the multiplicity of languages spoken in South Africa as official by both the Constitution and the Schools Act is on its own the affirmation of diversity. This implication an assurance for even the small indigenous cultural distinct groups that they too are part of South Africa. In that spirit, each unique cultural heritage will be preserved and the rainbow nation characterization will stand the test of time. With respect to the latter, the caveat emptor is that if the smaller language groups are not afforded equal recognition as the larger language groups, then unity in diversity might be compromised. The differences in size connote the level of popularity, smaller is to less popular, and larger is to highly preferred language options.

Second, the same recognition of the multiple languages as official is but a confirmation that South Africa is the country with different minorities manifested through linguistic differentiations. It is behind this background that there are problems concerning the language provision of the Schools Act within different schools in Gauteng Province. As mentioned earlier, Gauteng Province is the most industrialized province of South Africa. It goes without saying that the population represented within this are

reflects diversity and is linguistically different. Therefore, skepticism of one language dominating others will be met with strong opposition from the less preferred languages. This concern has evinced itself among the previously designated White schools where there is English versus Afrikaans medium of instruction as language option mostly determined by the governing bodies. Fortunately, adjustments are being made and the problem is gradually untangling itself.

There is no denying the notion that South Africa is an intersection of both worlds. South Africa's position in part is at the first world where technological advancements this country has achieved thus far are in some aspects enabling participation in the world economy. Complimenting the latter notion is the receptive ability of all South Africans to acknowledge that English language need to be used as both administrative and commercial language because of its universality.

The other part of South Africa's position is at the third world because of her young and fragile democracy whose development is carefully harnessed by her multicultural identity. Different cultural groups with different language backgrounds are therefore making compromises, that communicating to or with the outside world are made easier through English language. Unfortunately, all the different cultural groups have an option to at least take English as a second language. Although, the government does not emphasize this choice, it is subtly considered as matter of fact. So what has happened is that based on the history of South Africa most African learners prefer English as a second language. By the same token, the importance of mother tongue should be enhanced from birth to enable stronger mastery of the second language in that way concerns about cultural erosion could be addressed.

It is with this in mind that language impacts every aspect of South African education, from social issues like respect for civil liberties, voting, democracy, AIDS education including language choice or medium of instruction to matriculation results. Multiplication and duplication of services for administrative, legislative and commercial purpose language is absolutely necessary.

Therefore, conveying the ideas and principles of all the issues mentioned could not be achieved without language that is enabling every citizen to derive a meaning thereof. So it is up to individual cultural groups to try to preserve their own language heritage. What the Constitution guaranteed is the atmosphere and the capacity of language use without any form of discrimination. Thus through the language provision of the Schools Act, equal access laws could be invoked. Hence, it is with this reason to affirm that there is a link between the vestiges of past discrimination and the racial composition of learners enrolled in schools within the Gauteng Province when examining language provisions of the School Act.

#### General Implications of the Study

Generally, the interviews elicited some of the sentiments that were prevalent during the Apartheid days where a majority of the black population viewed education as the only hope from socio-political servitude. Hence, the caliber of students then, is presently forming the top echelon of leadership within the South African government. However, by recognizing their sacrifices and diligence in pursuing their educational endeavors and simultaneously spearheading their political aspirations, all South Africans should be mindful of looking at segregation as a benefit. Especially, if forcible desegregation of school is avoided and left to chance.

In addition, matters dealing with equity in education have nuances of miscalculated proposals confirming the unitary status of the South Africa's education system, which if clearly understood could applaud segregated school systems without being desegregated in the first place. Therefore, all the stakeholders interested in the positive and fruitful education of South Africa's future leaders must take heed of innocent justification that are slowing down formal desegregation of schools. In summation, desegregation of schools might not be a popular choice or be in the agenda of the policy makers. However it is equally imperative to note that revamping or renovating the township schools will not wondrously eradicate vestiges of past discrimination, unless South Africans act in unison to support all efforts of educational reform.

Unfortunately, there still exist Township schools that were used as political platforms for the past few decades. Students who are attending those schools are still reminded by the physical appearances of such schools. Not much has changed to date and such schools form the basis of the argument about equal quality in education and with their transformation would launch the modernization theory reflecting related variables characterizing this process. The researcher is aware that the problem with segregated residential pattern will be cumbersome task to rectify. Needless to say that modernizing institution would be an option for the South African government to attempt. That would be possible if this country's government perceived education as a priority, which in this case is a bit fuzzy.

Additionally, if the government were willing to invest in education as the feasible venture to promote democracy and national development, then education would undoubtedly take precedence. Cognitive and psycho-sociological modernization variables



may be realized concurrently as the process of modernizing institutions is brought into effect. There is no gainsaying that almost all aspects of modernization are as a result of schooling. In the case of South Africa, modernization theory's assumptions about modern values, modern behavior and attitudes, are highly questionable. This is arguably raising flags about modernization; namely, who determines what is modern or what is not modern.

A comparison between dependency theory and modernization theory will elicit understanding of the notion of development. For South Africa modernization theory assumes that the new dispensation is nothing but a step toward development. Whereas dependency theory highlights the relationship among this country's diverse population to fully realize the potential worth that lies in her diversity. It is also true with reference to the economic relationship with the neighboring countries. Equal access to education, as an important ingredient for South Africa's development will definitely highlight modernization theory.

The process of bridging the gap created by the past discriminatory laws would fortify the dependency theory among the group who rightfully deserve any assistance from the government and in turn expectation for such relief without showing initiative would sometimes stall development. Doubtless to say that education promotes modernization and that education should be used, among other reasons for the development through a set of educational aims of respect for and appreciation of diversity in order to stamp out fears, prejudice and discrimination.

It is imperative to constantly make reference to South Africa's past as to determine how quality education could be delivered to all the learners. Relatively, to heed

the warning expressed by (Meier, K.J., et. al., 1989) that provision of equal educational opportunities should not be defined as school desegregation. This notion is true to South African education because as it stands, application of the mechanical process to desegregate schools would be mostly affected by the numerical imbalances of the learners to be catered for. The scenario is unlike the situation in the United States where busing of students was employed as a means to desegregate schools.

### Recommendations

These implications, analyses and conclusions taken together suggest that the complex interaction between schools and residential segregation have substantial reciprocal effect on racial concentration of learners in South African. So it stands to reason that education of Township learners in isolation will outweigh any attempt by the government even if the physical conditions of these schools are brought to the level of those in the suburbs.

It is evident that renovating township schools would take a larger part of the education budget especially when funds are scarce. Therefore, the researcher recommends building of "magnet schools" to facilitate integration on volunteer basis for the non-Black/African learners. These magnet schools at the beginning could be as many as two for each district within the Gauteng Province and their location could be along the fringes between the townships and the suburbs. Corporate business could be targeted to to match in part what the government might pledge.

Another recommendation is that of breaking the cycle of disadvantage by introducing programs to improve adult literacy. These programs will empower the adult community in several ways namely; improving the adult participation in school activities

that are affecting their children, enhancing their participation in all levels of school governance, and improve literacy because a literate community will enhance sustainability of democracy in South Africa.

Teachers who teach similar subjects should be encouraged to form collaborative networks and partnerships. The purpose of these collaborative efforts is to help develop new methods of teaching and enhance the teachers' understanding of the existing government initiatives. Along with such networks, professionals from the private sector should be encouraged to offer their expertise by working with learners during 'Saturday Schools' or be open to undertake visits to various schools at their convenience to do presentations or for speaking engagements or above all for offering financial pledges. Basically, all these efforts amount to doing something positive to salvage education, as we know it.

Lastly, there should be an occasional exchange programs for learners from both the township and suburban schools. Special attention should be paid to learners who were previously disadvantaged to be afforded an opportunity to visit schools in the suburbs for specific subject areas after consultation with the governing bodies for such schools. This undertaking will help in the closing of the gap between the township schools and those in the suburbs. Ultimately, the notion of educating learners in isolation will dissipate with time and assumptions about teaching on the other side of the residential divide will be eliminated. Thus, the foundation upon which the spirit of nation building and patriotism will be build and consequently promote long lasting positive race relation.

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## **Appendices**

## APPENDIX A

### A Depiction of Gauteng

#### Gauteng



Capital: Johannesburg

Other important towns: Pretoria (administrative capital of the country), Soweto, Krugersdorp, Roodepoort, Germiston, Springs, Boksburg, Benoni, Brakpan, Kempton Park, Cullinan, Vanderbijlpark, Vereeniging, Heidelberg, Nigel, Bronkhorstpruit

Principal languages: Afrikaans (20%), isiZulu (18,4%), English (16,1%)

Population (27 April 1994): 6 869 103

% of total: 17%

Area (km<sup>2</sup>): 18 810

% of total: 1,6%

Farming: dairy products, vegetables, fruit, flowers, maize, ground nuts, sunflowers, cotton, sorghum

Industries: mining (gold), manufacturing, finance, transport

GDP (1991): R103 870 million.

Source: South Africa Year Book. (1995).

## APPENDIX B



*The University of Oklahoma*

OFFICE OF RESEARCH ADMINISTRATION

November 19, 1999

Mr. Isaac Jabulani Sithole  
1415 George Avenue  
Ahley Square Apartments, #120  
Norman OK 73072

Dear Mr. Sithole:

Your research application, "An Analysis of the Related Issues of Vestiges of Past Discrimination Plaguing the South African Schools After the Enactment," has been reviewed according to the policies of the Institutional Review Board chaired by Dr. E. Laurette Taylor and found to be exempt from the requirements for full board review. Your project is approved under the regulations of the University of Oklahoma - Norman Campus Policies and Procedures for the Protection of Human Subjects in Research Activities.

You are responsible for the adherence of the laws of the foreign country regarding the use of human subjects.

Should you wish to deviate from the described protocol, you must notify me and obtain prior approval from the Board for the changes. If the research is to extend beyond 12 months, you must contact this office, in writing, noting any changes or revisions in the protocol and/or informed consent forms, and request an extension of this ruling.

If you have any questions, please contact me.

Sincerely yours,

A handwritten signature in cursive script that reads "Susan Wyatt Sedwick".

Susan Wyatt Sedwick, Ph.D.  
Administrative Officer  
Institutional Review Board

SWS:pw  
FY00-33

cc: Dr. E. Laurette Taylor, Chair, Institutional Review Board  
Dr. L. F. Rossow, Educational Leadership & Policy Studies

1000 Asp Avenue, Suite 314, Norman, Oklahoma 73019-0430 PHONE: (405) 325-4767 FAX: (405) 325-6089

Your request for statistics on Gauteng

**Subject: Your request for statistics on Gauteng**

**Date: Mon, 18 Oct 1999 11:52:01 +0200**

**From: "Data Dissemination Service" <edusourc@wn.apc.org>**

**To: <dejah@ou.edu>**

Dear Jabutani

Your request for information illustrating enrolment trends in the Gauteng Department of Education has been forwarded to me, Jennifer Shindler, at the Education Foundation. I have contacted the Gauteng Education Department and they cannot supply information for every single school. They also do not have information before 1996. They can provide you with the following: enrolment by grade, by race and by ex-department for the province as a whole for 1996, 1997, 1998 and 1999. For information prior to this date, we have the following information available: enrolment by ex-department in Gauteng for 1991 (it is NOT broken down by by standard or grade or primary/secondary, unfortunately), enrolment by primary and secondary by ex-department for 1993, and enrolment by race and grade for 1994. None of the available data can be broken down by private and public schools. However, the data does include private and public schools. There is no data for Gauteng for 1992 and in 1995 the data was not collected on a racial basis.

Can you let me know if you want to receive the data available. If you do, I will contact the Gauteng Education on your behalf, but I need to know exactly what you want.

You can contact me at [edusourc@wn.apc.org](mailto:edusourc@wn.apc.org). Please put the name Jennifer or Jennifer Shindler in the subject row.

Regards

Jennifer Shindler



Gauteng Department of Education

**OFFICE OF THE  
SUPERINTENDENT - GENERAL**

Telephone No.: (011) 365-1511  
Fax No.: (011) 333-6846

16<sup>th</sup> Floor, 111 Commissioner Str  
P.O. Box 7719 Johannesburg 2009

**FAX**

**TO:** Mr Jabulani Isaac Sithole  
University of Oklahoma

**Fax number:** (001) 405-325-3403

**From:** Peka Mokoena

**DATE:** 28 October 1999

**Subject:** Permission to Conduct Interviews

Dear Mr Sithole

The Office of the Superintendent-General acknowledges receipt of your letter 28th October 1999.

Please be advised that this matter has been referred to Ms Palese Majazi, Acting Director EMS.

For further inquiries please feel free to contact Mr Thomas Mathiba of our Research Unit at this number (011) 365-0466 or E-mail [thomasm@gpg.gov.za](mailto:thomasm@gpg.gov.za)

Kind regards

**Peka Mokoena**  
Superintendent-General's Office

**Encls**

16 NOV 1999 11:21

GAUTENG EDU DEPT

NO. 144 P.1



**GAUTENG DEPARTMENT OF EDUCATION  
RESEARCH UNIT**

011) 355-0651  
011) 355-0670  
Thomas Mathibe/ Lekhotla Mafela  
: ThomasMa@gpg.gov.za

111 COMMISSIONER STREET  
JOHANNESBURG  
2000

**MEMORANDUM**

Mr Jabulani Sithole  
University of Oklahoma  
National Leadership and Policy Studies

Mr : Thomas Mathibe, Head: Research Unit

**PERMISSION TO CONDUCT INTERVIEWS**

Mr Jabulani.

Letter dated the 10/11/99 has reference.

Gauteng Department of Education (Research Unit) wishes to inform you that permission is hereby granted to you to conduct interviews in Gauteng Schools, South Africa.

Department may however wish to get the following information from you for control purposes ;

- A sample of schools to be involved in the project ( N.B This information can be accessed from the Departments website at the following address [www.education.gpg.gov.za](http://www.education.gpg.gov.za)).
- Field work schedule (timing of interviews).
- A completed application form for requesting permission to conduct research in Gauteng Schools (Also attached).
- After completion of the project a copy of the research report should be sent to the Department (Research Unit).

Department want to wish you lots of luck in your academic endeavours.

May you find this to be in order with you.

*Thomas Mathibe*  
Thomas Mathibe  
: Research Unit.

### **CONSENT FORM**

**"Under the auspices of The University of Oklahoma"  
College of Education**

**DEPARTMENT: Educational Leadership and Policy Studies**

#### **Letter of Concern for Provincial Education Directors, Principals and Members of Governing Bodies**

I am Isaac Jabulani Sithole a graduate student majoring in Educational Administration, Curriculum and Supervision with emphasis in Education Law, in the College of Education at the University of Oklahoma. This letter serves as an invitation for voluntary participation in the research project of individuals who are involved in education for all South African and good citizenry. This research project is in partial fulfillment of the requirements for the doctoral degree and most importantly it can highlight possible policy guidelines for improving South Africa's education system

The purpose of this study is to identify how the related issues of the vestiges of past discrimination are affecting schools in the Gauteng region after the adoption of the South African Schools Act (1996) and whether this act is well understood by various leaders in the South African education arena. Your participation in this project will require answering approximately 12 qualitative questions centered around this bill and the duration could be more or less 30 minutes. The process of data collection will be in an interview format. Most importantly these questions will include your perception, observed improvements, trend in racial composition after the adoption of the South African Schools Act(1996). Due to the distance, the researcher plans to conduct these interviews by use of the telephone through teleconferencing. The discussions will be recorded to help the researcher analyze the data. Such recordings will be safely secured and kept for about six months and thereafter destroyed. Needless to say that the data will be kept in strictest confidentiality. Agreeing to participate in this interview will not only enhance the education of the learners in the new South Africa but also help promote tolerance and help shape policies for educational equity.

Your participation in this study is voluntary. Refusal to participate will incur no penalty. The Provincial Department of Education, the National Department of Education and related bodies will neither have access to the raw data nor the names of individuals whether or not they participate in the study. Participants are free to withdraw from the project at any time and no additional risks will be created by such action.

Please sign the consent form below and return it in the self address envelope that has been provided by September 30<sup>th</sup>, 1999. If you have questions concerning this project, please do not hesitate to call me at 405-292-3683 or email at: dejah@ou.edu

Sincerely

Isaac Jabulani Sithole  
Graduate Student  
The University of Oklahoma

I ..... give consent to participate in this project

Signature \_\_\_\_\_

Date: ...../...../.....  
Month/ Day/ year

If you have any questions about your right as a participant in this study, or feel you have been placed at risk, contact the Human Subjects Institutional Review Board at (405) 325-4757



# APPENDIX C

Table 1  
t-Test for Dependent Sample Data

Paired Samples Statistics

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 NONWBC - NONWBC	271.2500	3	242.2353	271.2500
Pair 2 NONWBC - NONWBC	271.2500	3	242.2353	271.2500
Pair 3 NONWBC - NONWBC	271.2500	3	242.2353	271.2500
Pair 4 NONWBC - NONWBC	271.2500	3	242.2353	271.2500

Paired Samples Correlations

	N	Correlation	Sig.
Pair 1 NONWBC - NONWBC	3	.894	.007
Pair 2 NONWBC - NONWBC	3	.872	.008
Pair 3 NONWBC - NONWBC	3	.889	.012
Pair 4 NONWBC - NONWBC	3	.889	.011

Paired Samples Test

	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval Lower Bound	95% Confidence Interval Upper Bound	Sig.
Pair 1 NONWBC - NONWBC	-222.2353	271.2500	271.2500	-765.7500	321.2500	.1109
Pair 2 NONWBC - NONWBC	-101.2500	142.2353	142.2353	-385.7500	283.2500	.3506
Pair 3 NONWBC - NONWBC	-992.2353	1114.2353	1114.2353	-3098.7500	1004.2500	.1209
Pair 4 NONWBC - NONWBC	-1000.2353	1000.2353	1000.2353	-3000.7500	2000.2500	.1411

Paired Samples Test

	t	Sig.
Pair 1 NONWBC - NONWBC	2	.110
Pair 2 NONWBC - NONWBC	2	.351
Pair 3 NONWBC - NONWBC	2	.287
Pair 4 NONWBC - NONWBC	2	.294

NONWBC - Non-Black Income in Black Schools  
NONWBC - Non-White Income in White Schools

# **ENROLLMENT OF LEARNERS BY RACE FOR 1996 IN VARIOUS DEPARTMENTS**

Non Black Learners in Black Schools (1996)		total	Percentage	Total %
White Learners	38		0%	
Colored learners	710		0%	
Indian learners	209		0%	
<b>Total Non Black Learners in Black Schools</b>		<b>957</b>		<b>0.00%</b>
<b>Non White Learners in White Schools (1996)</b>				
Black Learners	67293		6%	
Colored Learners	10633		1%	
Indian Learners	4803		0%	
<b>Total Non White Learners in White Schools</b>		<b>82929</b>		<b>7%</b>
<b>Non Colored Learners in Colored Schools (1996)</b>				
White Learners	601		0.000522	
Black Learners	17053		1.481175	
Indian Learners	98		8.51E-05	
<b>Total Non Colored Learners in Colored Schools</b>		<b>17752</b>		<b>1.5%</b>
<b>Non Indian learners in Indian Schools (1996)</b>				
White learners	129		0.011205	
Black Learners	16718		1.452077	
Colored Learners	1930		0.167634	
<b>Total Non Indian Learners in Indian Schools</b>		<b>18777</b>	<b>1.630918</b>	<b>1.63%</b>
<b>TOTAL LEARNERS ENROLLED IN ALL PUBLIC SCHOOLS</b>				
<i>Illustrating Integration in 1996 School Year</i>		<b>129415</b>		<b>10.48%</b>
<b>(1996) TOTAL LEARNERS ENROLLED IN ALL PUBLIC SCHOOLS</b>			<b>1161316</b>	<b>100%</b>

Table2. DET-Schools for Black, TED- previously for Whites, HoR- previously for Colorade and HoD- previously for Indians

# **ENROLLMENT OF LEARNERS BY RACE FOR 1997 VARIOUS DEPARTMENTS**

Non Black Learners in Black Schools(1997)		total	Percentage	Total %
White Learners	33		0.00%	
Colored learners	1877		0.14%	
Indian learners	314		0.02%	
<b>Total Non Black Learners in Black Schools</b>		<b>2224</b>		<b>0.16%</b>
<b>Non White Learners in White Schools (1997)</b>				
Black Learners	89169		0.51%	
Colored Learners	13521		0.08%	
Indian Learners	7248		0.53%	
<b>Total Non White Learners in White Schools</b>		<b>109938</b>		<b>0.62%</b>
<b>Non Colored Learners in Colored Schools (1997)</b>				
White Learners	4		0.00%	
Black Learners	28633		1.94%	
Indian Learners	227		0.02%	
<b>Total Non Colored Learners in Colored Schools</b>		<b>28864</b>		<b>1.98%</b>
<b>Non Indian learners in Indian Schools (1997)</b>				
White learners	65		0.00%	
Black Learners	23176		1.89%	
Colored Learners	2419		0.19%	
<b>Total Non Indian Learners in Indian Schools</b>		<b>25660</b>		<b>1.87%</b>
<b>TOTAL LEARNERS ENROLLED IN ALL PUBLIC SCHOOLS</b>				
<i>Illustrating Integration in 1997 School Year</i>		164688		12.62%
<b>TOTAL LEARNERS ENROLLED IN ALL PUBLIC SCHOOLS(1997)</b>			<b>1378643</b>	<b>100%</b>

Table 3. DET-Schools for Black, TED- previously for Whites, HoR- previously for Coloreds and HoD- previously for Indians

# **ENROLLMENT OF LEARNERS BY RACE FOR 1998 VARIOUS DEPARTMENTS**

Non Black Learners in Black Schools (1998)		Total	Percentage	Total %
White Learners	180		0.01%	
Colored learners	982		0.07%	
Indian learners	188		0.01%	
<b>Total Non Black Learners in Black Schools</b>		<b>1350</b>		<b>9.18%</b>
<b>Non White Learners in White Schools (1998)</b>				
Black Learners	103889		7.29%	
Colored Learners	15902		1.12%	
Indian Learners	8515		0.60%	
<b>Total Non White Learners in White Schools</b>		<b>128106</b>		<b>9.91%</b>
<b>Non Colored Learners in Colored Schools (1998)</b>				
White Learners	18		0.00%	
Black Learners	30638		2.16%	
Indian Learners	300		0.02%	
<b>Total Non Colored Learners in Colored Schools</b>		<b>30954</b>		<b>2.18%</b>
<b>Non Indian learners in Indian Schools (1998)</b>				
White learners	15		0.00%	
Black Learners	27803		1.96%	
Colored Learners	2311		0.16%	
<b>Total Non Indian Learners in Indian Schools</b>		<b>30129</b>		<b>2.12%</b>
<b>TOTAL LEARNERS ENROLLED IN ALL PUBLIC SCHOOLS</b>				
Illustrating Integration in 1998 School Year		198638	13.48%	13.41
<b>TOTAL LEARNERS ENROLLED IN ALL PUBLIC SCHOOLS (1998)</b>			<b>1421634</b>	

Table 4. DET-Schools for Black, TED- previously for Whites, HoR- previously for Coloreds and HoD- previously for Indians

## APPENDIX D

### Interview Questions Targeted Respondents

#### **Directorate for various Provincial Ed. Dept., Principals and Governing Body Members**

##### **\*EXPECTATIONS**

- A There is a link between the vestiges of past discrimination and the racial composition of learners enrolled in schools within the Gauteng Province of South Africa when examining the admission, language and discipline provisions of the School Act.*
- B There is a link between the vestiges of past discrimination in schools within the Gauteng Province of South Africa and the silence of the Schools Act toward promoting desegregation of schools.*

**Note:** personal data information like; Their positions, Race, Age and Academic Qualifications etc.( will not be necessary for confidentiality).

