

CHAPTER 1

RESEARCH PURPOSE AND PARAMETERS

1.1 Background to the study

When the African National Congress (ANC) became the ruling power in the Republic of South Africa in 1994 one of its goals was to create a unified national education system (White Paper, 1996). In terms of this goal and contrary to past apartheid practices, all schools would in future be fully integrated. By implication any learner and any teacher, irrespective of race, ability and gender would be given the opportunity to attend or work at any school of his/her choice.

Informing this goal was the vision of a new, truly united, South Africa where all people would be equal. Both the goal and the vision required a commitment to the key values of equality, non-discrimination and social justice, which lie at the heart of the Constitution (Section 195(1)) of the newly established South African democracy. The key instrument that the then new ANC government used to ensure that it would attain its goal of a unified national education system was the promulgation of a series of Acts that prohibited the use of unfair discrimination on the one hand and promoted affirmative action on the other. Key amongst these Acts were, in order of appearance, the Labour Relations Act (LRA), Act No. 66 of 1995; the National Education Policy Act, (NEPA), Act 27 of 1996; the South African Schools Act (SASA), Act 84 of 1996; the Employment of Educators Act (EEA), Act 76 of 1998 and the Education Laws Amendment Act (ELAA), Act 24 of 2005. Together, these Acts opened the door of equal opportunity to all

educators, irrespective of race or gender, to apply for any position at any school provided that they satisfied the requisite employment criteria.

An intrinsic part of the ANC ethos that was meant to infuse legislation and policy development at all levels was the ideal of participative governance. In the case of education this implied that all those with a stake in education should have a say in the way it is governed. By implication, power for school governance would be devolved to those most closely associated with the school. In terms of the South African Schools Act (SASA), Act 84 of 1996 the governance of public schools would, therefore, be the responsibility of elected school governing bodies comprising parents, educators, non-educator staff and learners. One of the responsibilities devolved to such school governing bodies was the selection and recommendation of staff for appointment at the schools they governed on behalf of the State. There was a proviso, though. The selection and recommendation of staff by school governing bodies had to adhere to specific procedures and requirements determined by the Minister of Education. One of these requirements was that selection procedures and criteria should reflect a commitment to equity, redress and representivity¹ in the workplace (SASA, 1996).

If school governing bodies were committed to conducting their business in terms of these principles, it was assumed, the devolution of the responsibility to select and recommend teachers for appointment at public schools would contribute to racial integration in the staff components of schools (Jansen, 2005). Without such integration, according to Soudien (2004:95), members of different cultures and races might never have the opportunity of interacting with one another on an equal footing. By implication, they might never come to realize that they are all

¹ This means, not only advancement through the same qualifications and merits, but, advancement in a situation where society emerges from a history of unfair discrimination.

equal and, therefore, entitled to equal opportunities and equal treatment. Notwithstanding legislative stipulations to this effect, very little has changed with regard to staff composition of public schools. Black schools, previously under the administration of the Department of Education and Training (DET), were still primarily appointing black teachers; white schools, previously under the administration of the Department of Education and Culture, House of Assembly (DEC: HoA), were still primarily appointing white teachers, while schools previously reserved for Indian and Coloured learners, although appointing a few teachers of other races, also remain mostly mono-racial as far as staff composition is concerned (Motala & Pampallis, 2001; and Naidoo, 2005). This is especially disturbing given that the learner composition of all these schools, with the exception of black schools, has become increasingly multi-racial (DoE, 2004).

Noticing that initial legislation did not seem to have had the desired effect that the staff composition of public schools remained largely mono-racial, the South African government, used its power to amend the Employment of Educators Act (Act 76 of 1998) in such a way that the State would have a greater say in the selection and appointment of public school educators. These amendments, first submitted to Parliament in the form of an Education Laws Amendment Bill (2005), were promulgated in the Education Laws Amendment Act (ELAA), Act 24 of 2005. In terms of this Act, the provincial Head of Department (HoD) would not necessarily have to accept the recommendation of a school governing body concerning the educator or educators regarded as most suitable for a specific post. It is these amendments that lie at the heart of my study.

