

**HOW SCHOOL GOVERNING BODIES UNDERSTAND AND IMPLEMENT
CHANGES IN LEGISLATION WITH RESPECT TO THE SELECTION AND
APPOINTMENT OF TEACHERS**

by

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DECLARATION

I, Sharon Thabo Mampane, student number 9176004, hereby declare that the thesis: 'How school governing bodies understand and implement changes in legislation with respect to the selection and appointment of teachers', has not been submitted by me before at any other university. It is my original work and I have acknowledged all the sources consulted and quoted in the bibliography.

SHARON. T. MAMPANE

OCTOBER 2008

DEDICATION

This research is dedicated to all the following people who played an equally important role to me:

My late grandmother, Wilhelmina, Mathabe Mampane, my role model and a real woman of substance. Her motivation and love for education led me to where I am today, my mother.

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ABSTRACT

This study investigated the legislation (the Education Laws Amendment Act, Act 24 of 2005) dealing with teacher selection and appointment. It focused specifically on the principles equity, redress and representivity changes in legislation. Not only do these principles encourage the equal advancement of everybody's interests but they also serve as a means of establishing an appropriate balance between conflicting interests. The primary purpose of the study was to determine whether or not the racial group to which the school governing body members belong had an effect on the way in which they interpreted and implemented legislation, and if so, to what these could be ascribed.

Five schools' governing bodies in the Tshwane South District of the Gauteng Province were interviewed using semi structured, open-ended interviews to investigate the extent to which their staff composition has changed as a result of the new legislation. A qualitative research paradigm allowed me to adopt a constructivist/interpretivist approach to data collection and analysis. Indications from data were that the understanding and interpretation of SGBs across racial divides are influenced by their different cultural and linguistic preferences, their different political and educational histories and the contexts in which they work. These differences indicated that deeply entrenched racial stereotypes and strong attachments to a specific school culture, language or ethnic traditions could be influencing the final decision on short listing taken by the SGBs represented in my study.

Suggestions are that legislation implementation should be addressed at all stages; that is, reviewing performance, considering reasons for governance difficulty or failure, designing alternative interventions, and interpreting evaluation results as an intervention practice for legislation success. Based on my research findings I would therefore suggest that the key reason for the lack of transformation in the staff composition of public schools is the short period of time that has elapsed since the promulgation of the Education Laws Amendment Act of 2005. Given that transformation is a social process and that stereotypes are key obstacles to transformation, I believe that, as far as the schools in my sample are concerned, their staff compositions will eventually change.



KEY WORDS

Democracy

Equity

Integration

Legislation

Redress

Representivity

School authority

School culture

School governance

Staff composition

Teacher selection process

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ACRONYMS	
CRSA	Constitution of the Republic of South Africa
DA	Democratic Alliance
EEA	Employment Equity Act
ELA	Education Laws Act
ELRC	Education Labour Relations Act
LLA	Labour Legislation Act
LRA	Labour Relations Act
NEPA	National Education Policy Act
SACE	South African Council for Educators
SADTU	South African Democratic Teachers' Union
SASA	South African Schools Act
SGB	School Governing Body