- Q1.** Whenever you are confronted with an administrative problem in your school or district, *how often do you consult the South African Schools Act (1996)?*
- Q2.** In your opinion, how do you perceive the South African Schools Act (1996)?
- Q3.** After you knew about the South African Schools Act (1996), how then did you follow through on various provisions contained in this act?
- Q5.** What changes, arrangements or improvements did your school had to make in order to avert violation of the act?
- Q6.** Where were you shortly after the bill was signed into law and what did you think you would do about the Act?
- Q7.** In your opinion, do you think the South African Schools Act (1996) addresses issues concerning school desegregation?
- Q8.** Could you explain -how has the student body changed in the past three years?

- Q9.** What physical barriers exist for learners who were politically disadvantaged prior to the introduction of the Act?
- Distance from home and school
  - **Varying residential pattern**
- Q10.** Do you think your school has dismantled or remodeled physical barriers that would hinder admission of learners with disabilities?
- Q11.** What then do you think these disabilities should include?
- ❖ **Questions 12 through 29. State whether you agree or disagree and thereafter elaborate on your response**
- Q12.** Would you say that **different residential patterns** that were landmarks of Apartheid are major stumbling blocks toward desegregating schools in South Africa?
- Q 13.** Would you say that the government's endorsement of the multiplicity of languages as official could hinder South Africa's participation in world economy and or affect nation building effort for nationalism?
- Q 14.** Would you say that the language policy for South African schools could help keep Apartheid alive or fortify racial differences?
- Q 15.** Would you say that language policy in South Africa was passed as a sacrifice to help protect the minority Afrikaans speaking members of the community?
- Q 16.** Would you say that desegregation of South African schools mean white students be deployed to predominantly black schools.
- Q 17.** Would you say that this concept of free access to education simply mean that the learners have the right not to pay tuition-fees to educational institutions.
- Q 18.** Would you say that South African policy makers are willing and ready to make full provision for learners with disabilities?
- Q19.** The South African School Act serves as a guiding legislative document for promoting democracy.
- Q 20.** The South African Schools Act is easily available and accessible to everyone involve in improving the education in South Africa.
- Q 21.** The School Act reflects a meaningful an ambitious attempt to involve parents in public school governance on a scale not previously known in South Africa.

- Q 22.** Laws requiring South African Schools to desegregate are not well articulated through the relevant statutory mandate.
- Q 23.** Unfortunately, South Africa still has to grapple with the distinction between free education and free access to education.
- Q 24.** Multicultural education curriculum for South African schools is an appropriate approach even though learners are still taught in isolation.
- Q 25.** Lack of capacity means an inability for some learners to cope with the learning material.
- Q 26.** Parents or guardians as a result of economic difficulties experience lack of capacity.
- Q 27.** The best argument presented in support of the multiplicity of languages in schools is that the learner's full potential could be realized especially if the learning material is presented in their mother tongue.
- Q 28.** White students are more than willing and ready to attend school in the township schools next to their homes.
- Q 29.** How would you rate the parents' understanding of the South African Schools Act?

## APPENDIX E

### Axial Coding Sheet

<b>1. Phenomenon</b>
➤ Discipline/ ( lack of)
➤ Punctuality ( Tardiness)
<b>2. Causal Condition</b>
➤ Lower standard in Township schools than White schools
<b>3. Context</b>
<b>3.1. Black=</b>
➤ Arrive late
➤ Missing a class period - so what?
➤ No punishment for coming late
➤ Teachers might be late or not there as well.
➤ Learners dressed like in a picnic
➤ Stand out side the gate
➤ It is a mess
➤ Township schools are unfortunately empty
➤ Not lucky to be in
<b>3.2. White =</b>
➤ right on time
➤ use public transportation
➤ Missing a class period - miss work
➤ Get punished
➤ Learners immaculately dressed
➤ Lucky to be in
➤ The whole education culture, is much better at the previous <i>white</i> schools
➤ the culture of the school has always been well disciplined
➤ There has never been the politicization of white school as it was a black schools.
<b>4. Intervening Condition</b>
➤ very bad matriculation results
➤ parental support
➤ inappropriate to blame it on the distance
➤ Black parents know
➤ It's not a demand
➤ that has not happened.
➤ schools were still dysfunctional
<b>5. Teachers</b>
➤ one would have liked to have seen that in the last 4to 5 years of the teachers picking-up on that.
➤ have achieved what they had to achieve.
➤ Time prove to everybody that they could do it
<b>5.1 Principals</b>
➤ No avail
➤ No comment
<b>6. Action/ Interaction Strategies</b>
<b>Approach by the Government</b>
<b>(Remedy)</b>
➤ to bring in the OBE - prematurely
➤ to bring in an entirely new system.
➤ Hoping that would equal the playing field

Table 5. Ms. Spree interview with the researcher - 01/19/2000



1. **Phenomenon**  
**DESEGREGATION**
2. **Causal Condition**  
Huge transition
3. **Context**  
**SCHOOLS**  
**Black**
  - the schools were dysfunctional**White**
  - the schools were dysfunctional**They're battling with the integration process**
  - **Colored**
  - **Indian**
4. **Intervening Condition**
  - with all the black kids coming in
  - going through another integration process
  - the parents and the teachers have problems interacting
  - parents start interfering
  - Political organizations interfere when they know nothing about education
  - They are the ones who cannot integrate
  - integration has gone really well, and now that you are getting kids that have gone right through the primary schools, going through high schools, there's no difference between the learners.
  - They must have kids in school
  - they know nothing about the school, as they know nothing about the OBE.
  - They know nothing about the norms and standards, and they start interfering in education and it's always for their own purposes.
  - Gone from being a sound political youth organization to being a pure gangster activity.
5. **Educators**
  - 5.1 **Teachers**
  - 5.2 **Principal(s) –Statements**
    - the kids integrate wonderfully
  - 5.3 **Parents**
- Youth Organizations**
  - huge problem in community (K)
  - fueling of violence or identifying schools as the battle ground
  - It's almost gangsterism
6. **Action/ Interaction Strategies**  
**Approach by the Government**  
**(Remedy)**
  - transformation that has to take place
  - The government put their top people that they have for education into the education department to bring about changes. (the people who know their Act, who know what they are dealing with)
  - the result that has come out of these previously model C schools, black or white, they all fell properly
  - Springs Girls High School has got a black head girl this year. So that integration has gone really well.
  - If the government from a political standpoint interfere or not interfere, but write policies for education, it's a completely different thing to the locals getting involved, to the political locals getting involved.
  - the MEC, had a very strong talk with the youth organization leaders

**Table 6. Ms. Spree interview with the researcher 01/19/2000**

<b>1</b>	<b>Phenomenon</b>
➤	<b>DESEGREGATION</b>
<b>2</b>	<b>Causal Condition</b>
➤	Residential patterns- Landmarks of Apartheid
<b>3</b>	<b>Context</b>
	<b>SCHOOLS</b>
<b>3.1</b>	<b>Black</b>
<b>3.2</b>	<b>White:</b>
<b>3.3</b>	<b>Colored</b>
<b>3.4</b>	<b>Indian</b>
<b>4</b>	<b>Intervening Condition</b>
➤	There is a great number of schools that have yet to desegregate.
➤	segregated areas and ch... had an effect on the performance of the child initially
➤	huddles which our learners able to by pass huddles which should not make us fail
➤	our kids in the desegregated schools got to work more than white kids
➤	Those huddles really are not something which can convince us that to desegregate schools is not alright or is not good for those children living in the segregated areas
<b>5</b>	<b>Teacher</b>
<b>5.1</b>	<b>Principals</b>
<b>5.2</b>	<b>Parents</b>
<b>5.3</b>	<b>Youth Organizations</b>
<b>6.</b>	<b>Action/ Interaction Strategies</b>
	<b>Approach by the Government</b>
	<b>(Remedy)</b>
➤	think desegregating schools is a good point
➤	It's not wise to go that segregated way
➤	Building better schools like the white, it's also entertained.

**Table 7. Mr. Ben interview with the researcher –01/20/2000**

1.	<b>Phenomenon</b>
	<b>ADMISSION POLICY</b>
2.	<b>Causal Condition</b>
➤	<b>Desegregation</b>
➤	<b>Choice</b>
3.	<b>Context</b>
	<b>SCHOOLS</b>
3.1	<b>Black</b>
3.2	<b>White:</b>
➤	Reluctant to admit children from the townships
➤	They feared that they would not cope with the numbers.
➤	There are instance or cases - white schools hide behind the policy guidelines
➤	Devised their own application procedures- waiting list –limited spaces
➤	schools in the suburb do not usually accept children at post elementary (primary) level.
3.3	<b>Colored</b>
3.4	<b>Indian</b>
4.	<b>Intervening Condition</b>
➤	There are policy guidelines
➤	Time when admission is sought.
➤	first preference should be given to children in the neighborhood
➤	Inconsistent admission procedures
➤	the parent wants to make sure that the child gets an education at an early age
➤	provide transportation
➤	Whether the parent can afford the fees it's another issue. It's between the parent and the school.
➤	The schools in town know that policy, so that adopting a certain mechanism, they take the parents to their lawyer, and the lawyer brings in the Sheriff to come and take the furniture,.....this applies even to white families
5.	<b>Educators</b>
5.1	<b>Teacher</b>
5.2	<b>Principals</b>
5.3	<b>Parents</b>
	<b>Black:</b> self censorship – by not challenging policy( admission )
	Prefer to send their children from grade 0 (primary school)
	<b>Right to choose</b>
	<b>Youth Organizations</b>
6.	<b>Action/ Interaction Strategies</b>
	<b>Approach by the Government</b>
	<b>(Remedy)</b>
	Gave too much discretion to (White ) schools
	Aware of the problems schools with admission policy
	where a parent wants to bring a child, and they hide behind this issue of policy guideline of proximity, then we (government) are able to interfere.
	transportation and all other things are outdated issues don't get involved.
	intervene to ensure that the child is admitted
	the child will never be denied admission on the basis of affordability
	In that case, we'll come in and talk to the schools, " Look, what are you achieving? " If they go to that house and take the furniture. How is that child going to study? How is that child going to be. You're making things tough for that child. Why don't you get that parent to come and work at the school? Instead of you going to hire a laborer, paying them high, bring that parent to say, for this amount this is the work we want done. In that case, it balances out. The school saves from hiring a laborer, and the parent is saved from the embarrassment of losing things. So, that's in our approach.

**Table 8. Mr. Ben interview with the researcher –01/20/2000**

**Phenomenon****LANGUAGE POLICY****2 Causal Condition**

Endorsement of multiplicity of languages as official

They will participate equally

Their participation will then really enhance that nationalism

**Context****SCHOOLS****Black**

- The schools' choice, not the policy from the department
- learners take English and vernacular only
- the first language they make the content subject
- there are a lot of Afrikaans teachers who could not be placed anywhere

**White**

- have had ceremonies to award learners in successfully in mastering different indigenous languages
- there's indication that they are encouraged
- children take English and vernacular

**Colored****Indian****Intervening Condition**

- competing in the world economy and/or building nationalism
- those small tribes and all that will also want to fit into the main stream
- not getting contributions from those people
- Some schools really have got a problem with changing
- 'We can't push our children to learn another language'
- they don't have enough time to practice that Afrikaans
- if we are to broaden their subject choice, at university level, why don't they have an additional content subject so that they won't do that
- unfortunately it's not the learners who make the choices

**Educators****4.1 Teacher****4.2 Principals****4.3 Parents/Youth Organizations****5. Action/ Interaction Strategies**

Approach by the Government

(Remedy)

**Table 9. Mr. Ben interview with the researcher –01/20/2000**

<b>1</b>	<b>Phenomenon</b>
	<b>DISCIPLINE</b>
<b>2</b>	<b>Causal Condition</b>
	➤ Culture within our schools
	➤ Conditions of the school
	➤ Punctuality
<b>3</b>	<b>Context</b>
	<b>SCHOOLS</b>
<b>3.1</b>	<b>Black</b>
	➤ “ Why should I be there at 8 when I know that lessons are going to start at 9 o'clock?” or,
	➤ “Why should I go in when most of them are going to come in at 10.”
	➤ the question of how early does the school start, lesson, or when do the teachers arrive
	➤ It's not about coming at 8, but also after lunch they don't come back
	➤ the schools are not encouraging
	➤ the physical conditions, cleanliness and all that
	➤ (In another school) at ten to nine, you'll still find learners dragging in.
<b>3.2</b>	<b>White</b>
	➤ “ if I come late I lose”
	➤ there is no catching up here
<b>3.3.</b>	<b>Colored</b>
<b>3.4</b>	<b>Indian</b>
<b>4.</b>	<b>Intervening Condition</b>
	➤ Schools play a very critical role in motivating the learners
	➤ all factors within the schools, including physical conditions
	➤ Motivation and/or De-motivation
	➤ why should they come early?
<b>5.</b>	<b>Educators</b>
<b>5.1</b>	<b>Teacher</b>
	➤ If they are going to come at all and talk about other things and that, you see that teacher is not prepared.
<b>5.2</b>	<b>Principals</b>
	concern about late coming - . At 8 o'clock, the gates are closed
<b>5.3</b>	<b>Parents/Youth Organizations</b>
<b>6.</b>	<b>Action/ Interaction Strategies</b>
	I've gone to <school> high school at ten to eight and parked my car, then I sat there with my newspaper, I was using my private car, and no one knew what was happening. And it was nearly 8 o'clock, they run the siren, and then at 5 past eight I got out of the car. I went there to the assembly, and there was not supposed to be an assembly, but I called the learners. But they were surprised at “whose this one.” I said come, I'm going to make a very important announcement. They started saying, “ some teacher also came early. <STUNNED>They were still chatting inside.” Chatting! You get this. it was only when things started, that those inside got surprised while they chat they saw me there. They came running, making excuses saying “no, it is not assembly today.” I said , “ No, I am aware the kids have told me.” But the siren had long rung. “ No, you are the staff here.” So the deputy came, I said “ give me the time book, give me the time book, those who have not sign have not yet arrived.” Fine, it's Okay let them go to class. What happened, I was looking over at the parking lot, cars were coming , people were taking their time, taking things out, one even called another child who was late to make this child even more late and all that. You know that type of things. So as a child, can you say you want to arrive early at <school>. No, you can't.
	<b>Approach by the Government</b>
	<b>(Remedy)</b>
	<b>SASA:</b>

**Table 10. Mr. Ben interview with the researcher –01/20/2000**

## **1. PHENOMENON**

### **CULTURE OF LEARNING**

## **2. Causal Condition**

- Historical Factors
- Bantu education system
- Dedication

## **3. Context**

### **SCHOOLS**

### **3.1 Black**

- The number of learners increased, the number of schools increased
- the quality of teachers did not increase
- everybody comes in at their own time
- learners know that . if I fail, I'm gone

### **3.1 White**

### **3.2 Colored**

### **3.3 Indian**

## **4. Intervening Condition**

- instead of finding solutions as members of the community we are blaming
- there were dedicated teachers and the learners were also dedicated
- "How do we put that right?"
- Where do you start?
- I can tell you after 1994, who's problem will that be?
- lack of accountability
- don't take failures
- then they (black learners) start becoming serious.
- educators must respond properly for actions
- the learners and teachers must also bring in part of their bargain.

## **5. Educators**

### **5.1 Teacher**

- What are we saying about those teachers who continue arriving late, why are we taking them back?

### **5.1. Principals**

- What are we saying about those principals who continue giving us 8% (matriculation results)
- could not tell teachers, say " Eh, you work or you go,"

### **5.2. Parents**

- governing bodies must say, "No failures will be taken"

### **5.3. Youth Organizations**

- Student leaders must say, "No failures will be taken"

## **6. Action/ Interaction Strategies**

- we are busy calling them comrades, Comrade teacher, Comrade what, what

## **7. Approach by the Government**

### **(Remedy)**

- made it very clear - those who have failed, we are not taking back
- Before they can say to the learners you must arrive at eight, we've got to make sure that the teachers are there.
- if you're going to come here in your own time, please make sure that you don't get into the school.
- You can come at your own time don't come here, but please be outside. And if you can fail get it clear we are not admitting you. If you failed last year, please go back home.
- create the right hype to say, "No failures will be taken"
- able to say to teachers "Hey, if you're not working, then you'll go Ok."
- Once we become that tough, then we can change the climate.
- Then we can come to the issues of the physical resources
- The education action zone team,(EAZT) a 'covert policing unit' of the department.
- (uses guerilla like tactics)

**Table11. Mr. Ben interview with the researcher -01/20/2000**

- 1 **Phenomenon**  
Enactment of SASA
  - 2 **Causal Condition**  
Progress by schools  
Composition of the district:  
80% former model C schools; other 20% are mostly former **DET**; and  
six former **HoR** and one former **HoD**
  - 3 **Context**  
**SCHOOLS**
    - 3.1 **Black**
    - 3.2 **White**
    - 3.3 **Colored**
    - 3.4 **Indian**
    - 3.5 **Model C**
      - much has taken place.
  - 4 **Intervening Condition**
    - Special Presidential Lead Project- millions of Rands were pumped into areas
    - the project started before the enactment of SASA
    - Interim policies were non-existent
    - funding was given to the area because of the 'violence' part
    - The major chunk of the money available went for refurbishing school buildings
    - smaller amount of that money was earmarked for empowering school management, student leadership
    - SRC- Student Representative Council) and Government Body.
    - changes have taken place from Gauteng Schools Act to South African Schools Act. That had impact on our training as such.
  5. **Educators**
    - 5.1 **Teacher**
    - 5.2 **Principals**
    - 5.3 **Parents**
    - 5.4 **Youth Organizations**
  6. **Action/ Interaction Strategies**
    - operated in a vacuum
    - because of the absence of the Act at that point in time, as to what the content of that training would be for your school governance, school managers and for your SRC's, was something that we have to use past experiences especially in terms of SRC's. For school managers, we had to appoint a consultant, we set together in the drafting of the curriculum.
    - as officials we were part of that training, We merely came in as support
    - we device our own curriculum and we also did training of Governing Bodies in the absence of guidelines for school governing bodies
    - we have been based on the Gauteng School Act, that was the basis of our operations
- Approach by the Government**  
**(Remedy)**

**Table 12.** Mr. Box interview with the researcher – 01/27/2000

<b>1</b>	<b>Phenomenon</b>
	<b>DESEGREGATION</b>
<b>2</b>	<b>Causal Condition</b>
	Different Residential Patterns
<b>3</b>	<b>Context</b>
<b>4</b>	<b>Intervening Condition</b>
➤	Lack of readiness to be part of the cluster
➤	Geographical cluster grouping had negative impact
➤	Geographical cluster became mono-racial
➤	Twining would within those clusters take place because people get to know one another and principals would know each other on one to one level and principals will then there start talking. It has happened in some instances, I must say, it has happened and it has worked.
➤	it only happened at primary schools
➤	About ten of our former township schools that have twinned with one or more the former Model C schools but not a single high school.
➤	DET schools were so highly political; and colored and Indian schools are to a lesser extent.
➤	some other dynamics are taking place
➤	you can never forget about politics, let's concentrate on education.
➤	recognize the sacrifices made by students in the past
➤	upheaval was centered around the management at the school
<b>5</b>	bring students together from different schools you are asking for trouble, they will start standing together having a united front, and have all sorts of ugly things happen
<b>6</b>	<b>Educators</b>
<b>6.1</b>	<b>Teacher</b>
<b>6.2</b>	<b>Principals</b>
<b>6.3</b>	<b>Parents</b>
<b>6.4</b>	<b>Youth Organizations</b>
<b>6.</b>	<b>Action/ Interaction Strategies</b>
	<b>Approach by the Government</b>
➤	had a deliberate initiative to promote racial mixing and to encourage schools from the surrounding areas especially township schools to twin with some of the previously white schools and Model C schools.
➤	We have taken all our former Model C schools or former white schools and our former black schools, and we have taken let say ten of the former Model C schools and then the first two of the former HoR and HoD whatever and bundle them into a cluster under one manager
➤	If we do have meetings that is cluster meetings that we would have people of ex- departments in a cluster meeting, where if we have done it Geographically we would have left with a pure white cluster and poor black cluster and that type of thing.
➤	the Department is acknowledging that the Act was highly politicizing the school community
➤	need to use that political awareness in the schools for education
➤	need to recognize the sacrifices made by students in the past. And I think by doing that it will eliminate the difference.
➤	started a sort of a joint forum for the SRC's (Student Representative Council) for the seven schools
➤	<b>(Remedy)</b>
➤	the change of Education Ministry
➤	using that political hype that is prevailing in the township can be used for the good , for the good of education

**Table 13. Mr. Box interview with the researcher – 01/27/2000**



<b>1</b>	<b>Phenomenon</b>
	<b>LANGUAGE POLICY</b>
<b>2</b>	<b>Causal Condition</b>
➤	The South African Schools Act #84 (1996)
➤	Nation Building and Patriotism
<b>3</b>	<b>Context</b>
	<b>SCHOOLS</b>
<b>3.1</b>	<b>Black</b>
<b>3.2</b>	<b>White</b>
<b>3.3</b>	Afrikaans schools mourned that they were getting newsletter in English only
<b>3.4</b>	<b>Colored</b>
<b>3.5</b>	<b>Indian</b>
<b>3.6</b>	<b>Model C</b>
<b>3.7</b>	English and Afrikaans- have a lot of 50-50 split
<b>4</b>	<b>Intervening Condition</b>
➤	depends where you come from with the language issue
➤	the schools that has tackled racial barriers are English schools for obvious reasons
➤	Afrikaans schools saying that we do not mind having children of any color as long as they speak Afrikaans
➤	Unfortunately South Africans schools Act allows that governing body to make the language policy in schools.
➤	In that respect the South African Schools Act is not enabling us to open up those schools and that is a problem, that is a problem.
➤	there 's got to be a deliberate attempt to sort of lift African languages,
➤	cannot afford to let Afrikaans disappear
➤	parents sitting in those governing bodies are semi-illiterate to illiterate
➤	including the governing bodies like me, who are absolutely incapable of speaking any African language
➤	The language is still a major problem for the learning in the classroom, for the parents
➤	talking to someone about how top heavy the department still got
➤	language being very, very important for any culture
➤	we have different languages and different cultures
➤	don't think by promoting different languages and ensuring that each language come to its own right, that will derail the whole concept of nation building
<b>5. Educators</b>	
<b>5.1</b>	<b>Teacher</b>
<b>5.2</b>	<b>Principals</b>
<b>5.3</b>	<b>Parents</b>
<b>5.4</b>	<b>Youth Organizations</b>
<b>6.</b>	<b>Action/ Interaction Strategies</b>
	<b>Approach by the Government</b>
	<b>(Remedy)</b>
➤	This office sent out a weekly newsletter to schools, each and everyday we sent newspaper to schools,
➤	there was a time in 1996 1997 and 1998 when we sent out newsletters in 2 languages, English and Afrikaans.
➤	As officials, when we are dealing with schools we will say perhaps the circular is available in any language
➤	As officials, when we are dealing with schools we will say perhaps the circular is available in any language
➤	there is no clear attempt from the education department to address that.
➤	Language is not in the agenda at the moment. At the moment metric results are in the agenda
➤	South Africans should start realizing that there can be unity in diversity

**Table 14.** Mr. Box interview with the researcher – 01/27/2000

## APPENDIX F

### Interview Transcriptions

#### Interview # 1

#### Introduction:

***I am trying to examine how schools have changed since the new dispensation with reference to the enactment of the South African Schools Act #84 of 1996. Also I am looking at how the vestiges of past discrimination have played the role in shaping such change in schools within the Gauteng region.....***

**I:       What do you think should be done to bring back the culture of learning into the schools of this community?**

**MS. SPREE:**

Well, I think of several things, I think the times of talking have stopped. I think the time of readjustments to whatever have stopped. The time of saying alright we are running along with an Apartheid legacy, I don't think we can use that as an excuse anymore because five years have passed, so those kids, who came into high school after the new government, they have now passed out of matric[ulation] and things have gotten worse. One would have thought that with the new government there would have been a sense of pride in performance of the teachers but it has not and things have gone the other way. It seems to not that they (teachers) are disgruntled with the government but they seem to think that because of the government they have voted in, its more of a buddy system now than it is been an employer employee system. And I think really a hard line had to take place. It has to come with the teachers particularly.

There's a rot and even seen it at this school whereby it is fueled by feelings of insecurity, and in the schools in <Township K> community a lot of the most of the kids are moving out of the schools in <Township K>. They are battling at the moment for number (less), are the ones who had good kids and the kids who have their parents backing. The parents are prepared to pull out money and to oversee their education are taking their kids out of the schools. So these teachers that are sitting here are becoming insecure about their jobs. There's a lot of talk it's the same in our school here we are not sure what is going to happen with our school. We keep on being told that it is not going to close but the members are diminishing and gradually closing. All in all, people are insecure and the insecurity creates demotivation in schools because pupils are moving out, and these teachers declared in excess. That has taken place in the schools. I do not know on what grounds and to my mind some of the good teachers are declared in excess and some of the not so good teachers were left in their jobs. And I think that also caused a lot of demotivation amongst good teachers who were declared

in excess. So teachers are demotivated. Everybody seems to be waiting for some sort of a train to come in, waiting for something to happen and it doesn't seem to be happening.

Again this year in the schools of <Township K>, there are more teachers that are in excess. Those teachers have not are still getting their salaries. So money have not been freed to actually give the schools more resources. They don't have the teachers in the schools at the moment but the money has not been freed to resource the schools better because these teachers are still being paid a salary. Although the work is not being done, no work has been done. And teachers are just not performing. They are .... They really are not performing, I'm not painting everybody with the same brush. But obviously in the "science", when you go out to supervise teaching practice in the schools. There is just, there is no sign of any descent science teaching going on anywhere. It is chaos you ask the students (learners) or pupils questions in class, they don't have a clue of what you talk about. There are no resources around. The lab its just this bad. So money has not become free to resource the schools that is not improved.

It definitely has not improved. I know where (Metcalf) was MEC, she did a lot around the area of trying to repair and fix schools up. I heard a horrific story on the news in Soweto of the school that has been renovated and just before it opened the whole school was vandalized and to the ground again. And I don't know why people are still doing that. Why our people are doing that? They are acting against their own government now. And I don't know why they are doing, they are acting against their own community. And I don't know how teachers are going to fight it.

**I: Could you elaborate on this notion where South Africans seem to be locked in time as if the Apartheid system is still alive?**

**MS. SPREE:**

That 's right, that's right (interjecting).

**I: What changes have you noticed in education since the inception of the new dispensation?**

**MS. SPREE:**

But you see there, they should, I am talking about the educators now. There has been changes in the management, there has been.... If you look at the job provision that has been opened up now. Black people have got all you know the top jobs in Education and that should have been a motivation. That you will always find those who have not moved and then possibly those are the ones who are not... and we are still seeing that they are in struggle because they haven't moved. It is the same in everything. If you look at the amount of progress or of

moving forward of Black people since the new government came in has been phenomenal. You know what the Afrikaners achieved in 20 years. Black people achieve in 4 to 5 years. Ahh... in moving forward, in moving into top position and doing well that not everybody has gone along with that not everybody has felt that forward movement. A lot of people are looking around and saying but look our moving forward and they can be motivated by that, it does. If they are left behind, the... in the struggle. Of course the government can't let everybody to move forward. You can't have all chiefs no Indians.

I've seen it as well in a political arenas that I work in that people still keep on signing yours in the struggle. You know I said to a gentlemen the other day that why don't you rather sign now yours in building you know rather than signing yours in the struggle because there might be a struggle now on, but it is no longer the same political struggle against aggression it is now struggle to actually build and to get going. And I said to him really can't you drop this thing yours in the struggle because it is very per se it's very outdated than yesterday. This is another problem that we have with these kids in schools, and yet it seems to a part < quite> because the kids that were involved in COSAS and PASO have moved on now. That fighting of COSAS and PASO <cough> but their fighting was so fueled in this community of <Township K> and still political fight. No longer is there a limited fight of Black people against the government, it's now a fight for power of Black people amongst themselves, so if the <political organization> gets in the council in <Township K> you'll find all your...of people who did not get into the council, it is the same thing as the teachers those who did not move forward now start opposing...even though that is the government they put in power...they will oppose it...that government.

People put, see themselves as...there are people who will always see themselves as having to fight for something. This is why the most projects in this community have failed because of political we are failing hopelessly in town (X) for even collecting money for services. 19% of people paid for November, 19% percent. And it is because there are groups in community (X) and I am talking about, the community (X)'s working group, the what and so on groups. These people who did not get into council who are now fighting against the negotiation we have talks, we have everything and they will sit around the table and they will say to people don't pay for A. Then we address A then they will go back and say don't pay now because of B. And finally we go on and on. It is just those people who are revengeful that were not picked to get into power and they are building a moment's power base. People can very easily be caused not to pay. I mean these people get in council at the end of the year when we have new election, then they will start telling people to pay because once they are into council they will see that you cannot run the council, you can do services, do roads you cannot do anything unless you pay. Now they will come in start telling people they needed to pay. And those who did not get in will now take up struggle and we will go on and on like that ad information like that in this community (X) and I do not think any township is different. So, I do not think community (X) will get a drop and it is equally the same as any rather Township I believe.

**I: You have just said something very interesting about Black people moving to occupy top positions in education. Do you think some of the Black people are qualified to be in those positions given their effectiveness based on your observation in trying to improve education. I am interested in the comparison you've just made with the former MEC (education) who had done something in improving the schools and looking at the present MEC who is trying to address the issues that are presently going on?**

**MS. SPREE:**

You see Mr Present MEC, we have not heard very much of him and I know him to be a very strong person and very disciplined and is a wonderful public speaker and that too. I have not heard much about what he is doing.

**I: Well, it looks like, he just started (interrupting).**

**MS. SPREE:**

Yeah! He just came in this past July. I think the present Minister of Education is a good guy too. I think he is very hands on like all things Mr. You will never,... going to get tough structures where there are going to be certain amount of nepotism. The truth of the matter is that there are a lot of good people out there. The problem is, it is not good in having somebody good at the top, if you do not have your administrative body to support it. If that doesn't happen, it doesn't matter how good you are at the top. The people I've seen at the top are very good people, I really do. I do think they're failing tremendously when it comes to administration.

**I: You also said something about a majority or a good number of learners leaving the local schools, going elsewhere. And also that, parents are taking charge in trying to support sending their children to schools in the suburbs. So, how would you express that kind of observation in terms of maybe modifying whatever has been in place, trying to keep these students in the township.**

**MS. SPREE:**

Well no, you know, I'm thinking of <Township K> and <Township D> as well, there's also some very bad matriculation results. The parents obviously look at this, the thing is that <pause>... what someone came up to me and said, if a kid goes to school in <Township K> he'll be late for school. But when it got to go to Spring Girls High or Springs Boys High, they've got a taxi there and those pupils arrive at gates on time. Now, where does the problem come in? Is it that the parents fail or the kids feel they are not getting such ehh... So what if you're late the school in <Township K>, because the education standard there is not..., if

you miss a period so what, you don't miss much. And if you go to <Town-S> Girls/Boys High, if you miss the first phase you missed work. So you must get there by eight or either that you will get punished if you come late. But if you go to <Township K> schools you will not be punished if you come late.

If you don't pitch up there is more likely that the teachers may not be there anyway. But I know that I pass by <Town-S> Girls High and I notice that the kids arrive there by taxis spot on time always at quarter to eight in the morning. It is not tolerated and their parents will get them there by all means even though the distance they traveled is much bigger because you will get punished if you come late. You don't get punished in <Township K>. But I know that those kids going to by taxis are spot on time when they get to school in the morning. And it's not right to blame it on the distance. Even if the distance that's traveled is much further, they are immaculately dressed and on time. But in <Township K> schools, they're like..... They stand outside the gate, it's the whole..... The thing is that I think the parents know. The parents know, if you get into Spring Girls/Boys High, you're lucky to be in, then in your position. Whereas these schools in the township are unfortunately empty, it's not a demand. You're not lucky to be there.

**I: Should I then say, with the same comparison, that learners who attend at the township schools do not care to be there on time all the time. Would you then say that those learners who are attending at <Town S> Girls/Boys High are given better options to exercise or explore their potential than the other learners at local township schools. I'm trying to look at what difference there might be?**

**MS. SPREE:**

I think the whole education arena, the whole education culture, is much better at the previous *white* schools because of the, well what can we say? Because the culture of the school has always been well disciplined, there has never been the politicization of white school as it was a black school.

**I: Is that right?**

**MS. SPREE:**

And I think the whole fabric of your caliber of students. I don't like to use 'your.' Well, the academic side of it broke down. There was ehh... I would not condemn that because of the change that's in the country. But unfortunately, to get a change, this is the sense of the whole thing. To get the change that we are enjoying today, black kids have been sacrificed. They really have, they have been sacrificed. But one would have liked to have seen that in the last 4 to 5 years of the teachers picking-up on that, and say right now we have achieved what we had

to achieve. Let's prove to everybody that we can do it. But that has not happened. What's going to make it happen?

**I: And how would it be done? That's the question.**

**MS. SPREE:**

I don't know. You see, what we also did, which I think was a bit premature, was to bring in the OBE. At the time when the schools were still dysfunctional, they tried to bring in an entirely new system. Hoping that would equal the playing field. But it didn't. It's never going to.

**I: I was surprised that South Africa would jump into OBE and say, "this is what we're going to do." And I didn't think people might do it. Now the problem that I think we might experience has to do with teachers' readiness to master all the new programs. So time is needed for teachers to adjust into such programs. But if you want to cut the time, it means everybody should be involved. And by involving everybody, there are few things we have to instill in our people's mind, like responsibility, accountability, before we get to phenomena like tolerance and reconciliation.**

**MS. SPREE:**

That's what I'm going to say, the schools were dysfunctional, there was a huge transition also going on in the previous white schools, with all the black kids coming in, going through another integration process. That I think has gone really well, when I look at the schools and go after schools that have gone through this integration process. I think some of these schools are still going through that. I've spoken to the principal the other day. They're battling with the integration process. But he said to me, the kids integrate wonderfully. He says it's the parents and the teachers that have problems interacting. Because you see, when you get political organizations coming in to interfere, like we've interfered. Our fear is one thing, but that's another whole story in itself. We shouldn't have interfered. There was a prize giving in one school, and no black child got a prize. When you go to the program, 79 black kids got a prize, and 55 white kids got prizes.

So parents start interfering. And political organizations interfere when they know nothing about education. They are the ones who cannot integrate. And the kids have integrated wonderfully. They really do, there has been no problem with that at all. Now, that's also a transformation that has to take place, and I think that has gone well. I really do. I think if you look at the result that has come out of these previously model C schools, black or white, they all fell properly. I think the integration has gone really well, and now that you are getting kids that have gone right through the primary schools, going through high

schools, there's no difference between. <Town S> Girls High School has got a black head girl this year. So that integration has gone really well.

You see, it's a big difference when politically, the government, let's say the ANC government. They have put their top people that they have for education into the education department to bring about changes. Those are the people who know their Act, who know what they are dealing with. We are working with people at the branch level, at the basic lower level of politicians. Oh, these people know nothing about schools. They must have kids in schools, and basically, they know nothing about the school, as they know nothing about the OBE. They know nothing about the norms and standards, and they start interfering in education and it's always for their own purposes.

If the government from a political standpoint interfere or not interfere, but write policies for education, it's a completely different thing to the locals getting involved, to the political locals getting involved. I'm very anti- that. It's the same thing in <Township K>. The ANC politicians, I don't think, look, I know that < youth organization-C> and <youth organization-P>, have been a huge problem here. And I know of certain people that attended meetings in <Township K>, there has never been any fueling of or identifying schools as the battleground. The youngsters in schools, the MEC, had a very strong talk with them the other day, before the schools reopened. That < youth organization-C> and <youth organization-P>, I think they realize now, that fueling of < youth organization-C> and <youth organization-P>all the time, it's just a way of <deep sigh>, it's almost gangsterism. It's gone from being a sound political youth organization to being a pure gangster activity.

**I: You see, the question might be, why then should we keep such an organization? Why then should the government allow such organization to carry on? Going back to everything that you've said about what happened in the past.**

**MS. SPREE:**

I think that it needs to be done. You have got to have the youth coming up. But unfortunately, the < youth organization-C> and the <youth organization-P>. I know they were provided with <suppressed> materials, by the politicians in the community. But I think the idea of a political youth group has to survive. Because, what feeds your party and your leadership? But unfortunately, it went astray, it's turning to be like a gang.

**I: What do you propose as the solution to this dilemma?**



**MS. SPREE:**

We can't have the voting right surviving without it being backed by good education.

**I: Well, I think I took too much of your time. Thank you very much< TAPE KEPT ROLLING>**

**MS. SPREE:**

I just want to mention something. You know, I've been doing this Rotary Youth Club for many years, and it's amazing the change that we have seen. Many years ago, it's just white kids, then you've got your 1 or 2 black kids that might have come in. Then when I was in charge of the Rotary, about 4 years ago, I went from school to school here. Every single school in <Township K>, saying, "Kids, the next year, I want to be in charge of you." You find that the schools just don't apply. All the white schools apply to this leadership thing. The black schools just don't, except 1 or 2 last year. Unless you go chasing after them. And last year, I went again. But now, because of the integration of these previously white schools, we have a lovely balance of black and white and Asian kids in that camp.

In the earlier days when you have black kids in the camp, even in those that I've organized, there were old township kids against the suburban kids, or whatever you want to call it. And there was a big difference between the black and white kids. You could see the white kids were really full of confidence and took the lead. And the black kids just sit by and watch and they weren't very confident. Within 2 years, 2 to 3 years, the change has been phenomenal. Last year, because of the integration of the schools, now a lot of black kids; 4 kids come from each school. Now there's a good mix of black and white coming from the suburban side of town, there were a couple of kids from this side. The difference that came from this integration of schools is amazing. There were leaders, black leaders, white leaders, there were leaders in different sections that they took charge of. They were speaking up, the presentation, the everything was a modest balance of the way it should be. That's what I think the integration has come to. These kids have come to a good system. It doesn't matter if you're black or white, you're the same. They come out the same.

**I: That would have been my next question of saying, in general, how are we going to eradicate this notion of differentiation of saying black or white in any aspect of our education? For instance, you made references to it, black girl in <Town S> high school or black school manager, white principal etc. To me, it looks like it's always going to be us versus them, and them being you, who might have been privileged before; and us, who might have had maybe disadvantages here and there before, and it can go either way. So...**

**MS. SPREE:**

**<Interjecting>** Actually, I don't know if all that.... You know, if I had to describe somebody, or if I had to say to somebody, they have to pick you out somewhere. The first thing I would say is that you're black, because straightaway, that would make descriptions easier. Then I would go on to say he's an Afrikaans. I wouldn't say he's Zulu or Suto because I myself wouldn't know the difference. If I was talking about a white person, I would say that person's English or that person's Afrikaans. I don't think that there's actually anything wrong with it. If you were to say all the time that she's a white person, straightaway, you'll know what you're dealing with. You know that you've got the image of somebody. If

I'm talking about somebody who has succeeded for a certain reason, like if I say, Black head girl, it would immediately mean to you "Oh, Spring Girls High got a head girl this year. They've always had a head girl. So a black head girl becomes description because it's the first time they have seen a black head girl. I just think it makes it easier. Especially now at this time, people always say it to me. I've taught at white schools, at college for many years, and they have always said to me, "What's it like teaching black people?" And I say, there is no difference. If you look at a class of black kids and a class of white kids, you've got exactly the same spread. You get your lazy ones, you get your not so bright ones, you get your largest piece of average kids, you get your very clever ones on the side and it doesn't matter whether you're looking at a black class or white class, you always get the same. I think based on my years of teaching at boys high and girls high, no, I've had one year at girls' high. I could say the level of atmosphere was exactly the same. If I were blind, and we didn't speak with a different accent, I would never know if I were with a black or white class, because the kids all behave the same. They perform the same. It's exactly the same.

**I: And how then should South Africans build patriotism where there're still elements of such differences?**

**MS. SPREE:**

Yeah, I know in America they do that. You know as an English speaking self, we never had that kind of flag thing. We didn't look up to that flag. You know, I can't even remember ever having a ceremony with that flag. As a girl guide, we used to raise the flag, but I think it's some kind of scout flag. But I think now, I think the flag thing, you know, there are a couple of die hard South Africans who used to wave the flag around sometimes.

**I: Are you referring to the sporting events?**

MS. SPREE:

Rugby, but I didn't think they do it anymore. I think during games, you see the South African flag flying predominantly everywhere. I think people have accepted that flag very much so. Maybe some has affected them, but not like other one that we used to have. And this one is truly representative of everybody. It doesn't have that little bits and pieces in the middle that represent peace.

**I: Are you referring to the three little flags represented on the old South African Flag?**

MS. SPREE:

And English, and Afrikaans, and Irish, and whatever there is in the middle. This is a truly embracing flag. That other one was not embracing. It was leveled. You know, it was indicated level all the time, and little blocks in between. I think that the present flag has been really accepted by everybody. I really do. It so nice to see at any game where people wave the South African flag so much, and I think that If you listened to just before new year, somebody on '702' was doing a program about what is good about South Africa. And people phoned in with an amazing patriotism of the country.

I think it's good. Let me tell you, I get all these people, especially with me being in the <political organization A> and being in the level of government. I get people always you know and say, but the country's going down; the country is going down. Education at the moment is going down. It really is. But I think some mistakes have been made in the past. It has nothing really to do with the patriotism of the country, and it has got nothing to do with the black and white integration of the country. It's got to do with the policies that we brought in with OBE, where we put in all our money into training people for a system that nobody really understood properly. Whereas we should have put the money into trying to make dysfunctional schools more functional. And we didn't. We kind of pull the baby out of the bath water, and I think we just have to rectify those mistakes too.

**I: And how about the influx of these NGOs who are posing as experts in some of the educational policies that we sponsor. I think that's also a problem.**

MS. SPREE:

Yah...I know. Look, there are some credible ones, and some not very credible ones.

**I: But what procedures should we take in establishing which ones are credible and which ones are less credible?**

**MS. SPREE:**

Which ones are functional and which are not? I don't know how you'll do that. I think you'll just have to look at the credentials and experiences of the people that are in it.... that field. Well, send me a few million dollars and I'll set up an NGO.<LAUGHS> I think we've made some mistakes in the past. I think one of them is the idea of OBE which by the way is wonderful. But I just think our timing was so bad. Our timing was very bad. I think what they've intended to do was to say, "Let's bring in a system where everybody starts off at the same level." But what happens, is the rich, the wealthy can run with it. I think it's a system that requires money. And that again is going to be the poor people who're not going to run with it.

**I: What can you tell me about affirmative action in South Africa as you might have observed in your area?**

**MS. SPREE:**

Well, I think, I don't know. I think you have to be cautious with affirmative actions. I do believe that it paid off well in many instances. I've seen that in council as well. We had candidates for a post last year, for an engineer. And the stronger candidate was a white guy. But we said, let's give the black guy a try, and he's been marvelous. He's been very good. Everybody's been exceptionally happy.

**I: But I disagree with you.**

**MS. SPREE:**

Why?

**I: Your criteria to agree to take the black guy. But actually it was..... Look, if you looked at affirmative action, it always had to do with merit. And.....**

**MS. SPREE:**

<Interjecting> Oh, there is. The black guy, he had merits. Look, the other guy has higher qualifications, and other experiences. But we decided to give Mr. (X) the job.

**I: You decided to on the ground of affirmative action, but if tested, you might have been at a loss. If the guy, the white guy, decided to question you, you might have been at a loss.**

**MS. SPREE:**

Yeah.

**I: Besides the fact that it was sound for the committee to make a decision, to say “OK guys, we know that affirmative action is applicable.” But if the other guy took questioned you about him not being afforded the job... “No, I have a question. How did it happen, that I did not get the job? I know that I had enough experience to help me do the job.”**

**MS. SPREE:**

But look, we’ve had the affirmative action in South Africa for years.

**I: Do you mean the one that was enjoyed by the previously privileged minority?**

**MS. SPREE:**

I know, but it still happens. But in those days, we are not given the right to question. These are the things that people don’t realize that have changed the country. But we’ve got so many wonderful things changing. People tend to just ignore. You have the <name>, the <name>, they..... Like my friend said to me the other day, her son gambles a lot. “The worst thing that this government ever did was to allow casinos to open.” How could you for goodness sake? If your son was a compulsive gambler, it has nothing to do with the government. The worse thing that ever happened is that your son has now taken up gambling. It’s got nothing to do with the government. I said, “ I go to the casino every wonderful Sunday, I don’t gamble my last savings away. You know, she blames the government on everything. And there’ll always be those people in South Africa. Believe me, I think there are millions of whites that think the same, that this is still the best place to stay.

**I: Oh, really! Why do you say that?**

**MS. SPREE:**

I’ve only felt, look. Although I am with the <political organization-A> as a white person, nothing in my life has changed negatively since the government took over. I’ve only had tremendous psychological things lifted from me you know. But nothing has changed negatively. I still live in the same house, I have the same this, I have the same that. I can do the same things, I can do a lot more now. I’ve got lots more friends that I can do things with, I.... people don’t..... You know, it’s just so much more nicer to be here.

**I: Based on your observation with other white South Africans. Like for instance, why is it that every white person, whom I try to talk to, who are not political astute, they always know about the system. Why then do you think that is?**

**MS. SPREE:**

Oh, they always will know.

**I: Why then, do you think among them there are still people who prefer the previous Government?**

**MS. SPREE:**

But I don't think everybody. Remember the <Censored> that we had <names of persons>. They were big national parties. Do you know what they did at the end of last year. He stood up here and apologized to everybody for having voted for the National Party. He said, "I didn't know what the government was doing." He said, "I want to apologize to everybody here, for having supported this government that wasn't kind." And the best thing that has happened to this country was the TRC. With people that was the biggest purge and cleansing of this country, that this country could ever, ever, and I still think that Tutu deserved to get the noble prize for peace. I really think that man needs to get the highest award that he could possibly get.

**I: Do you think some of the black leadership had that much experience to run a country like South Africa?**

**MS. SPREE:**

Oh yes, I do. I think, well, I know the <political organization A> people in jail were trained to lead up to this for many years. They didn't come out of jail, come out of exile unprepared. They know, for years they've trained. I mean you.... look at <suppressed> & <suppressed> where, look at all these guys. They know what they were in for, they know what they were going into. My concern is who's going to replace them? You know, I feel that <Names suppressed> that group, that band of very educated, very wonderful people. I think they are very experienced. They know what they are doing. Who's going to replace them, you do have to worry. People always worry. They are getting old, but they still have a fairly young group under it. Let's say people from 40 upwards, even 55 upwards. But it's the young ones underneath that I worry about. I've been to meeting, and I worry that if these guys are going to be able to replace those guys.

**I: You listen to their manner of articulation, we have 11 official languages, but you have to speak in a language that will be generally understood by everybody. Why is it that is not done?**

**MS. SPREE:**

I think the generation of leaders coming up is not of the same caliber as what's at the top you know.

**I: That's why we have to sit down and try to address the educational issues. But I don't know.... So what do you think about the language policies of South Africa?**

MS. SPREE:

You see, as an English speaker myself I'm in a tough seat, because English is the language mostly spoken.

**I: But how do you think the schools need to approach and accommodate the language policy?**

MS. SPREE:

I think they got to actually, they've got to keep English as the language because it makes you globally competitive. What would you do if you never learned English in school, you wouldn't be where you are now.

**I: Of course. But I did not have a choice. Did you ever imagine how it would have been if you had to study in any language other than your own?**

MS. SPREE:

It crossed my mind once. But in order to make everybody globally competitive, they've got to do English. English has always been the one at the top.

**I: But there are other concepts here. You have the right to be taught in your own language of choice, and what if people decide to question in detail about not afforded a choice to be taught in the language they prefer?**

MS. SPREE:

But I don't think so, because people have realized that the world has become so small, you can't isolate yourself in terms of language. I mean, we have been isolated in terms of legislation for so long, and we don't want to isolate ourselves in terms of language now. When people come to this country and we can't speak English, and we can't speak to them. Or we go to other country, we can't speak to them.

**I: Should we then rewrite the language policies?**

MS. SPREE:

No, I don't think so. I don't think any parents may force it.

**I: Well, you're right, no parent may have to forced it, but you know, as we get ourselves into the intricacies of democratic ethos, we would be also caught up with the legalities of the whole process. People might decide to sue for the sake of suing. And how are we going to cope with that, because we are not there yet. Yes, we are doing a lot of things hastily. But there are other things that we are still very far from doing, like legal interpretation of let say our constitution, or our language policies.**

MS. SPREE:

Now we have a ... it's a problem. I know, and we have mass meetings out this end of town, and we have a lot of black people that come to our meetings. But they don't understand English. And I know this is what a lot of kids find at such a big school, because they are going to be taught in English. And these kids find it very difficult. But you are going to be realistic. Lot's of our books now are imported TV programs everything. You would be committing suicide if you refused.

**I: Well you made a very interesting example, the TV programs. For all the programs I have seen so far, since I've been here, were foreign.**

MS. SPREE:

The best program on TV is that South African thing. Do you watch IsiDingo?

**I: Yes.**

MS. SPREE:

If you compare that to this Bold and Beautiful, Days of our Lives  
<language suppressed>

**I: Oh yeah, that's surprising!**

MS. SPREE:

But IsiDingo is a modest thing to that.

**I: I guess IsiDingo is more educational. It also addresses to a more generalized topic. Do they have the subscripts there right?**



MS. SPREE:

No, they don't. I think "Generations" has the subscripts to it.

**I: No, I don't know generation <TAPE ENDS>**

Interview # 2

**Introduction:** *I am trying to examine how schools have changed since the new dispensation with reference to the enactment of the South African Schools Act #84 of 1996. Also I am looking at how the vestiges of past discrimination have played the role in shaping such change in schools within the Gauteng region.....*

MR. BEN:

OKAY.

**I: Would you say that different residential patterns that were landmark of apartheid, are major stumbling blocks towards desegregating schools in South Africa?**

MR. BEN:

Yah, yah,

**I: Could you elaborate on that?**

MR. BEN:

You see, there is a great number of schools that have yet to desegregated. Yah, I think desegregating schools is a good point, and whilst there are segregated areas and eh... had an effect on the performance of the child initially, but those huddles which our learners able to bypass, and those are huddles which should not make us fail. It's not wise to go that segregated way you see, granted that we haven't been abuse but again those segregated areas some act as a motivating factors for our kids to work harder. You know, our kids in the desegregated schools and all that, and they got to work more than, you know those white kids and all that, and all sorts of building they are covered at make them strong. And the fact that almost all of them are really at the end of K-12, they don't perform well. Shows that those huddles really are not something which can convince us that to desegregate schools is not good other than to built better schools like the white, it's not good for the children.

**I: Based on your experience in visiting schools around your jurisdiction, did it ever occur to you that White schools have higher education standards than the township schools?**

**MR. BEN:**

Well, schools in town are reluctant to admit children from the townships, because they fear that they would not cope, you see. You know, there are policy guidelines, and somewhere there are instance or cases where schools in town hide behind those policy guidelines. For example, SASA would be saying that the admission eh...first preference should be given to children in the neighborhood, you see and eh...a child from say <Township-E> wants to come over they will use that. A child can apply in July, they will say waiting list and later on they will say we are full. We've had those cases. What we've done is that if the child has applied early, we should be given the list of the children who have applied after. What we'll do is to check where they come from, where are they in the society. So that if they are not in the neighborhood, and in most cases they're not. We are able to say, there are other reasons why they are not taking this child, other than the proximity issue.

Then in that case, we'll win. But definitely we've got to. But what is coming out clearly now is that, eh... you do not want to call it self-censorship. The parents prefer to send their children from grade 0, primary school. You do not find the case where a child starts at 8, he leaves <Township-E> and goes to school in town. No, you do not find that. And the reason being, the parent wants to make sure that the child gets an education at an early age, you see. And that I'm sure they've seen in the past that schools in the suburb do not usually accept children at that level. So, already they have come to believe that it's better to do it right in the beginning. But where a parent wants to bring a child, and they hide behind this issue of policy guideline of proximity, then we are able to interfere.

**I: And what are your intervention tactics? Do you, let's say consider a parent who is from a local township falls under the poverty line category, and that parent doesn't have means to ensure that the child gets there?**

**MR. BEN:**

Yah , yah.

**I: Do you provide transportation for them?**

**MR. BEN:**

No, no, no. Our transportation and all other things are outdated issues don't get involved. We only deal with admission. Whether also the parent can afford the fees there, we don't come in. Because once the child is admitted, and

the parent can no longer afford the fees, it is the issues between the parent and the school. And the child is not affected.

**I: So, how do you address such an issue?**

**[Where the parent brings up some of the admission policy guideline that states: “ No learner may be refused admission to a public school on the grounds that his or her parent has not paid the school fees determined by the governing body under section 37.” If the child falls into that category, and the parent wish to take the child to the particular school, and finds out the parent cannot afford to pay, and argues and say, “ No, the policy guideline say my child qualifies for free education” and so forth].**

**MR. BEN:**

That’s why I say, we intervened to ensure that the child is admitted. Whether the parent can afford the fees it’s another issue. It’s between the parent and the school. But the child will never be denied admission on the basis of affordability. That cannot be used as an applied theory. We have had the cases of some parents finding that they can afford to pay for first year, but after that, they cannot either because one of the parents has no work or whatever. We’ve then already come in if any trouble goes on. Let me put it this way, the schools in town know that policy, so that adopting a certain mechanism, they take the parents to their lawyer, and the lawyer brings in the Sheriff to come and take the furniture,.....this applies even to white families.

We’ve had white families coming to plead, to say man we are not working and we’ve already received letters from the lawyers and so forth. In that case, we’ll come in and talk to the schools, “ Look, what are you achieving? “ If they go to that house and take the furniture. How is that child going to study? How is that child going to be. You’re making things tough for that child. Why don’t you get that parent to come and work at the school? Instead of you going to hire a laborer, paying them high, bring that parent to say, for this amount this is the work we want done. In that case, it balances out. The school saves from hiring a laborer, and the parent is saved from the embarrassment of losing things. So, that’s in our approach.

**I: So, would you say that the government’s endorsement of multiplicity of languages as official could hinder South Africa’s participation in the world economy, or affect the nation’s building effort for nationalism or patriotism?**

**MR. BEN:**

For competing in the world economy and/or building nationalism, I think it would help, because those small type, all that will also want to fit into the main stream, and that they will participate equally you see. And their participation will

then really enhance that because I don't see. well, if I'm going to hold the English and the Zulu and the Sotho not forgetting Xhosa participating, and then we talk of rainbow nation and there are those small groups like Venda and so forth.. Then <BOTH TALKING>.

We cannot talk about the nation and all that. Then we will not be getting contribution from those people. But then by allowing them and giving recognition to acknowledge them, and giving recognition, because right now, there's not much recognition given i.e., recognition on people. But if you can reach a point where whether in a factories, parliament or wherever, that old auntie from Venda can talk to the whites in her own language, she'll be talking as an equal. But if she tries to talk in English and get stuck and all that, there's no equality there, you see. So that affects building nationalism. But for economy development I mean participating globally, we've got to understand that the language there is English. The language is English. Whilst we are promoting these languages. We've got to also use them to empower the language speakers, especially English, for the sake of global participation.

**I: Do you think proficiency in any one of the indigenous languages is emphasized in previously designated White schools?**

**MR. BEN:**

Ok, what I can say is, I have attended functions and all that with my wife, and white schools have had ceremonies to award learners in successfully in mastering different indigenous languages. To me there's indication that they are encouraged to take that. The issue, cause I went to say in our township, is the issue of the choice of the schools, not the policy from the department. Ok. Now there schools where learners take English and vernacular only in the township, then it's the first language they make the content subject. OK. Some schools really have got a problem with changing. To say, "Look, we can't push our children to learn another language." And more so, that they don't have enough time to practice that Afrikaans. And if we are to broaden their subject choice, at university level, why don't they have an additional content subject so that they won't do that. The reason being that there are a lot of Afrikaans teachers in the township schools who could not be placed anywhere, so these schools are left to carry the load.

**I: And how about those teachers who have qualifications to teach indigenous languages?**

**MR. BEN:**

And whatever one realizes that even in town schools, our children take English and vernacular. I know our student, I know of a kid for example, he did

not have Afrikaans as his choice. But unfortunately it's not the learners who make the choices. It's the schools... And governing bodies and things like that.

**I: Are there any differences between the teaching strategies employed in previously designated White schools and the township schools?**

MR. BEN:

Yha, yha and also like to \_\_\_\_\_ that those who come from township teach better, yeah.

**I: I am only interested in the scientific evidence that could illustrate such differences that you are aware of. Is there any evidence?**

MR. BEN:

Let's say the \_culture within s in our schools. They play a very critical role in motivating the learners. I think our schools have been de-motivating the learners.

**I: Are you referring to the conditions?**

MR. BEN:

The conditions, all factors within the schools, including physical conditions. They somehow motivate our schools. One will be saying that, "Why should I be there at 8 when I know that lessons are going to start at 9 o'clock?" or, "Why should I go in when most of them are going to come in at 10." you see. Before that child takes a decision not to come to school, it must be after observing a number of things. It will be after observing a number of things. And you can take the township child and say among our selves that child might not make it, you know in white schools. After observing what's happening, the business, that child's going to change. The child's going to say "if I come late I lose" you see. And there is no catching up here. Then the child will be motivated. So, the question of how early does the school start, lesson, or when do the teachers arrive. If they are going to come at all and talk about other things and that, you see that teacher is not prepared. It's not about coming at 8, but also after lunch they don't come back. So I mean the school's themselves, the schools are not encouraging. See the physical conditions, cleanliness and all that. So, that is really discouraging. You can take eh .... I can refer you to <Township-Ts>, a school like JE, where the principal is concern about late coming. At 8 o'clock, the gates are closed. You don't find that type of a thing, well there are some few exceptions. But not far away there's <name of the school-M>. <laughs>

You go there at ten to nine, you'll still find dragging in. Because why should they come early? I've gone to <name of the school-M> at ten to eight and parked my car, then I sat there with my newspaper, I was using my private car,

and no one knew what was happening. And it was nearly 8 o'clock, they run the siren, and then at 5 past eight I got out of the car. I went there to the assembly, and there was not supposed to be an assembly, but I called the learners. But they were surprised at "whose this one." I said come, I'm going to make a very important announcement. They started saying, "some teacher also came early. <DISMAYED>They were still chatting inside." Chatting! You get this. it was only when things started, that those inside got surprised while they chat they saw me there.

They came running, making excuses saying "no, it is not assembly today." I said, "No, I am aware the kids have told me." But the siren had long rung. "No, you are the staff here." So the deputy came, I said "give me the time book, give me the time book, those who have not sign have not yet arrived." Fine, it's Okay let them go to class. What happened, I was looking over at the parking lot, cars were coming, people were taking their time, taking things out, one even called another child who was late to make this child even more late and all that. You know that type of things. So as a child, can you say you want to arrive early at <name of the school- M >. No, you can't.

**I: Based on your observations, probably your experience, how then do we bring back the culture of learning especially to black learners?**

MR. BEN:

Yeah, this question of history of, how do we bring the culture back? You see, instead of finding solutions as members of the community we are blaming, who are not giving ourselves time to think about that. But sometimes even moving into that there's a I must move on to say eh... "Yes, sometimes during the Bantu education system there were dedicated teachers, and even the learners were also dedicated. Despite the bad part of Bantu education.

**I: I would assume that you would not glorify Bantu Education as better than what education is like now.**

MR. BEN:

Yah, yah, you see. Given a very good analogy. I can have my tea here with two sugars, it will be nice. I can take it. OK. But if I'm going to take this (pointing at an empty glass) and pour it here, it would still be nice but if I'm going to add more water and dilute it. If I also take it and put it in the glass that quality and the taste is gone. What am I driving at is that, this tea, the liquid part of it is the number of the learners.

The number of learners increased, the number of schools increased, But the quality of teachers did not increase. And what happens is that now, we ended up opening so many teachers colleges and what was happening, if you had an (M= a good passing grade) you went to the university, if you had school leaving

(mediocre pass) you'll flock to teacher training colleges and all that, and that's the results of teaching. So we are just taking and all that, and it's not the quality which we were getting. And it became worse from '76, because some of the people who came into teaching, they got into schools headed by people without experience, they never got proper orientation and all that. With me I was fortunate to put very clear, I learned that at school (X) I'm not going to change it, I've learned not to. And I've got the best foundation. Nobody can take that away.

Even when I was made principal and all that, that place was still the same. But take a person who get into a school and I can now use <name of the school – M>, new person come into<name of the school –M>. Where everybody comes in at their own time, where nobody protest and all that, how is he going to learn the right thing? You see, even after years, every year is repeating that experience of not doing any other work. Someone in the right school every year is improving on that. So that's where we find ourselves now. So, the question is "How do we put that right?" you see. Where do you start? And I can tell you after 1994, who's problem will that be? Because we are busy calling them comrades, Comrade teacher, Comrade what, what, you see. It was when the present Minister came in and said 'hark.'

I: Why then should the government allow such teachers to carry on?

MR. BEN:

That's why I say what can be done? I'm able to say the position taken by the MEC supported by cabinet, you see. Some two weeks ago, minister of defense was here in <Township-W> they were celebrating 80<sup>th</sup> anniversary of the <political organization-A>. He also devoted attention to that. He made it very clear, he even said " yes we say those who have failed, we are not taking back. I've got no problem with that." But what are we saying to those principals who continue giving us 8%. What are we saying about those teachers who continue arriving late, why are we taking them back? So the type of hype that's created, it has brought about a change in the schools. Educators they know the whole of last week, our guys have been going to their schools and all that. If they are not teaching, <paper ruffles cannot hear>. Want to know why? It's the account from there we're changing. Before they can say to the learners you must arrive at eight, we've got to make sure that the teachers are there.

And then at one school, I was able to tell them. Look, if you're going to come here in your own time, please make sure that you don't get into the school. You can come at your own time don't come here, but please be outside. And if you can fail get it clear we are not admitting you. If you failed last year, please go back home. And that is the message we are sending. One parent was here in the morning with the kid who has failed, to speak to me, and I'm not going to make the decision. He knows where everybody's stand here on this issue. If he wants to take the child, that's up to him. But we don't want any excuse from him about

children who have failed causing problems at schools and all that. We are there to create the right hype to say, "No, I don't take failures." Because immediately learners know that, if I fail, I'm gone, then they start becoming serious. But if he knows that if I fail, I will talk to so and so, then I'll pass, and I'll come back. , I would never get it right.

So, this is what's being done. The hype is ok, the politicians have given the hype, the president himself has said we can fix the problem. Given that, what I say is, the principals, the governing bodies must say the same thing. Student leaders must say the same thing. And educators must response properly for actions. We will get it right. That's why I say the previous MEC, whereby these guys were called comrades, being hugged blah, blah, blah! Principals could not tell teachers, say " Eh, you work or you go," they couldn't. But now we are able to say, "Eh, if you're not working, then you'll go Ok." Once we have to become that tough, then we can change the climate. Then we can come to the issues of the physical resources, what have you and all that.

**I: What, I guess it touches on disciplinary aspects.**

MR. BEN:

Because, look the issues of physical resources may be linked to the result of metric for various schools in the area. At one school, it's already the case.....in <informal settlement-OF> near <Township-S>. We have been getting almost 100 percent pass rate every year. At some schools in<Township-S>, they've been getting better results as well. A school in <township-W>, without buildings, that's getting good results. You get the schools like <name of the school-R>, <name of the school-B> with beautiful buildings, they get less than 20 percent. Can they talk about physical resources? No! So, we don't buy that excuse but we don't mean, we're not saying it's not necessary. But definitely, the learners and teachers must also bring in part of their bargain.

**I: One last question. What would you say if the teachers say, the government is coming too strong? Now, it looks like they are not doing their job and they are the victims.**

MR. BEN:

I will definitely not be upset that we are coming stronger. We don't deny it, and that to those who are not aware, we make them aware. Yesterday the education action zone team,(EAZT). In the police they've got '*scorpion*' you know.

**I: Oh yeah, I've heard about it. How does this team work?**

MR. BEN:



We are talking to the principals, the 5 principals of the schools which got the lowest results, poor performing schools. We told them straight that you perform or you'll go. "we are going to charge you." They made it very clear, that they are harsh. So to those who are not aware, we make them aware and we are harsh, and to those who are aware, that's ok. We don't apologize for that. We don't want to waste time to justify for that. We want work. We can debate about it outside working hours, but we are not going to waste time trying to justify it. Because we've spent so many years trying to talk to them, to plead, to consult, to negotiate. What did they get? Nothing. So now, we're clear. The guerillas are there, and we are also there. Any other slow moving object we'll destroy. We want people who are aware of the urgency of the situations. Because that's the only way we think we can change this. But everybody now is on his or her toes. But what has happened.

**I: Do you think teachers have a lot of time to do other things.**

MR. BEN:

Quite a lot. If you can take a visit into the schools,

**I: Should the past be blamed for the present conditions in the previously designated Black/African schools?**

MR. BEN:

If you check, and going back to the teacher and learner. You take a black child in a white school, we turn all those handicaps around. He gain self-confidence, he becomes articulate. He has got his own opinion. He becomes assertive. But if it's in our schools, it's only scratching the head(?), have no self-confidence, have no opinion. And only if the majority is saying this he joins, and all this and all that. You can see that they are multiplicity of factors that are sort of dragging their feet down and we are talking about white teachers. "We are unable to ..." those kids who go there, they are not unintelligent, <whispers> and they have got the top length so, it's a question often, how are we able to \_\_\_ the kid? If we take an example, we talk about <name of the school-L>, they have business economics, taught by a marvelous principal. If you check the business economics, they have got the highest average. And symbols are high, the distinctions are high and all that. But when we see the learners, if you look at the learners and other subject, because he's able to bring something out of them. So, here we have people who really went to the extreme, much for that. <Mumbles> how can the children benefit from all that <ends>

**I: Thank you for your time, I really appreciate your contribution.**

### Interview #3

**Introduction:** *I am trying to examine how schools have changed since the new dispensation with reference to the enactment of the South African Schools Act #84 of 1996. Also I am looking at how the vestiges of past discrimination have played the role in shaping such change in schools within the Gauteng region... ..*

**I:**       **So we can start ... Could you give me brief synopses of how schools have progress after the Act came into Law? (Disregarding the most talked about issue of decline in matriculation results).**

**MR. BOX:**

Maybe, I should just start by explaining to you how our district is composed because I will be talking within the context of our district. District <Town-B/G> consist of app. 80% former model C schools. The other 20% are mostly former **DET**. We have about six former **HoR** and one former **HoD** in our district. So obviously whatever impact there was since 1994, this was from depending in which former ex-departments that there was.... And as far as former Model C schools are concerned not much has taken place.

We were also fortunate in this district that we form part of what was known as the <**District KTR**> Special Presidential Lead Project, which is one of the Lead project which was initiated by former president Mandela, where millions of rands were pumped into areas. Now one of the reasons in our district <**DISTRICT KTR**> are part of that presidential Lead project because a lot of money was pumped into the area and unfortunately the project started before the enactment of **SASA**. So we sort of operated in a vacuum. Interim policies were non-existent, I mean there was a lot of vacuums pre- 1996 when **SASA** was enacted. But what we basically did was, and you see this area was chosen as a presidential area because it was one of the violent torn areas. <Township NS>., <Township V>., <Township T>. and maybe this will explain to you the name (<**DISTRICT KTR**>). But <Township T>. and <Township NS> falls on another education district. We only have the <Township V> part of it, where we have 22 schools only. The total area consists of 103 schools.

Now because the funding was given to the area because of the 'violence' part. The major chunk of the money available went for refurbishing school buildings and the smaller amount of that money was earmarked for empowering school management, student leadership (**SRC**- Student Representative Council) and Government Body. Now because of the absence of the Act at that point in time, as to what the content of that training would be for your school governance, school managers and for your **SRC**'s, was something where we have to use past experiences especially in terms of **SRC**'s. For school managers, we had to appoint a consultant, we set together in the drafting of the curriculum. They drafted the actual curriculum and they did the actual training. We merely came in as support. In fact as officials we were part of that training and that was another component

of it of which I did not mention, training of the district officials as well. So because there was no School Act in place, we device our own curriculum and we also did training of Governing Bodies in the absence of guidelines for school governing bodies. You know we have been based on the Gauteng School Act, that was the basis of our operations but I mean as you are well aware a lot of changes has taken place from Gauteng Schools Act to South African Schools Act. That had impact on our training as such.

**I: You just said that you were fortunate in this district to adopt all Model C schools or incooperate these schools. So, how much impact does the residential differences contribute toward encouraging racial balance of school population within your jurisdiction for various schools?**

**MR. BOX:**

Look, I know at one stage we had a deliberate initiative to promote racial mixing and to encourage schools from the surrounding areas especially township schools to twin with some of the previously white schools and Model C schools. That did not work because some schools were not ready to do that, meaning Model C schools. Others were just not ready to do that and of the ones that were ready to do it, you know we realized that it become s problematic and saying that we want you to twin with that school. We then hoped that it will become more of the natural process because with our district, we have quite a number of what we call circuits and the you have a manager from our office who is in charge of each of those circuits. A lot of those districts are divided Geographically, but unfortunately we have not done that.

We have taken all our former Model c schools or former white schools and our former black schools, and we have taken let say ten of the former Model C schools and then the first two of the former HoR and HoD whatever and bunddle them into a cluster under one manager. The reason for that was if we do have meetings that is cluster meetings that we have people of ex- departments in a cluster meeting, where if we have done it Geographically we would have left with a pure white cluster and poor black cluster and that type of thing. So we then hope that twinning would within those clusters take place because people get to know one another and principals would know each other on one to one level and principals will then there start talking. It has happened in some instances, I must say, it has happened and it has worked.

**I: Is that still being done?**

**MR. BOX:**

No...no...that was a different initiative but also it only happened for some reason and I can't say why, but it only happened at primary schools, and it has not happened at high school level. In fact just off the cuffs, I can immediately think of

about ten of our former township schools that have twinned with one or more the former Model C schools but not a single high school.

**I: What is happening with the former HoR/HoD schools?**

**MR. BOX:**

Look, I think we should not be under an illusion our schools were so highly political. In fact, especially in the African cultures. Your so-called colored and Indian schools are still interested. In fact another dynamics are taking place, I don't think we should talk about that right now. (Laughing). I think this initiative by the National Education Department, ehh... and I think with the change of Education Ministry, for the first time the Department is acknowledging that the Act was highly politicizing the school community, and to think for a minute that you can never forget about politics, let's concentrate on education. It's completely out of the question. That somehow we need to use that political awareness in the schools for education and I think if you look at the initiative from the national education department, and even if you look at GDE and once again the track of our current MEC for instance, our MEC will start his speech by saying we need to recognize the sacrifices made by students in the past. And I think by doing that it will eliminate the difference.

And also in dealing with the SRC's or RCL's as in our province, we have for instance last year in <Township V>., we started a sort of a joint forum for the SRC's for the seven schools that we've got, and yet one school that we have problems, and I don't know if you have seen the article some time last year that appeared in Sunday Times, for one school in the country, namely <Township V>. Comprehensive which was way off the mark in any case, the article came out a year too late, you know, the article came out at a stage when we have already introduced the latest changes in the school, and we had to join the SRC forum, because it was a major decision at that point in time even the SRC from <Township V> had serious problems, as a result that was causing an upheaval at the school.

I mean this upheaval was centered around the management at the school, teacher issues, and we got caught up in that, we thought we had a serious problem s, but once we established that SRC joint forum, a lot of people said to us we are warning you you are trading on dangerous ground, as soon as you bring students together from different schools you are asking for trouble, they will start standing together having a united front, and have all sorts of ugly things happen, and that hasn't happened, it hasn't had that effect, . In fact one of the things that the school that I was referring to <Township V>. Comprehensive is standing on that is precisely because of the problems that students that got from the fellow students from the other schools, so I am saying that using that political hype that is prevailing in the township can be used for the good, for the good of education

**I: Would you say that the language practiced in the schools could help keep apartheid alive or fortify racial differences?**

**MR. BOX:**

That's a tough one eh?

**I: Do you think language to South Africans plays an important role in everything that they do, for instance if you look into the language clause of Constitution or rather the South African Schools Act whereby eleven languages are regarded as official, therefore do you think it will be feasible to make the language policy to be practicable in the schools? (phone ringing and background noise)**

**MR. BOX:**

You see it also depends where you come from with the language issue , I mean partly, <mummbing>.....\* like I said of 80% of model C schools, I think that I haven't yet made that analysis between English and Afrikaans schools, I think they have a lot of 50-50 split there, but obviously the schools that has tackled racial barriers are English schools for obvious reasons, but we do find Afrikaans schools saying that we do not mind having children of any color as long as they speak Afrikaans (laughing) , that is true, (laughing) that is safe. Unfortunately South Africans schools Act allows that governing body to make the language policy in schools, so in that respect the South African Schools Act is not enabling us to open up those schools and that is a problem, that is a problem

**I: (background noise) Why is it still the case with most learners in the schools having to take 3 languages whereby the proficiency of the 2 that is, English and Afrikaans, is mostly promoted with less emphasis on the vernacular?**

**MR. BOX:**

You see, and I don't know that whether this is applicable with the composition of the other schools. A group of Afrikaans speaking people still have the ability for a lack of better word to ensure that their language is still the main language. That's the one problem that we are dealing with. That is not happening with the African languages, you see unless that can happen that is what you are talking about will not materialize. Somehow there 's got to be a deliberate attempt to sort of lift African language s, and I think we all need that service in that, and that is not happening. There was a stage in this office where we sent out a weekly newsletter to schools, each and everyday we sent newspaper to schools, there was a time in 1996 1997 and 1998 when we sent out newsletter in 2 languages, English and Afrikaans.

For no other reason the Afrikaans schools mourned that they were getting newsletter in English only, early in 1996 when we started the newsletter. Somewhere in the middle of 1996 we started with the Afrikaans edition as well, and that has been going well for 3 years, until we just said no ways, if we do it in English, do it in Afrikaans, we must do it in at least Zulu and SeSotho and because we haven't had the capacity to do it. We only did it in one language, you know.

**I: You know in my observation when I was trying to search for literature material and data for this particular study , I came across volumes of documented information that unfortunately was in Afrikaans. Now, this shows you how much Afrikaans has developed in academia.**

**MR. BOX:**

I agree with you, we cannot afford to let Afrikaans disappear from the face of the earth, because there are numerous writings in Afrikaans that we need to explore, at which we it makes it relevant to our current situation.(both speakers concurring that Afrikaans as a language needs to be preserved because it has form part of the South African History)

**I: I have seen a lot of writings in Afrikaans, do you remember my first reference when I said there is a greater sentiment amongst Afrikaners about the protection of Afrikaans language. And they understand that without a language there is no nation. My question is, how accessible is the South African Schools Act to the community at large, meaning can it be read in Zulu, SeSotho or rather in all official languages (Xhosa, Venda, Setswana, etc) ,and if not what has been done to make this Act available to everyone?**

**MR. BOX:**

You see we had a couple of circulars (memoranda) this year. I'll just take one anyway. *<There were circulars on the table>*. Look at this circular. This circular will soon be available in Zulu, English and Afrikaans. As officials, when we are dealing with schools we will say perhaps the circular is available in any language, and if we are dealing with South African Schools Act there is English version and that is it, as officials so to answer your question it is simple, it is not. Are the other languages concerned in terms of the South African Schools Act, it is not. Like you might find even in the training of the government bodies and we started out we wouldn't be having our second democratic elections for governing bodies as yet. Our first elected governing bodies were first elected in 1996, and you might find that especially in African townships *<Township V>*. Specifically , that 80% of the parents sitting in those governing bodies are semi-illiterate to illiterate.

If you look at the composition of our district office staff, including the governing bodies like me, who are absolutely incapable of speaking any African language, so you go out you deal with those governing bodies, and you go there as one of our colleagues has said that you speak to them in your '<name of the University-W>' English. You know to these people at the end of the day, the governing bodies hasn't performed the way that you expect them to, and you come back. You know and the people haven't got enough support, without thinking that even giving them training to empower them, but if you look at the training, it was in English, and even if you look at the level of English we use in whatever, its unrealistic to become very functional at high level. The language is still a major problem for the learning in the classroom, for the parents, for the school management no problem. And the other level it has nothing at all, lips services has been paid, but there is no clear attempt from the education department to address that.

**I: Do you think empowering of the parents should be your next step?**

**MR. BOX:**

It should be a priority, it should be a priority in my mind

**I: And how do you communicate that as someone who works within the system? Do you think that you are in the position to propose such an undertaking?**

**MR. BOX:**

Now that you have asked me, I have been talking to someone about how top heavy the department still got. For an individual official within the department to make a proposal regarding anything there is no chance for you to do that. So someone has to go via the route of lobbying, you know of course that type of thing, of which I suppose is common to any bureaucracy, but because it's not seen as a priority at this point in time, by whatever, even the lobbyists I promise you they don't have that. So some of them need to be made to bring language into the agenda. Language is not in the agenda at the moment. At the moment matriculation results are in the agenda (laughing).

**I: Now that you recognize the multiplicity of languages, Do you think the notion of nation building could be reached through strengthening the different languages in the schools?**

**MR. BOX:**

Yeah, look, like I said, we have very diverse society; language, religion and racial, you know all these things are needed to be taken into account <phone ringing>. I don't think that one can just look at language alone, because other

things have a bearing on, we just spoke about Afrikaans and the very important role the language has on Afrikaner culture, language being very, very important for any culture for that matter. I sort of think that South Africans should start realizing that there can be unity in diversity and we have accepted the fact that we have different languages and different cultures, and because of that acceptance I don't think by promoting different languages and ensuring that each language come to its own right. But that will derail the whole concept of nation building. Especially in certain white schools , but not in black schools because I think that there is this strong division and anti-African languages even in our English schools.

I just heard a report from the English school yesterday, where the principal said to some children, the black kids in the foundation phase , what happens is that, and you find out that there is South African children going and you find that from the <town-R> children as well, they go to English schools, but they come either from Afrikaans speaking home or Xhosa speaking home, their parents don't even speak English to kids at home. That's why they send them to English schools. So when we see grades one coming to school, think of the communication restraint, he realizes his friend is Zulu he cannot communicate with him in Zulu, the principal said to these kids you don't speak that '*mambo-jumbo*' language here at my school. So we still have that strong anti-African language even in school that has been integrated for a long time.

**I: When you visited the schools, did notice whether those integrated schools teach any African languages?**

**MR. BOX:**

Yes, the majority of them do, and then mostly Zulu, there is this thing that Zulu being the easiest language for an English type of thing, because you find most of them just do Zulu you know, and they haven't tried any other language.

**I: In that case, did you have to deploy teachers from the townships to go teach Zulu in those schools?**

**MR. BOX:**

No. In fact, literally nobody, I come from the school in <Town R>, because it is a colored school, in fact if you recall that with the previous house of representative, ran their own education affairs was the then <name of the representative-AH>, making the decisions that all HoR schools enroll African children, at that stage then it was at certain schools that we needed to teach our children African languages. So in our school, we started with African children in grade 1, taking them into grade 2 and so on and so on in an English class, in fact this was an Afrikaans school , we offered English classes because of African



children coming into our school. All right? At least we got to grade 4 the then Std 2, we realized that now, now grade 4 we started realizing that we need to start we cannot having speak and teach English and Afrikaans, we need to bring in Zulu as a language, and we employed white teachers to do that.

**I: Those things do happen (both laughing) and it will take us some time to overcome that....**

**MR. BOX:**

Now, even at these schools, the English schools, you know, that have been integrated for a while, the teachers that are teaching African languages are white. In fact the one school that is just down the road has got 2 African teachers, the other one is giving Physical Education and the other one something else. The African language is taught totally by a white person even when we have black staff at the school

**I: Given the different residential patterns with various school types do you think the government could design policies that would foster school desegregation, maybe by developing a system where township learners could be transported to the surrounding well-equipped white schools? (Disregarding the number discrepancies of the population output in South Africa, where Blacks/Africans outnumber Whites drastically)**

**MR. BOX:**

Look personally, the only way that we can get schools integrated is by force integration, if we leave it up to, hoping things will happen through a gradual process, it will never happen. My colleague is working with admission in this office, and every year at the beginning of the year it is a problem, for various reasons. Number one, you find that the parents living in a township don't want their children going to the township schools. They want their children in suburban schools. The South African schools Act and the admission policy of Gauteng Department of Education states that if the committee can start working with the feeder areas for the first time we've never had it. The new admission policies states that from this year we must start determining feeder areas so we must look at a particular school, look at the ratio and everybody within that ratio who attend that school. Right.

The admission policy currently states that if the parent look for work in that area and that parent should have the first option in that school. It is not a matter of living in that area, but also working in the area. But I think those working in the area once brought in to try to break down this racial barrier in schools. That's the one problem that we are sitting with at this time every year that parents, when a parent from <Township V> come to a school down the road in town, and that parent is told that the school is full, the places that I do have

open, I'm keeping open for the people living in the area. Then we have the issue of informal settlement around suburban schools, so the whole issue of living in the area, and they find out that the people are living in the area, and therefore they should attend those schools.

Up to last year what happened is that they looked at the issue of school fees, with the new national laws and standards school for funding documents saying that standard ... that is no longer a reason to keep those learners out of the schools. It is becoming gradually as policy develops. It becomes serious, but there is one major obstacle, there is several issues of residential patterns if we say that policy is developing to overcome things like that, one area is not developing satisfactory is the language. That is one big stumbling block in getting schools integrated. Residential patterns, no, that's not much of a problem,

**I: So, in what you have noted, would you agree that or would you say that this concept of free access to education simply means that learners have a right not to pay tuition (laugh) or to attend any educational institution?**

**MR. BOX:**

No, look, I think any parent realize that the school needs money to function effectively, and that is actually what is taking place, make no mistake about that. I specially witnessed one case last year in the former Model C school where the lady is a domestic worker in the area ( background noise, someone talking) . The lady that she is working for, her child is attending the same school, coming the end of the month, I came here one Monday morning that lady was waiting for the principal to pay her R50.00, you know. But then people must pay what they can afford. And you must pay what you can afford, I also believe in that. When you look at our exemption policy at this point in time, what we are saying is that, if a person earns in a certain category then they must pay the full amount to school, which has been agreed upon by the parents of the school, looking at the past Model C schools is that the governing body and the governance of the school came together and decided this could be the fee.

Now parents can take a decision in the meeting and it must a majority of the parents and then they must vote on the amount of school fees to be charged. If your salary is above a certain level, then you pay 100% of that, if it lower than a certain level, you are completely exempted, but if you are in between those levels you are partially exempted and that allows for people to pay what they can afford. I mean you cannot say to a person who is unemployed both husband and wife are unemployed, they are totally or solely reliant on government grant that they must pay school fees, especially with 4 children in the house you know. But what we are saying to those parents is that if you cannot afford it, you can render your services to the school in whichever way you feel comfortable.

**I: Do you think parents are aware of that?**

**MR. BOX:**

Several times officials have encouraged governing bodies to call meetings

**I: Do parents come to those meetings and participate? (interjects)**

**MR. BOX:**

They don't come to meetings, first of all. And I think in some instances it was abused, where the governing body would say to parents that if you cannot pay you must come and pay the school on a certain date and that was the spirit of the whole thing, so it has been abused as well, and this has happened in our township schools, you know.

**I: Now that the South African school's Act has alluded to the learners with disability without any definition of who they are, do you think that needs to be addressed as a policy development?**

**MR. BOX:**

We still have a lot of problems with some of the white schools, because some of them think they are private schools (laughing), they operate like private schools. Secondly, the image of a lot of these schools is built on things like swimming pools, sports grounds, and the extramural activities that they have to offer, because that's how they sell themselves and market themselves. The same issue that you touched on is something that we experienced seriously last year, we have also....\*a school funding document which I referred to earlier on , for the next financial year, for the first time, schools will be funded equitably, when I say equitably I mean that we look at the buildings, we look at the property of the area in which that school is situated, and those two factors account for 50% each towards the total amount of funding that the school will be receiving from government.

Once we have gone through that process of having audited and assessed the condition of the school building, because obviously, the better the condition of the school the less money they will need for maintaining that building. The poorer the area is, the less the money they will have. Getting a kind of balance in the form of school fund, so the more the government needs to give towards that school. After we have gone through that process we issued an initial contract of what schools will be getting. A school also has the opportunity to appeal against what they were given. A number of the former Model C schools objected to what they would be getting based on the number of black learners they have got in their schools

**I: Based on what you have just talked about, as an official how do you address the issue whereby the numbers of learners within the township schools are diminishing illustrating the movement of black students to the better suited previously designated white schools in the suburbs?**

**MR. BOX:**

In <Township V>. it's so much more difficult, look nobody will say to me that physical facilities of the school does not contribute towards the level of quality of education, people will always come to me and say it doesn't because there is an example of the school just outside < Township-S> it is a farm school it has deplorable facilities, but it yielded better metric results. So I always say to them in everything there is an exception to the rule. So it's difficult to convince parents that what they have is perceived as a deception, that the education in white schools is better than that of the township schools. But basically it is very difficult to establish the efficiency of both school types. But to come back to your question, of the issue of the disability, you know, I won't be able to answer the question of recognizing disabilities because that's not my field, but specifically one of my duties is the development of the physical facilities, some of it, I think in my province, Gauteng, we have revised all our plans for schools, to make provisions for specifically people in wheel chairs. Where we normally we have steps at the end of the buildings, we have ramps.

That is now part of the standard planning of the schools. Our standard plans have changed to make provisions for learners with disabilities, in fact the first lot were build last year, and it's actually sad, it's actually sad when you get to a school and the principal says to you, what a waste you could have built two <toilets> in the place of just one <toilet>. I felt very sad. ( A deep sigh). Another thing of what is good in GDE on top of what we call the provincial anti-bias theme, we are now the only province that officially trained officials ,and that training has started to be developed at school level, where we actually started to train teachers at schools. And yet create awareness around the various –“isms,” linguisticism, racism, able-ism, age-ism, you know all those things. In fact it's part of the national ministry's priorities.

I think we made a start in that direction, we have a long way to go but in that respect we are even ahead of a lot of developed countries. Although we have this thing in place in the provincial department of Education that is seen as just another theme, what we are saying is that, it should become part of the job description of at least one person. At this point in time we are 4 in the team in this office, but we are all doing it as a sideline. We are doing it when its time up when you have finished your official duties and as long as it is received in that way, I don't think these things will come to their rightful place. I think it needs to be a concentrated and focused effort on these issues, and the simple thing, coming back to the language again, when we have our workshops, when we have to divide people up quickly, all those who speak one language over here, it is only

referring to white people, when you have an African guy standing there and he says that he can speak 8 languages and we go Ha ha (laughing)

**I: I think you have given me all what I wanted. I will call <Mr. S.>. Thank you very much for the information and your time. <TAPE ENDS>**

## **Interview #4**

**Introduction:** *I am trying to examine how schools have changed since the new dispensation with reference to the enactment of the South African Schools Act #84 of 1996. Also I am looking at how the vestiges of past discrimination have played the role in shaping such change in schools within the Gauteng region... ..*

**I:** **I am interested in looking at the related issues of the vestiges of past discrimination as affecting the schools in the Gauteng Province. I am aware that at the moment you might have a big problem at hand in trying to inculcate and promote or re-ignite the culture of learning among the learners in the area. I just have to find out what is your general synopsis of education in this province after you assumed office?**

**MR TOP:**

The situation is that with regard to policy we are very good as you all know those of us who make policy the most important issue of making policy is that there are those that are implemented in the chalk phase, that is what we needed to get right now, but good policies we have. The second point I want to make is that of the education reform and why I call it reform unlike other processes so you need to be very careful, consistent, but also deal with the structural process in order to succeed with the educational reform. Educational reform cannot happen on its own we need social and economic reform, but at the same time saying all of that there are basic tenets which I feel are possible to get right, already over the last 5 years there has been successes, and what are some of those basic tenets.

The first one to me is the learner and the teacher with that mutual co-existence and support for one another. That goes to starting the school on time when learners arriving, they are not coming to a party or bash they are coming to learn and that must be an environment and what I have been working with teachers in our schools for 4 months. This is what I would term it matters, because they all think that now that the cane is no longer in their hand, they have lost control of their schools. The teacher in the first place as the community worker, needs to understand the community he or she works with, he needs to know stakeholders not only parents of kids who attend school, must know all other role players in the community. Know what makes that community tick, get them involved in the learning of the children, get them to contribute to the quality of the school, and that is what we call turning schools into community cultural life. The school becomes like a church or mosque, it becomes part of the community and not outside the community.

The second critical area, because of our past there is a lot that we still need to do, and we have worked on programs and I have no intentions to take teachers back into the classroom. And take them again through a 3 to 4 year period of learning the pedagogics of education, because we don't have that luxury of time.

If the teacher wants to upgrade his or her skills that's up to them, but what we focusing on now are the methods and technical skills so that as we entice them into those short effective courses, special courses. We were then able to make the impact already over the last two months. I think it has worked. To give you a classic example, in some of the schools where we started piloting this program the result of Mathematics and science improved tremendously, even though the school record in mathematics and science has been terrible.

If you bring the whole range of facilitators, you bring in study guides for learners, general sort of study techniques and how to approach math and science making them understand the subject matter to audiovisual utilization of material, but also basically getting the teachers to understand that they put good prep work and the methodology is correct and the learners will conceive and conceptualize quicker. Also the time of completing the syllabus is linked to that, so that many more months is spent on revision, but not revision in the sense that the learner is interpreting the subject like a parrot, and a year down the line still doesn't know math, but to get the learner to understand the art of math, formulas and all of that. So we think that approach when it comes to catching up particularly in the disadvantaged areas, that these short effective courses, refresher courses will help us break that, some of that backlog.

The third critical area for us is, now before that part of teachers support is also intervention in primary schools and the type of committees that we established to deal with math and natural sciences at primary schools to develop sort of indigenous models that could be utilized in a creative way in working with Microsoft South Africa now, to see if we cannot design indigenous mathematics' game, in particular for township schools. So we're working with Microsoft at this moment, I have only given them ideas but I want them to design the software package in all of that so that we can use that in primary school level because there is too much abstraction, we need to link the learners to their environment. And how they apply math and science within their immediate environment, that links to our primary school project and of course we have put in the particular checkpoints now. Any learner that arrives in Grade 3 before that learner goes to grade 4 we should be able to evaluate that learner according to arithmetic and numeracy. Because once you get the foundation phase basically right it becomes easier even to move into intermediate phase and into secondary phase, and because we are busy with outcome based education now.

We believe that our teachers also within the short courses will also develop them as curriculum developers as material collectors so that reinforces the learning environment because its about the resource base at the schools, because of our own funding resource problem your biggest resource becomes your teacher, if he is going out there and getting the magazines Science Magazines , math to keep trend of latest methods, to keep trends with debates on the subjects to involve the learners in those debates, even that itself intimidates , what I have done of late I have made it compulsory for Heads of Department both at primary and in the secondary schools, that HOD's must actually play a role of

library at the school, they must compile material and must advise the teachers on a whole range of those materials, to stimulate that environment for learners.

The fourth critical area for us in Gauteng, is getting target point, for us is what we call financial viability and the sustainability of our schools. Because as much as we have come with new funding norms, we basically advantage the disadvantaged schools, because of the community's socio-economic status, it still gonna be difficult, we will need much more money to get into our schools, now already we are spending almost probably 5 to 10 million in this country an hour on education in our schools.

**I : (surprised) Are you sure of the amount?**

**MR TOP:**

(confirming) 5 to 10 million Rands per hour in the entire country. But the issue is still the biggest item in the country, therefore I say, the education reform is also linked with social and economic reform. Those are the triangular elements\* for any society in transition to succeed in this transformation. So we created a method , what we call, what can we do to increase the financial viability of our schools to upgrade\* the disadvantaged areas. So from April this year, we will be appointing what we call public relations officers, for schools in the townships, they will be responsible for marketing the schools, for improving the fixtures of the schools and also for fundraising. They will have to seat down with governing bodies in schools and raise funds. We will be paying them the basic salary, but to stimulate them they will also be receiving an incentive, a certain percentage of what they raise for the school. I think this will be enough for now.

**I: What will those incentives include?**

**MR TOP:**

Yeah. What we, but obviously, what we are saying is that, if I am a fundraiser at a school, I am going to get a percentage of what I raise in the school. In most of our schools in the townships there are plus or minus a 1000 students, with that already even before implementing the PRO. We are making it compulsory for all the schools to run tuck-shops, we have done work with hawkers, hawkers make up to R2000.00 a week in our schools, if we are running the tuck-shops in our schools, and we use some of those funds to augment, to add to what government is spending, with a belief that we will more rapidly be able to transform our schools than what we were doing up till now. Now when we bring the Public Relations Officer, I am concerned if they will do their work well, they could be raising more than R100 000.00 a month.

**I: Who do you think should be in a position to run these tuck-shops?**



MR TOP:

Well basically we are giving that responsibility to the governing bodies, but we are also talking teachers into getting tuck-shop duties, you see. So that they could also take responsibility.

**I: What then would do if teachers turn around and argue that they spend too much time in running those tuck-shops without doing what they are trained to do, i.e., teaching the learners?**

MR TOP:

During breaks, but we have given this responsibility to governing bodies to run that, and there are a lot of parents that have come forward. In fact the last 2 weeks since the opening of the schools now, we have opened 2 new tuck-shops where we have upgraded the facilities. We have given the basic infrastructure, but those are run by parents but coordinated by the principals, teachers so that they make sure that there are proper accounting of funds. Also people have been paid to run the tuck-shops so we hope to fast track the application as such, but the basic concept of the public relations officer with fundraising is to raise funds for the school, we believe it's possible, viable, for the 1000 kids a day at the school. For argument sake if they spend R1 it's a R1000,00 per day, but we also say, part of increasing the participation of parents at our schools, if we just rely on direct taxation, no government in the world can rely on direct taxation, but if you and I go and buy petrol, buy groceries, we are paying tax but we don't squeal about it, we only squeal about tax on our salaries, but we don't feel that taxes that we pay indirectly, like debt and all of that.

No, we cannot rely on a circular to invite parents to a meeting. If you organize an open day, if you run a school magazine, a competition, or whatever, a drama, a float, or whatever, these people will put together, if parents come and were to pay R5.00, they will pay. They won't feel it, they won't say that this is part of school fund. So but at the same time, they are bringing money into the school, and also now participating, and that is increasing their involvement for their own children. Its going to increase their involvement in the education of their children, and that's part of how I intend fast tracking the transformation in schools. That is the critical area for us, but of course in terms of our own departmental plans, in terms of targeting and focussing on poorly performing schools, we have clustered them into what we call education action program. It is through these zones that we do rapidly try to break much bureaucracy, and we do rapid intervention programs for the schools.

It includes taking teachers out of that school and putting them for 5 months in another school for them to be mentored, and then replace them with 5 other teachers, and when they are through they come back. The same includes principals, the same includes stabilizing the learning environment, and even mobilizing the community in a big way to embark on cleaning projects like we

have been already doing in a number of areas now for the last 2 weeks. When you see parents coming to schools, donating paints, coming to paint, that is linked to the pedagogy of education management. It's part of creating the learning environment, so we are confident at the moment we have got a cycle, a concentric cycle when you are classified as a school to be in the education action zone, when you are dysfunctional, how do you get out of that cycle, into maybe say an average performing school, good performing school? Also how you can go into a dysfunctional school, and once you are in a dysfunctional school, special measures are taken. Where we do daily monitoring and not just per term where we do class visits, where we look at the basic attendants at the school, and also what we call, both support and coaching, two strategies to bring about changes in the school.

We will not hesitate to act, where we have to, to remove a principal, to remove a teacher, but at the same time to produce support mechanism like I said to pull out the principal and put in the administrator to take over the running over of the school, but then that principal can be mentored somewhere, if then the fellow doesn't change then we have to take him out of the system. Basically those are the type of things that we have tried to introduce in a big way from October last year, though it was late in the year, but this year we are picking up sport, park, cultural programs, life skills, excursions, and some of those schools become vibrant, you know because for me any kid no matter where he or she is, in an informal settlement, in a hostel, in an urban, poverty stricken township, that kid must be able to say, I want to go to school, if I can make it a difference, and our school can make a difference. The type of programs that they are reintroducing, is what we call now to develop this global citizen, from primary school level right up to high school level.

**I: How do you expect to initiate all these programs if you still have to consider the fact that our education system has been previously tainted by the principles of apartheid regime, especially if most of the township kids are still locked in time with reference to lack of interest in education?**

**MR TOP:**

Well, on your latter part, I think let's just say, no South African kid must be denied through their parents the right to choose which school their children would like to go to, because we are all supporting, with this whole evolutionary process in transforming the previously designated white schools, to become South African schools. So, I will not stop any parent from any township that want to send their kids to a suburb school. The parents have got a right of choice what we must ensure is that in turn increase the choice of the parent, because if there is a school nearest to the parent that can be a good or even better than the school in the suburbs, but no kids must be denied. So the de-racialization of the schools must be continued, it is important, no school must be a no go zone or area for any kid, white or black, but at the same time saying that, and I believe in organized transition and organized approach in bringing about change, though we do have a

major problem, that most of those kids that are going to those schools from the township to the suburbs are black and most of those schools are becoming black, but teachers of course remain white.

So the second value and that's why we have introduced what we call the commission on language so that we can find out through a language how we can teach some of the values within the education system. A value based education, it doesn't help solving a problem, and how through diversity teaching and learning we can increase the breakdown of prejudice in those schools and we can also increase diversity. We live in a multicultural society.

One of the things we are starting to do this year, we are looking at the de-racialization of schools, there's gonna be massive debate that's gonna be receptive, but active as possible. If we through my consultation already with school governing bodies in those areas with teacher union there is some semblance of support that ultimately you know that we are definitely embarking on that process and we gonna continue. Your previous point of which you said that is linked to the section of our parents in the township is not necessary whether they want to send their kids to be taught by white teachers, they are guided by the infrastructure. That's why I'm saying, we are embarking on projects to make our schools in the townships as good or even as better than those in the suburbs. So that the choice of the parents is broader and wider, at the moment its very narrow, and we succeeded. There is a school in <informal settlement -OF>, very good infrastructure, there is a new school built in 2 years ago, it's got A grade facilities, parents are letting their kids stay, even parents who can afford, and so there are many other better equipped schools.

The other question of the mindset, general mindset, not just parts trying to get parents to take their kids to township schools. It's the involvement in education that we have already talked about. Some of the methods and techniques we would utilize, but we live in two worlds, the third world and the first world. But even the third world is exposed to the first world, television, media, cell phone, now we have done a study and my own experience as a political animal, working in a political environment where we do research on election and then develop a media strategy to get people to vote for your political party, now I am saying there is no magic, nor you don't need to be rocket scientist, you can use that very same strategy to deal how you change this same mindset. And for that in March of this year, we will be launching a major marketing campaign, bill boards, posters, television, print media and all of that, as part of changing the mindset. We will be, we have out-sourced that, we are bringing in the big marketing companies, that runs campaigns, election campaigns in terms of marketing for political parties during election, because you can actually see at an election from the time the campaign starts some people are uncertain. Some know who they want to vote for, others say that they are not so sure, others we are in between these two parties, so it becomes a contest.

Now, we have just said what are the basic objectives we want to achieve with regards education, and these people have now developed the strategies that we will be launching and I believe that part the power of information technology cannot be underestimated. It's very powerful, it can work, and that's how

basically we're be dealing with the mindset, but we also think it's important that we link it to the other strategies that I talked about, how to increase the involvement, not directly, but by simply inviting them back to organizing events , you know.

**I: Surely you will agree with me that we have moved from Gauteng school's Act to the South African Schools Act, and you might be somewhat familiar with the clauses of the two, what could be your take or understanding of the admission policy, the language policy, discipline of schools and also the accommodation of learners with disability as reflected in the School's Act**

**MR TOP:**

In a nutshell, I think we can debate them at length. On admission policy, there are two critical areas that one can construe as the legacy of apartheid, but I also face the questions seriously, and I don't think you can bit around the bushes, that of your *under age* learner and the *over age* learner, but within South African context, dealing with the legacy. You have to be very careful how you deal with it, so what we did, and there is a whole range of explanations, but even differences within the education system. Some say that if you bring the learner to school too young that learner will find out. Some say allow the learner and even easier for the learner to complete, because as they get older they get more stubborn. So there are different education expects view on this issue, but we have decided to opt, for the route of saying underage learner, no but we must increase our overall enrollment. And we have done that particularly in Gauteng on pre-educare, and we have put a lot emphasis on pre-educare, so that by the time they go to school, he or she is ready for school, but also is at an age required. Now, with your over age learner, again to deal with mindset, many of us still believe that, it must keep them just..., and even the older learner believe that if I can still get my *matriculation*, it will open doors for me, now you find learners my age even older, still locked in .....(*<I could not decipher the response>* )

We opted a different route from the other provinces. The basic strategy was not to make a policy, but to advise parents get these kids to technical colleges, let them get schools, then put them on a different new path, and then even to The South African Qualification Act, because of the skills that they now have get accreditation for matriculation. Now, last year already, at the end of last year we have more than 2 000 such learners that we have been able to take through, the end of this year we hope that they will now get the accreditation, that's the one option. The other option is to get them into night schools, etc, but when it has been a difficult task for parents to convince them, that look, if I have a skill, because in any event your kid, if you want your kid to go to any university he or she might not make it in the university, or might only arrive at the university 6 years from now when there already. Rather get skills get them into a technical program so that their skills are enhanced, maybe in his or her own pace they will then get into their own academic program if they want to.

Every parent has a hope that the child must get into some form of an academic program, but at the end that's not about jobs, how do we build entrepreneurship of our learners, all of that so that's the program we have taken on in Gauteng. But overage learners is part of all the problems causing serious problems for us at schools. We had a case where a 25-year-old and a 20-year-old were staying as partners.

Now at that age it is acceptable, not unacceptable, they were staying in an apartment but they were still going to school, the same school, then an argument broke out, she moved back in with her parents, he then went to school with a gun, shot his friends that tried to stop him and then chased her and fortunately she got away, he shot himself, two deaths. That's part of the problem, it's symptoms you see, now how do we deal with that? But it has an impact, these learners are adult learners, they are in an environment with 13, 12, 14 year old, they dominate, if they feel this is how they want to influence the school, they will do it, because they are already adults. And these youngsters it does matter what they are doing because they are role models, etc.. But they at the same time we cannot ignore, that because of our legacy, some of our own people have gone to school very late, some had struggled to complete and therefore let's not deny them education, but rather guide them to what would be an appropriate education at a particular time. Not to say that a skilled based education is less of importance, in fact at this moment I want to argue that it's more important, than even the academic one, you know, from through our education and training strategy as it is, that is basically how we will deal with it. That's around the admission policy.

**I: Did you ever have to address the issue of lack of capacity when dealing with maybe the parents for being incapable of paying school fees?**

**MR TOP:**

In all public schools a kid cannot be turned down, and there's basically two clauses, one clause covers us in terms of feeder areas, the other clause covers us in terms of exemption. What they have done, especially in previous Model C schools, they have awarded bursaries to the parents, to the kids of those parents who genuinely cannot pay as a way of keeping the school fund there. We have accepted that, but in no public schools we have allowed them to turn away kids, because the basic access to education is what our constitution guarantees, so in the public school you cannot say that we were a previous Model C school, you have (X) amount of extra teachers therefore you must pay school fees, you can't afford to pay the fund. But they are in the process of applying, asking for exemption, and like I said many of the schools have adopted ... which I think is good, because I think it's proper.

**I: This might be an extended question whether will there be a possibility of institutionalizing the process of desegregating schools. I am aware that you might have problems with numbers of the available school places especially**

**in the suburbs schools because as it is now , a larger percentage of the disadvantage learners might opt to go those schools.**

**MR TOP:**

No, we don't have desegregation policy, what we do have is teacher education ratio. Gauteng is one province, and at the moment most of our schools are within that mode, the national ratio is 1:40. But Gauteng with its own economic status and a whole range of other reasons where we have good schools, throughout the province and we've opened up many public schools, we have been able to keep our ratio 1: 32.1. So as much as there is flocking to the suburb has helped us to deal with those ratio, because ultimately in a province where close to 5 million people are Africans and only 1.5 million is white, spreading out the African population in Gauteng has helped us through integration, while in other provinces, KwaZulu-Natal and Eastern Cape that comes to mind, it must be too difficult, because the areas are as much vast, I think Eastern Cape has got about 6 570 public schools and Gauteng has got only 2 300 public schools.

**I: What do you think of the government endorsement of the multiplicity of languages within our schools that expresses diversity in South Africa?**

**MR TOP:**

That's one of our objective this year to make a difference and as I said to you earlier, we have programs in place to enhance diversity teaching, and learning a language is a critical part of that. But what we have found with it, in the suburbs schools in particular with have serious problems with languages. My own view is still that, even if parents have a perception that they want their children to be taught in English, because they have to go to the University or the work place, but at the same time must not lose the pride, cultural values and norms that come with your language. So we want, and Gauteng as a messiah, all eleven languages if I am a Zulu learner, the first language is Zulu and have English as second language, but what has happened the black youth are taking English as a first, and when you tell them about Zulu as a first language they say it is boring, we would not accept that, but at the same time it is again the mindset both of parents and learners, but I must tell you that in some of the public schools, parents have taken initiative, both black and white.

Besides trying to get excellence in our schools, we also have a value based education system. Last night we had an award evening where for the first time and I think it's even the first time in this country where we have recognized learners in indigenous languages that have achieved excellence. In all eleven official South African languages we have learners that have achieved certificates for A aggregate, but it was part of our whole promotion campaign of those languages.

**<Suddenly> (TIME WAS UP )-TAPE ENDS>**

APPENDIX G



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

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Vol. 377

CAPE TOWN, 15 NOVEMBER 1996

KAAPSTAD, 15 NOVEMBER 1996

No. 17579

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PRESIDENT'S OFFICE

No. 1867.

15 November 1996

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

No. 84 of 1996: South African Schools Act, 1996.

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KANTOOR VAN DIE PRESIDENT

No. 1867.

15 November 1996

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 84 van 1996: Suid-Afrikaanse Skolewet, 1996.

**GENERAL EXPLANATORY NOTE:**

- [                      ] Words in bold type in square brackets indicate omissions from existing enactments.
- \_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

# ACT

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

**PREAMBLE**

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

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

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

*(English text signed by the President.)*  
*(Assented to 6 November 1996.)*

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

**CHAPTER 1****DEFINITIONS AND APPLICATION OF ACT****Definitions**

5

1. In *this Act*, unless the context indicates otherwise—



- (i) "*Constitution*" means the *Constitution* of the Republic of South Africa, 1993 (Act No. 200 of 1993);
- (ii) "*Council of Education Ministers*" means the *Council of Education Ministers* established by the National Education Policy Act, 1996 (Act No. 27 of 1996); (xix) 5
- (iii) "*education department*" means the department established by section 7(2) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), which is responsible for education in a *province*; (xi)
- (iv) "*educator*" means an *educator* as defined in the Educators Employment Act, 1994 (Proclamation No. 138 of 1994); (xiii) 10
- (v) "*governing body*" means a *governing body* contemplated in section 16(1); (ii)
- (vi) "*grade*" means that part of an educational programme which a *learner* may complete in one *school* year, or any other education programme which the *Member of the Executive Council* may deem to be equivalent thereto; (iv) 15
- (vii) "*Head of Department*" means the head of an *education department*; (iii)
- (viii) "*independent school*" means a *school* registered or deemed to be registered in terms of section 46; (x)
- (ix) "*learner*" means any person receiving education or obliged to receive education in terms of this Act; (vii) 20
- (x) "*member of staff*" means a person employed at a *school*; (xiv)
- (xi) "*Member of the Executive Council*" means the *Member of the Executive Council* of a *province* who is responsible for education in that *province*; (viii)
- (xii) "*Minister*" means the *Minister* of Education; (ix)
- (xiii) "*officer*" means an employee of an *education department* appointed in terms of the Educators Employment Act, 1994 (Proclamation No. 138 of 1994), or the Public Service Act, 1994 (Proclamation No. 103 of 1994); (i) 25
- (xiv) "*parent*" means—
  - (a) the *parent* or guardian of a *learner*;
  - (b) the person legally entitled to custody of a *learner*; or
  - (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the *learner's* education at *school*; (xiv) 30
- (xv) "*principal*" means an *educator* appointed or acting as the head of a *school*; (xvi)
- (xvi) "*province*" means a *province* established by section 124 of the *Constitution*; (xviii) 35
- (xvii) "*provincial legislature*" means a *provincial legislature* contemplated in section 125 of the *Constitution*; (xvii)
- (xviii) "*public school*" means a *school* contemplated in Chapter 3; (xii)
- (xix) "*school*" means a *public school* or an *independent school* which enrolls *learners* in one or more *grades* between *grade zero* and *grade twelve*; (xx) 40
- (xx) "*this Act*" means *this Act* and all regulations promulgated under *this Act*. (vi) 50

#### Application of Act

- 2. (1) *This Act* applies to *school* education in the Republic of South Africa.
- (2) A *Member of the Executive Council* and a *Head of Department* must exercise any power conferred upon them by or under *this Act*, after taking full account of the applicable policy determined in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996). 45
- (3) Nothing in *this Act* prevents a *provincial legislature* from enacting legislation for *school* education in a *province* in accordance with the *Constitution*. 50

### CHAPTER 2

#### LEARNERS

##### Compulsory attendance

- 3. (1) Subject to *this Act* and any applicable provincial law, every *parent* must cause

every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.

(2) The Minister must, by notice in the Government Gazette, determine the ages of compulsory attendance at school for learners with special education needs. 5

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

(4) If a Member of the Executive Council cannot comply with subsection (3) because of a lack of capacity existing at the date of commencement of this Act, he or she must take steps to remedy any such lack of capacity as soon as possible and must make an annual report to the Minister on the progress achieved in doing so. 10

(5) If a learner who is subject to compulsory attendance in terms of subsection (1) is not enrolled at or fails to attend a school, the Head of Department may— 15

- (a) investigate the circumstances of the learner's absence from school;
- (b) take appropriate measures to remedy the situation; and
- (c) failing such a remedy, issue a written notice to the parent of the learner requiring compliance with subsection (1).

(6) Subject to this Act and any other applicable law— 20

- (a) any parent who, without just cause and after a written notice from the Head of Department, fails to comply with subsection (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months; or
- (b) any other person who, without just cause, prevents a learner who is subject to compulsory attendance from attending a school, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months. 25

#### Exemption from compulsory attendance

4. (1) A Head of Department may exempt a learner entirely, partially or conditionally from compulsory school attendance if it is in the best interests of the learner. 30

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

#### Admission to public schools

5. (1) A public school must admit learners and serve their educational requirements without unfairly discriminating in any way. 35

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

(3) No learner may be refused admission to a public school on the grounds that his or her parent— 40

- (a) is unable to pay or has not paid the school fees determined by the governing body under section 39;
- (b) does not subscribe to the mission statement of the school; or
- (c) has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner. 45

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

(5) Subject to this Act and any applicable provincial law, the admission policy of a public school is determined by the governing body of such school. 50

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

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

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

(9) Any learner or parent of a learner who has been refused admission to a public school may appeal against the decision to the Member of the Executive Council. 5

#### Language policy of public schools

6. (1) Subject to the Constitution and this Act, the Minister may, by notice in the Government Gazette, after consultation with the Council of Education Ministers, determine norms and standards for language policy in public schools. 10

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

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

(4) A recognised Sign Language has the status of an official language for purposes of learning at a public school. 15

#### Freedom of conscience and religion at public schools

7. Subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary. 20

#### Code of conduct

8. (1) Subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school. 25

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

(3) The Minister may, after consultation with the Council of Education Ministers, determine guidelines for the consideration of governing bodies in adopting a code of conduct for learners. 30

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

(5) A code of conduct must contain provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings. 35

#### Suspension and expulsion from public school

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

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

(b) pending a decision as to whether the learner is to be expelled from the school by the Head of Department. 40

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

(a) by the Head of Department; and

(b) if found guilty of serious misconduct after a fair hearing. 45

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

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

(b) disciplinary proceedings to be followed in such cases; 50

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

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

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

#### Prohibition of corporal punishment

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

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

#### Representative council of learners

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

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

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

### CHAPTER 3

#### PUBLIC SCHOOLS

##### Provision of public schools

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

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

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

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

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

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

##### Public schools on State property

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

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

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

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

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

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

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

- (b) granted the *governing body of the school* a reasonable opportunity to make representations to him or her in relation to such action;
- (c) duly considered any such representations received.
- (5) The right contemplated in subsection (2) is enforceable against any successor in title to the owner of the immovable property in question. 5
- (6) No immovable property owned by the State and occupied by a *public school* may be alienated unless an agreement contemplated in section 14 has been concluded between the *Member of the Executive Council* and the prospective owner of the immovable property.
- (7) The registrar of any deeds registry may not execute, attest to or register a transfer deed in respect of the immovable property in question unless the owner has provided the registrar with proof of the agreement contemplated in subsection (6).
- (8) The provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), do not apply to the right contemplated in subsection (2). 10

#### Public schools on private property

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- 14. (1) Subject to the *Constitution* and *this Act*, a *public school* may be provided on private property only in terms of an agreement between the *Member of the Executive Council* and the owner of the private property.
- (2) An agreement contemplated in subsection (1) must be consistent with *this Act* and in particular must provide for— 20
  - (a) the provision of education and the performance of the normal functions of a *public school*;
  - (b) governance of the *school*, including the relationship between the *governing body of the school* and the owner;
  - (c) access by all interested parties to the property on which the *school* stands; 25
  - (d) security of occupation and use of the property by the *school*;
  - (e) maintenance and improvement of the *school* buildings and the property on which the *school* stands and the supply of necessary services;
  - (f) protection of the owner's rights in respect of the property occupied, affected or used by the *school*. 30
- (3) The provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), do not apply to a real right, excluding ownership, acquired by the State, a *public school* or another party in terms of an agreement contemplated in this section.
- (4) The right contemplated in subsection (3) is enforceable against any successor in title to the owner of the immovable property in question. 35
- (5) Despite subsection (3), a registrar of a deeds registry must endorse on the title deed of the affected property that the property is subject to an agreement contemplated in this section, if the registrar receives—
  - (a) an application for such endorsement by the owner of the property, or the *Member of the Executive Council* or any other holder of a right contemplated in subsection (3), together with the title deed of the property; and 40
  - (b) affidavits by the owner of the property and the *Member of the Executive Council* stating that an agreement contemplated in this section has been concluded.
- (6) The *Minister* must, after consultation with the *Council of Education Ministers*, 45 make regulations regarding the minimum requirements of an agreement contemplated in this section.
- (7) Any transfer duty, stamp duty, fees or costs payable in respect of the registration of a right in terms of subsection (3) may be paid in full or in part from funds appropriated by the *provincial legislature* for that purpose, but the *public school* contemplated in subsection (1) is not responsible for such duties, fees or costs. 50

#### Status of public schools

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

**Governance and professional management of public schools**

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

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

(3) Subject to *this Act* and any applicable provincial law, the professional management of a *public school* must be undertaken by the principal under the authority of the Head of Department. 5

**Governing body serving two or more schools**

17. (1) The Member of the Executive Council may determine that the governance of two or more *public schools* must vest in a single governing body if it is in the best interests of education at the schools in question. 10

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

- (a) given notice in the Provincial Gazette of his or her intention so to act;
- (b) given interested parties an opportunity to make written submissions within a period of not less than 30 days; and 15
- (c) considered all such submissions.

**Constitution of governing body**

18. (1) Subject to *this Act* and any applicable provincial law, the governing body of a *public school* must function in terms of a constitution which complies with minimum requirements determined by the Member of the Executive Council by notice in the Provincial Gazette. 20

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

- (a) a meeting of the governing body at least once every school term;
- (b) meetings of the governing body with parents, learners, educators and other staff at the school, respectively, at least once a year; 25
- (c) recording and keeping of minutes of governing body meetings;
- (d) making available such minutes for inspection by the Head of Department; and
- (e) rendering a report on its activities to parents, learners, educators and other staff of the school at least once a year. 30

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

**Enhancement of capacity of governing bodies**

19. (1) Out of funds appropriated for this purpose by the provincial legislature, the Head of Department must establish a programme to— 35

- (a) provide introductory training for newly elected governing bodies to enable them to perform their functions; and
- (b) provide continuing training to governing bodies to promote the effective performance of their functions or to enable them to assume additional functions. 40

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

**Functions of all governing bodies**

20. (1) Subject to *this Act*, the governing body of a *public school* must— 45

- (a) promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school;
- (b) adopt a constitution;
- (c) develop the mission statement of the school;
- (d) adopt a code of conduct for learners at the school; 50

- (e) support the *principal*, *educators* and other staff of the *school* in the performance of their professional functions;
- (f) determine times of the *school* day consistent with any applicable conditions of employment of staff at the *school*;
- (g) administer and control the *school's* property, and buildings and grounds 5 occupied by the *school*, including *school* hostels, if applicable;
- (h) encourage *parents*, *learners*, *educators* and other staff at the *school* to render voluntary services to the *school*;
- (i) recommend to the *Head of Department* the appointment of *educators* at the *school*, subject to the *Educators Employment Act, 1994* (Proclamation No. 10 138 of 1994), and the *Labour Relations Act, 1995* (Act No. 66 of 1995);
- (j) recommend to the *Head of Department* the appointment of non-educator staff at the *school*, subject to the *Public Service Act, 1994* (Proclamation No. 103 of 1994), and the *Labour Relations Act, 1995* (Act No. 66 of 1995);
- (k) at the request of the *Head of Department*, allow the reasonable use under fair 15 conditions of the facilities of the *school* for educational programmes not conducted by the *school*;
- (l) discharge all other functions imposed upon the *governing body* by or under this Act; and
- (m) discharge other functions consistent with this Act as determined by the 20 *Minister* by notice in the *Government Gazette*, or by the *Member of the Executive Council* by notice in the *Provincial Gazette*.

(2) The *governing body* may allow the reasonable use of the facilities of the *school* for community, social and *school* fund-raising purposes, subject to such reasonable and equitable conditions as the *governing body* may determine, which may include the 25 charging of a fee or tariff which accrues to the *school*.

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

#### Allocated functions of governing bodies

21. (1) Subject to this Act, a *governing body* may apply to the *Head of Department* in 30 writing to be allocated any of the following functions:

- (a) To maintain and improve the *school's* property, and buildings and grounds occupied by the *school*, including *school* hostels, if applicable;
- (b) to determine the extra-mural curriculum of the *school* and the choice of subject options in terms of provincial curriculum policy; 35
- (c) to purchase textbooks, educational materials or equipment for the *school*;
- (d) to pay for services to the *school*; or
- (e) other functions consistent with this Act and any applicable provincial law.

(2) The *Head of Department* may refuse an application contemplated in subsection (1) only if the *governing body* concerned does not have the capacity to perform such 40 function effectively.

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

(4) The decision of the *Head of Department* on such application must be conveyed in writing to the *governing body* concerned, giving reasons. 45

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

(6) The *Member of the Executive Council* may, by notice in the *Provincial Gazette*, determine that some *governing bodies* may exercise one or more functions without making an application contemplated in subsection (1), if— 50

- (a) he or she is satisfied that the *governing bodies* concerned have the capacity to perform such function effectively; and
- (b) there is a reasonable and equitable basis for doing so.

**Withdrawal of functions from governing bodies**

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

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

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

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

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

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

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

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

(c) duly considers any such representations received.

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

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

**Membership of governing body of ordinary public school**

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

(a) elected members;

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

(c) co-opted members.

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

(a) Parents of learners at the school;

(b) educators at the school;

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

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

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

(4) The representative council of learners referred to in section 11(1) must elect the learner or learners referred to in subsection (2)(d).

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

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

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

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

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

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

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

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

(b) educators at the school;

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



- (d) learners attending the eighth grade or higher, if reasonably practicable;
- (e) representatives of sponsoring bodies, if applicable;
- (f) representatives of organisations of parents of learners with special education needs, if applicable;
- (g) representatives of organisations of disabled persons, if applicable; 5
- (h) disabled persons, if applicable; and
- (i) experts in appropriate fields of special needs education.

(2) Subject to *this Act*, the *Member of the Executive Council* must, by notice in the Provincial Gazette, determine the number of members in each category referred to in subsection (1) and the manner of election or appointment of such members at every 10 public school for learners with special education needs within his or her province.

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

(4) The *Member of the Executive Council* must consider all such submissions, and thereafter may alter the notice contemplated in subsection (2). 15

#### Failure by governing body to perform functions

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

(2) The *Head of Department* may extend the period referred to in subsection (1), by 20 further periods not exceeding three months each, but the total period may not exceed one year.

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

#### Recusal by members of governing body

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

#### Reimbursement of members of governing body

27. (1) Necessary expenses incurred by a member of a governing body in the 30 performance of his or her duties may be reimbursed by the governing body.

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

#### Election of members of governing body

28. Subject to *this Act* and any applicable provincial law, the *Member of the Executive 35 Council* must, by notice in the Provincial Gazette, determine—

- (a) the term of office of members and office-bearers of a governing body;
- (b) the designation of an officer to conduct the process for the nomination and election of members of the governing body;
- (c) the procedure for the disqualification or removal of a member of the 40 governing body or the dissolution of a governing body, for sufficient reason in each case;
- (d) the procedure for the filling of a vacancy on the governing body;
- (e) guidelines for the achievement of the highest practicable level of representativity of members of the governing body; 45
- (f) a formula or formulae for the calculation of the number of members of the governing body to be elected in each of the categories referred to in section 23(2), but such formula or formulae must provide reasonable representation for each category and must be capable of application to the different sizes and circumstances of public schools; and 50
- (g) any other matters necessary for the election, appointment or assumption of office of members of the governing body.

**Office-bearers of governing bodies**

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

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

5

**Committees of governing body**

30. (1) A *governing body* may—

- (a) establish committees, including an executive committee; and
- (b) appoint persons who are not members of the *governing body* to such committees on grounds of expertise, but a member of the *governing body* must chair each committee.

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

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

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

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

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

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

**Status of minors on governing bodies of public schools**

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

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

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

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**Closure of public schools**

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

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

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- (a) informed the *governing body* of the *school* of his or her intention so to act and his or her reasons therefor;
- (b) granted the *governing body* of the *school* a reasonable opportunity to make representations to him or her in relation to such action;
- (c) conducted a public hearing on reasonable notice, to enable the community to make representations to him or her in relation to such actions; and
- (d) given due consideration to any such representations received.

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

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## CHAPTER 4

## FUNDING OF PUBLIC SCHOOLS

## Responsibility of State

34. (1) The State must fund *public schools* from public revenue on an equitable basis in order to ensure the proper exercise of the rights of *learners* to education and the redress of past inequalities in education provision. 5

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

## Norms and standards for funding of public schools

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

## Responsibility of governing body

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

## School funds and assets of public schools

37. (1) The *governing body* of a *public school* must establish a *school fund* and administer it in accordance with directions issued by the *Head of Department*. 20

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

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

(4) Money or other goods donated or bequeathed to or received in trust by a *public school* must be applied in accordance with the conditions of such donation, bequest or trust. 25

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

(6) The *school fund*, all proceeds thereof and any other assets of the *public school* must be used only for— 30

- (a) educational purposes, at or in connection with such *school*;
- (b) educational purposes, at or in connection with another *public school*, by agreement with such other *public school* and with the consent of the *Head of Department*; 35
- (c) the performance of the functions of the *governing body*; or
- (d) another educational purpose agreed between the *governing body* and the *Head of Department*.

## Annual budget of public school

38. (1) A *governing body* of a *public school* must prepare a budget each year, according to guidelines determined by the *Member of the Executive Council*, which shows the estimated income and expenditure of the *school* for the following financial year. 40

(2) Before a budget referred to in subsection (1) is approved by the *governing body*, it must be presented to a general meeting of *parents* convened on at least 30 days' notice, for consideration and approval by a majority of *parents* present and voting. 45

**School fees at public schools**

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

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

- (a) the amount of fees to be charged; and
- (b) equitable criteria and procedures for the total, partial or conditional exemption of *parents* who are unable to pay *school fees*.

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

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

**Parent's liability for payment of school fees**

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

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

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

**Enforcement of payment of school fees**

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

**Financial records and statements of public schools**

42. The *governing body* of a *public school* must—

- (a) keep records of funds received and spent by the *public school* and of its assets, liabilities and financial transactions; and
- (b) as soon as practicable, but not later than three months after the end of each financial year, draw up annual financial statements in accordance with the guidelines determined by the *Member of the Executive Council*.

**Audit or examination of financial records and statements**

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

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

- (a) is qualified to perform the duties of an accounting officer in terms of section 60 of the Close Corporations Act, 1984 (Act No. 69 of 1984); or
- (b) is approved by the *Member of the Executive Council* for this purpose.

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

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

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

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

#### Financial year of public school

44. The financial year of a *public school* commences on the first day of January and ends on the last day of December of each year. 5

### CHAPTER 5

#### INDEPENDENT SCHOOLS

##### Establishment of independent school

45. Subject to this Act and any applicable provincial law, any person may, at his or her own cost, establish and maintain an *independent school*. 10

##### Registration of independent school

46. (1) No person may establish or maintain an *independent school* unless it is registered by the *Head of Department*.

(2) The *Member of the Executive Council* must, by notice in the Provincial Gazette, determine the grounds on which the registration of an *independent school* may be granted or withdrawn by the *Head of Department*. 15

(3) A *Head of Department* must register an *independent school* if he or she is satisfied that—

- (a) the standards to be maintained by such *school* will not be inferior to the standards in comparable *public schools*; 20
- (b) the admission policy of the *school* does not discriminate on the grounds of race; and
- (c) the *school* complies with the grounds for registration contemplated in subsection (2). 25

(4) Any person who contravenes subsection (1) is guilty of an offence and upon conviction liable to a fine or imprisonment for a period of three months.

##### Withdrawal of registration of independent school

47. (1) No withdrawal of the registration of an *independent school* is valid unless—

- (a) the owner of such *independent school* has been furnished by the *Head of Department* with a notice of intention to withdraw the registration, stating the reasons why such withdrawal is contemplated; 30
- (b) the owner of such *independent school* has been granted an opportunity to make written representations to the *Head of Department* as to why the registration of the *independent school* should not be withdrawn; and 35
- (c) any such representations received have been duly considered.

(2) The owner of an *independent school* may appeal to the *Member of the Executive Council* against the withdrawal of the registration of such *independent school*.

##### Subsidies to registered independent schools

48. (1) The *Minister* may, by notice in the Government Gazette, determine norms and minimum standards for the granting of subsidies to *independent schools* after consultation with the *Council of Education Ministers* and the Financial and Fiscal Commission and with the concurrence of the Minister of Finance. 40

(2) The *Member of the Executive Council* may, out of funds appropriated by the provincial legislature for that purpose, grant a subsidy to an *independent school*. 45

(3) If a condition subject to which a subsidy was granted has not been complied with, the *Head of Department* may terminate or reduce the subsidy from a date determined by him or her.

(4) The *Head of Department* may not terminate or reduce a subsidy under subsection (3) unless— 50

- (a) the owner of such *independent school* has been furnished with a notice of intention to terminate or reduce the subsidy and the reasons therefor;
  - (b) such owner has been granted an opportunity to make written representations as to why the subsidy should not be terminated or reduced; and
  - (c) any such representations received have been duly considered. 5
- (5) The owner of an *independent school* may appeal to the *Member of the Executive Council* against the termination or reduction of a subsidy to such *independent school*.

#### Declaration of independent school as public school

49. (1) The *Member of the Executive Council* may, with the concurrence of the Member of the Executive Council responsible for finance, enter into an agreement with the owner of an *independent school* in terms whereof such *independent school* is declared to be a *public school*. 10

(2) Notice of the change of status contemplated in subsection (1) must be published in the Provincial Gazette.

#### Duties of Member of Executive Council relating to independent schools 15

50. (1) The *Member of the Executive Council* must, by notice in the Provincial Gazette, determine requirements for—

- (a) the admission of *learners* of an *independent school* to examinations conducted by or under the supervision of the *education department*;
- (b) the keeping of registers and other documents by an *independent school*; 20
- (c) criteria of eligibility, conditions and manner of payment of any subsidy to an *independent school*; and
- (d) any other matter relating to an *independent school* which must or may be prescribed in terms of *this Act*.

(2) Different requirements may be made under subsection (1) in respect of different *independent schools*. 25

(3) The *Member of the Executive Council* must allow the affected parties a reasonable period to comment on any requirement he or she intends to determine under subsection (1).

#### Registration of learner for education at home 30

51. (1) A *parent* may apply to the *Head of Department* for the registration of a *learner* to receive education at the *learner's* home.

(2) The *Head of Department* must register a *learner* as contemplated in subsection (1) if he or she is satisfied that—

- (a) the registration is in the interests of the *learner*; 35
- (b) the education likely to be received by the *learner* at home—
  - (i) will meet the minimum requirements of the curriculum at *public schools*; and
  - (ii) will be of a standard not inferior to the standard of education provided at *public schools*; and 40
- (c) the *parent* will comply with any other reasonable conditions set by the *Head of Department*.

(3) The *Head of Department* may, subject to subsection (4), withdraw the registration referred to in subsection (1).

(4) The *Head of Department* may not withdraw the registration until he or she— 45

- (a) has informed the *parent* of his or her intention so to act and the reasons therefor;
- (b) has granted the *parent* an opportunity to make representations to him or her in relation to such action; and
- (c) has duly considered any such representations received. 50

(5) A *parent* may appeal to the *Member of the Executive Council* against the withdrawal of a registration or a refusal to register a *learner* in terms of *this Act*.

## CHAPTER 6

## TRANSITIONAL PROVISIONS

**Transitional provisions relating to schools other than private schools**

52. (1) Any *school* which was established or was deemed to have been established in terms of any law governing *school* education in the Republic of South Africa and which existed immediately prior to the commencement of *this Act*, other than a *private school* referred to in section 53 is deemed to be a *public school*. 5

(2) The assets and liabilities which vested in a *school* contemplated in subsection (1) immediately prior to the commencement of *this Act*, vest in the *public school* in question. 10

(3) Funds and other moveable assets used by, or held for or on behalf of, a *public school* contemplated in subsection (1) and which in law are the property of the State, remain at the disposal of the *school*, and devolve on the *school* on a date and subject to conditions determined by the *Minister* by notice in the Government Gazette, after consultation with the *Council of Education Ministers*. 15

(4) Any transaction entered into prior to the commencement of *this Act* by a *school* contemplated in subsection (1), which had the effect of transferring funds or other assets of such *school* to another person or body without value, is invalid.

**Transitional provisions relating to private schools**

53. A *private school* which was registered or deemed to have been registered under the provisions of a law regulating *school* education in the Republic of South Africa and which existed immediately prior to the commencement of *this Act*, is deemed to be an *independent school*. 20

**Transitional provisions relating to governing bodies**

54. (1) The *Minister* must, after consultation with the *Member of the Executive Council* and by notice in the Government Gazette, determine dates— 25

(a) by which the election of members of *governing bodies* at all *public schools* in a *province* must be finalised in terms of *this Act*; and

(b) from which the *governing bodies* referred to in subsection (1)(a) must function in terms of *this Act*. 30

(2) Different dates may be determined in terms of subsection (1)(b) in respect of *governing bodies* in the different provinces.

(3) Any *governing body*, management council or similar authority of a *public school*, which existed immediately prior to the commencement of *this Act*, continues to function until the day before the date on which the relevant *governing body* is elected and must perform all the functions it performed prior to the commencement of *this Act* which a *governing body* can lawfully perform in terms of *this Act*. 35

(4) Until a *governing body* begins to function in terms of subsection 1(b), such *governing body* of a *school* deemed to be a *public school* in terms of section 52(1) must perform the functions lawfully performed by its predecessor which are capable of being performed by a *governing body* in terms of *this Act*. 40

**Transitional provisions relating to immovable property of certain schools**

55. (1) The immovable property of a *school* which was declared to be a state-aided *school* under section 29(2A) of the Education Affairs Act, 1988 (House of Assembly) (Act No. 70 of 1988), devolves upon the State on a date determined by the *Minister* by notice in the Government Gazette. 45

(2) The *Minister* may determine different dates in respect of different *schools* under subsection (1).

(3) Any notice determining a date or dates referred to in subsection (1) or (2) must grant all interested parties a period of not less than 30 days in which to make written submissions. 50

(4) The *Minister* must consider all such submissions received, and thereafter may alter any notice referred to in subsection (1).

(5) Any transfer duty, stamp duty, other fees or costs payable as a result of the transfer of the immovable property contemplated in subsection (1) must be paid in full or in part from funds appropriated by Parliament for that purpose.

(6) The Minister may, with the concurrence of the Minister of Finance, direct that no transfer duty, stamp duty, other fees or costs contemplated in subsection (5) be paid in respect of a particular transfer under this section. 5

(7) The rights of third parties with claims against the school in respect of the immovable property affected by the transfer contemplated in this section are not extinguished by the transfer and—

(a) a third party acquires no right of execution against the immovable property as a result of such transfer alone; 10

(b) a third party is obliged to excuse the school in question if the school fails to meet its commitments to the third party; and

(c) the State indemnifies such a third party in its claims against the school which were secured by the immovable property, but the third party does not acquire a greater right against the State than that which it had against the school prior to the transfer. 15

(8) The fact that compensation for any land and real rights in or over land expropriated in terms of subsection (1) has not been finalised or paid, does not impede the transfer of such land and real rights in or over land to the State. 20

(9) Until the date contemplated in subsection (1), a public school referred to in that subsection may not let, sell or otherwise alienate its immovable property, or grant to any person any real right thereon or servitude thereon without the written consent of the Member of the Executive Council.

(10) Any claim for compensation arising from subsection (1) must be determined as contemplated in the Constitution. 25

#### Transitional provisions relating to public schools on private property

56. If an agreement contemplated in section 14 does not exist at the commencement of this Act in respect of a school, standing on private property and which is deemed to be a public school in terms of section 52(1), the Member of the Executive Council must take reasonable measures to conclude such an agreement within six months of the commencement of this Act. 30

#### Transitional provisions relating to private property owned by religious organisation

57. If the owner of the private property referred to in section 56 is a religious organisation, such owner may require that the agreement contemplated in section 14 must recognise, in an appropriate manner consistent with this Act, the distinctive religious character of the school. 35

### CHAPTER 7

#### GENERAL PROVISIONS

40

#### Expropriation

58. (1) The Member of the Executive Council may, if it is in the public interest to do so, expropriate land or a real right in or over land for any purpose relating to school education in a province.

(2) The Member of the Executive Council must give notice in the Provincial Gazette of his or her intention to expropriate in terms of subsection (1). 45

(3) A notice contemplated in subsection (2) must—

(a) identify the land or any real right in or over the land;

(b) give interested parties an opportunity to make written submissions regarding the expropriation within a period of not less than 30 days; and 50

(c) invite any person claiming compensation as a result of the expropriation to enter into negotiations with the Member of the Executive Council in that regard, and draw attention to the provisions of subsection (5).

(4) The Member of the Executive Council may, after considering all such written submissions, expropriate the land or any real right in or over the land referred to in subsection (3) by notice in the Provincial Gazette. 55



(5) Any expropriation contemplated in subsection (4) takes effect immediately even though compensation payable in respect of such land or real right in or over such land has not been finally determined or paid.

(6) If the *Member of the Executive Council* and an owner of the land or real right fail to reach agreement regarding the payment of compensation, either party may refer the matter to a court for determination, or they may agree to refer the dispute to an arbitrator for arbitration. 5

(7) The arbitrator determines the time, venue and procedures which apply in the arbitration.

(8) The arbitrator determines the dispute and makes a written award giving reasons for such award as soon as possible after the arbitration, and his or her determination is binding. 10

(9) The arbitrator may not make an award of costs.

(10) The arbitrator is paid, out of moneys appropriated for this purpose by the provincial legislature, such fees and allowances as the *Member of the Executive Council* may determine, with the concurrence of the *Member of the Executive Council* responsible for finance. 15

(11) Any transfer duty, stamp duty, other fees or costs payable as a result of any transfer of land or a real right contemplated in subsection (1) may be paid in full or in part from funds appropriated by the provincial legislature for that purpose. 20

(12) Any claim to compensation arising from the expropriation contemplated in subsection (4) must be determined as contemplated in the *Constitution* and this section.

#### Duty of schools to provide information

59. (1) A school must make information available for inspection by any person, insofar as such information is required for the exercise and protection of such person's rights. 25

(2) Every school must provide such information about the school as is reasonably required by the *Head of Department*.

#### Liability of State

60. (1) The State is liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a public school and for which such public school would have been liable but for the provisions of this section. 30

(2) The provisions of the State Liability Act, 1957 (Act No. 20 of 1957), apply to any claim under subsection (1). 35

#### Regulations

61. The Minister may make regulations on any matter which must or may be prescribed by regulation under this Act and any matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

#### Delegation of powers

62. (1) The *Member of the Executive Council* may, subject to such conditions as he or she may determine, delegate any power conferred upon him or her by or under this Act to the *Head of Department* or an officer, except the power to publish a notice and the power to decide an appeal lodged with him or her in terms of this Act. 40

(2) The *Head of Department* may, subject to such conditions as he or she may determine, delegate to an officer any of his or her powers in terms of this Act or delegated to him or her in terms of subsection (1). 45

(3) A delegation under subsection (1) or (2) does not prevent the *Member of the Executive Council* or *Head of Department*, as the case may be, from exercising such power or performing such duty. 50

**Repeal and amendment of laws**

63. (1) The laws listed in the first column of Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule.

(2) The Educators' Employment Act, 1994 (Proclamation No. 138 of 1994), is hereby amended to the extent set out in Schedule 2.

5

**Short title and commencement**

64. *This Act* is the South African Schools Act, 1996, and comes into operation on a date fixed by the President by proclamation in the Government Gazette.

**SCHEDULE 1**

<b>No. and year of Act</b>	<b>Short title</b>	<b>Extent of repeal</b>
Act No. 47 of 1963	Coloured Persons Education Act, 1963	Sections 1A, 8 to 20, 26 and 28 to 31
Act No. 61 of 1965	Indians Education Act, 1965	Sections 1B, 8 to 20, 26, 28, 29, 31 and 33(1)(g)
Act No. 90 of 1979	Education and Training Act, 1979	Sections 1A, 3, 4, 11 to 29, 31, 32, 43 and 44(1)(h)
Act No. 104 of 1986	Private Schools Act (House of Assembly), 1986	Section 1A
Act No. 70 of 1988	Education Affairs Act (House of Assembly), 1988	Sections 3 and 65 and Chapter 7

## SCHEDULE 2

(Amendment of Educators' Employment Act, 1994, by section 63)

## 1. Amendment of section 1 by—

## (a) the insertion of the following definitions:

" 'Department' means a department contemplated in section 7(2) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), responsible for education in the national government;

'educational institution' means a public school, college of education, technical college, other college or an office controlling such a school or college or rendering a support service to such a school or college where educators are employed, in regard to which the terms and conditions of employment of such educators are determined by this Act but excludes a university, technikon, independent school or independent college;

'Labour Relations Act' means the Labour Relations Act, 1995 (Act No. 66 of 1995);

'public educational institution' means an educational institution which is not a state-aided college;

'public school' means a public school as defined in section 1 of the South African Schools Act, 1996;

'state-aided college' means a college of education, technical college or other college which is wholly or partly funded by the State in respect of the remuneration and conditions of service of educators in posts on the establishment created in terms of section 3(1) and in regard to which the college is the employer of such educators;

'unsubsidised post' means a post at a state-aided college in respect of which no subsidy in terms of a law is paid by the State;"

## (b) substitution for the definitions of "educator", "employee member" and "employer" of the following definitions, respectively—

" 'educator' means any person who teaches, educates or trains other persons or provides professional [therapy] educational services including professional therapy at any [school, technical college or college of education] educational institution [or assists in rendering professional services or performs educational management services or educational auxiliary services provided by or in a department of education] and whose [employment] appointment and terms and conditions of employment [is] are regulated by this Act;

'employee member' means an employee organisation that is a member of the Education Labour Relations Council established in terms of section [6 of the Education Labour Relations Act] 37(3)(b) read with item 20 of Schedule 7 to the Labour Relations Act;

'employer' means—

(a) in the case of a [departmental] public educational institution [or office], the head of a department; [and]

(b) in the case of a state-aided [educational institution] college, the body which employs an educator;

(c) for the purposes of section 5(1)(a) and (b) the Minister in respect of educators appointed to posts created in terms of sections 3(1) and (3); and

(d) in the case of an unsubsidised post at a public school referred to in section 3A, the body which employs the educator;" and

## (c) the deletion of the following definitions, namely—

"departmental educational institution"

"subsidised post"

"state-aided educational institution"

"Executive Council"

"Education Labour Relations Act"

## 2. The substitution for section 3 of the following section:

**"Educator Establishment of educational institutions and Department**

3. (1) Notwithstanding anything to the contrary contained in any other law, but subject to this Act and the National Policy [for General Education Affairs] on the Salaries and Conditions of Employment of Educators Act, 1984 (Act No. 76 of 1984), the educator establishment at an [a state] educational institution in a province shall consist of the posts which the Member of the Executive Council creates and the educator establishment of the Department of Education shall consist of the posts which the Minister creates.

(2) [The employer] A state-aided college may create unsubsidised posts additional to the educator establishment referred to in subsection (1).

(3) Educators may be appointed [on a temporary basis] additional to the establishment referred to in subsection (1) with the approval of the Member of the Executive Council or the Minister, as the case may be.

(4) A post referred to in subsection (1) may be regraded, redesignated, converted or abolished by the Member of the Executive Council or the Minister, as the case may be."

## 3. By the insertion after section 3 of the following section:

**"Transitional arrangement**

3A. (1) The authority to create unsubsidised posts, to employ educators in such posts and all other matters incidental thereto which, in terms of section 3(2), vested in a state-aided school prior to the commencement of this Act, shall remain intact for such school until 31 December 1997, and thereafter such authority shall cease.

(2) Contracts of employment of educators appointed to posts referred to in subsection (1) entered into after the commencement of this Act, shall not be valid after 31 December 1997."

## 4. The substitution for section 4 of the following section:

**"Appointment and promotion of educators**

4. (1) The qualifications for appointment and promotion as an educator shall be [prescribed] determined by the Minister.

(2) Subject to the provisions of the Constitution, the Labour Relations Act, 1995 (Act No. 66 of 1995), and agreements reached in terms thereof [Posts] posts shall be filled by appointment, transfer or promotion and the power to fill a post created under section 3 shall, subject to the provisions of this Act, vest in the employer, who shall exercise such power with regard to posts referred to in section 3(1) and (3) subject to the prior approval of the Member of the Executive Council or the Minister, as the case may be.

(3) The authority to fill a post referred to in section 3(1) and (3) at a public school in terms of subsection (2) is exercised on the recommendation of a public school, as represented by its governing body, and the employer may only deviate from such recommendation if:

- (a) the candidate does not have the required qualifications;
- (b) the candidate has been found guilty of misconduct; or
- (c) sufficient proof exists that the recommendation made by the school was based on improper influence.

[(3)(4) An educator may be appointed under [subsection (2)] this section—

- (a) in a permanent capacity, which shall include an appointment to the permanent relief staff, whether on probation or not; or
- (b) temporarily or on special contract, whether in a full-time or part-time capacity.

~~[(4)](5)~~ An appointment, transfer or promotion referred to in subsection (2) shall be effected in such manner and subject to such conditions as may be determined by the Minister.

~~[(5)](6)~~ An educator appointed in terms of any law repealed by this Act shall be deemed to have been appointed in terms of this Act to the appropriate post on the establishment of the [state] educational institution in question.

~~(7) An educator appointed in terms of the Public Service Act, 1994, shall be deemed to have been appointed in terms of this Act.~~

~~(8) An educator appointed at a public school shall not, by virtue of an amendment of this Act by the South African Schools Act, 1996, be regarded as having changed employers."~~

5. The amendment of section 5—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding anything to the contrary contained in any other law, but subject to the provisions of the National Policy on the Salaries and Conditions of Employment of Educators Act [for General Education Affairs], 1984 (Act No. 76 of 1984), and the [Education] Labour Relations Act [and subsection (2)]—

(a) the salaries, salary scales, [and] allowances and other terms and conditions of employment of educators appointed, transferred or promoted to posts referred to in section 3(1) and (3) shall be determined by the Minister;

[(b) the other terms and conditions of employment and service benefits of educators referred to in paragraph (a) shall be prescribed by the Minister; and]

~~(b)[c]~~ the salaries, salary scales, allowances and other terms and conditions of employment referred to in [paragraphs] paragraph (a) [and (b)] with a financial implication shall be determined by the Minister with the concurrence of the Minister responsible for finance at national level; and

~~(c)[d]~~ the salaries, salary scales, allowances and other terms and conditions of employment of educators at a state-aided college appointed, transferred or promoted to posts referred to in section 3[(2)](3) shall be determined by the employer."; and

(b) by the deletion of subsection (2).

6. The substitution for section 6 of the following section:

**"Transfer [and secondment] of educators**

6. (1) Subject to the provisions of this section, section 4(3) and applicable terms and conditions of employment, an educator employed in [an office or departmental] a public educational institution may be transferred from the post in which he or she serves to any other post—

(a) at [the same departmental educational institution or office or at another departmental educational institution or office] a public educational institution under the control of the same provincial education department by the Member of the Executive Council; or

(b) at a [departmental] public educational institution [or office] in a different province or the Department at national level by the Member of the Executive Council, or the Minister, as the case may be, with the concurrence of the Member of the Executive Council of such other province or the Minister, as the case may be.

(2) Subject to the provisions of this section, an educator employed at a state-aided [educational institution] college may [with his or her consent], be transferred from the post in which he or she serves to any other post at the same or to any other state-aided [educational institution] college or public [departmental] educational institution—

- (a) in the same province by the Member of the Executive Council, with the concurrence of the employer or employers concerned; or
- (b) in a different province by the Member of the Executive Council, with the concurrence of the Member of the Executive Council of such other province and the employers concerned; or
- (c) at the Department at national level with the concurrence of the Minister.

(3) Subject to the provisions of this section, an educator at a [departmental] public educational institution [or office] may, [with his or her consent,] be transferred from the post in which he or she serves to any other post at a state-aided [educational institution] college, and in such a case the provisions of subsection (2) must apply *mutatis mutandis*.

(4) A transfer provided for in subsections (1), (2) and (3) may be effected irrespective of whether the post to which an educator is transferred is of the same, a lower or higher grade: Provided that—

- (a) the salary and salary scale of an educator shall not be lowered without his or her consent; and
- (b) paragraph (a) shall not apply in respect of an educator transferred in terms of section 19(1).

(5) An educator who is employed in a permanent capacity at [a state] public educational institution in a post of a lower or higher grading than that appropriate to his or her rank shall, subject to section 4[(4)] (5) and (6) be transferred to a post with a grading appropriate to his or her rank as soon as a suitable vacancy arises."

7. The amendment of section 7 by the substitution for the expression "state educational institution", wherever it occurs, of the expression "public educational institution".

8. The amendment of section 8 by the substitution for the expression "state educational institution", wherever it occurs, of the expression "public educational institution".

9. The amendment of section 10 by the substitution for the expression "state educational institution", wherever it occurs, of the expression "public educational institution".

10. The amendment of section 11 by the substitution for subsection (3) of the following subsection:

"(3) If the name of an educator is struck off a register of educators kept by [a body recognised by the Minister in terms of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984),] the South African Council for Educators he or she shall notwithstanding anything to the contrary contained in this Act, be deemed to have resigned with effect from the date following immediately upon the day on which his or her name was so struck off."

11. The substitution for section 22 of the following section:

**"Transfer of educators on declaration of public educational institution to be state-aided college**

22. (1) An educator who was employed at a [departmental] public educational institution immediately prior to the date of declaration of such institution to be a state-aided [educational institution] college shall with effect from that date with his or her consent be transferred to and appointed in the service of the state-aided [educational institution] college in question.

(2) An educator transferred and appointed under subsection (1) shall be appointed on the terms and conditions of employment applicable to persons in the service of a state-aided college [educational institutions]: Provided that—

- (a) his or her salary shall not be reduced without his or her consent as a result of such transfer and appointment;
- (b) for the purposes of the said terms and conditions of employment, including pension benefits, his or her period in the service of the [state-aided] public educational institution shall be deemed to be a period in the service [of the provincial government] at the state-aided college concerned;
- (c) sick leave or vacation leave credit obtained by him or her as a result of his or her continuous service in a [departmental] public educational institution shall be deemed, subject to the conditions determined by the Minister, to have been obtained by him or her as a result of his or her service at the state-aided [educational institution] college in question; and
- (d) any disciplinary proceedings instituted or to be instituted against him or her in respect of misconduct which he or she allegedly committed prior to the date contemplated in subsection (1) shall be disposed of or instituted, as the case may be, in terms of this Act."

12. The substitution for section 23 of the following section:

**"Transfer of educators on declaration of state-aided college to be public educational institution**

23. (1) An educator who was employed in a subsidised post at a state-aided [educational institution] college immediately prior to the date of declaration of such institution to be [departmental] a public educational institution shall with effect from that date with his or her consent be transferred to and appointed in the service of the provincial government concerned.

(2) An educator transferred and appointed under subsection (1) shall be appointed on the terms and conditions of employment applicable to educators in the service of the provincial government concerned: Provided that—

- (a) his or her salary shall not be reduced without his or her consent as a result of such transfer and appointment;
- (b) for the purposes of the said terms and conditions of employment, including pension benefits, his or her period in the service of the state-aided [educational institution] college shall be deemed to be a period in the service of the provincial government concerned;
- (c) sick or vacation leave credit obtained by him or her as a result of his or her continuous service at the state-aided [educational institution] college shall be deemed, subject to the conditions determined by the Minister, to have been obtained by him or her as a result of his or her period in the service of the provincial government concerned; and
- (d) any disciplinary proceedings instituted or to be instituted against him or her in respect of misconduct allegedly committed prior to the said date shall be disposed of or instituted, as the case may be, in terms of this Act."