1.2 Problem statement

As indicated in 1.1, the primary reason given for amending earlier legislation on teacher selection and appointment was the lack of transformation in the staff composition of public schools. Although school governing bodies could appeal against the decision of the HoD, it was clear that Section 7(3) of the ELAA would inevitably curtail the relative autonomy these bodies had had as far as the selection and recommendation of school educators were concerned. Given that the South African Schools Act (Act 84 of 1996) gave school governing bodies the authority and power to decide what was in the best interest of their respective schools (Beckmann, 2002), the removal of this right by the Education Laws Amendment Act (Act 24 of 2005) could be construed as an attempt by the State to undermine parental rights and/or powers. This was the line taken by many of the governing bodies of (formerly white) schools, previously under the administration of the Department of Education and Culture: House of Assembly. According to these governing bodies, Section 20 of the South African Schools Act of 1996, which required them to submit one name, namely that of the best candidate, to the provincial Head of Department, had signaled respect for parents' democratic rights. The amendments contained in the Education Laws Amendment Bill (Act 24 of 2005) - the precursor to the eventual Act - on the other hand, undermined this right by requiring them to submit three names and allowing the Head of Department to unilaterally decide who was the best candidate for the post. In this sense, they argued, the amendment could be construed as State interference in school affairs (Naidoo, 2004).

Another argument put forward against the eventual proclamation of the amendments contained in the Education Laws Amendment Bill of 2005, was that

the State was forcing governing bodies to sacrifice educational merit, that is, educational standards and quality, on the altar of racial integration (DoE, 2005). Zille (News 24, 2005), the former education spokesperson of the Democratic Alliance (DA) described the proposed amendments – as they were in the Bill - as ‘rotten at the core’, arguing that the Bill would be remembered ‘as a significant marker in the ongoing decline of public education’.

In some cases governing body resistance to the amendments resulted in lawsuits between them and the State regarding selection and appointment procedures on the one hand and the legitimacy of administrative decisions made by the Head of Department² (HoD) on the other. Cases that come to mind are the one between the Head of the Western Cape and the governing body of Point High School (Case number 584/07 of 31 March 2008) as well as the one between a rural (black) school in Mpumalanga and the Head of Department (Mpande, 2005). (See Chapter Three for more detail in this regard).

While it was commonly assumed that the reason for the lack of transformation was reluctance on the part of school governors to adhere to the principles of equity, redress and representivity as regards the staff composition of schools, this might not have been the only reason (Jansen, 2005). According to Wong (2000) and Jansen (2005), research has shown that people typically interpret legislation in terms of their own unique frames of reference. It is not impossible, therefore, that the lack of transformation could be the result of different interpretations of the law, interpretations informed by different histories, different cultures and different contexts.

Given my own experience as a black educator in apartheid South Africa I started off with the assumption that the lack of transformation was the result of white

² ‘‘Head of Department’’, means the head of the provincial department of education

racism, that is, unwillingness on the part of white South Africans to share their resources with others less advantaged than themselves. Informed by this assumption I first wanted to include only white schools in my study. However, insights gained from literature, coupled with my own observation that township schools had not changed either, I not only had to adjust my initial assumption but also had to reconsider the exclusion of black schools from my sample. Informed by these insights I adopted as my working hypothesis the assumption that differences in the interpretation of the ELAA amendments regarding teacher selection and appointment may well be the result of past governance traditions and/or expectations. More specifically, I suspected that differences in the operational contexts of white and black schools respectively, different school cultures, the different education histories of those who serve on formerly white and black school governing bodies and the differences in white and black governing body members' capacity to govern their schools, could all play a role in the way legislation is interpreted and/or implemented. I decided therefore, to investigate for myself whether or not there were, in fact differences in the way the governing bodies of formerly white schools and those of formerly black schools interpreted and implemented the amendments to the Educators Employment Act (Act 76 of 1998) as promulgated in the Education Laws Amendment Act (Act 24 of 2005) and if so, to what these could be ascribed.

I would like to point out that interventions aimed at the promotion of equity and redress are not unique to South Africa. Rather, they reflect 'a worldwide trend, featuring specifically in countries with multi-racial/multi-cultural populations' (Bush & Heystek, 2003:127). In these countries school governance not only tends to be hierarchical but is also informed and directed by notions of democracy and school effectiveness on the one hand and the espoused aim of promoting equity and equality on the other (Boyd & Miretzky, 2003:59; Gilmour, 2001). While current government actions in South Africa were meant to enforce equity,

representivity and redress in the selection and appointment of public school teachers might well have been fuelled by injustices and inequities of the past, the limited devolution of power to school governing bodies suggest that the South African government is in step with what is happening in the rest of the world (Levin, 1998:132).

1.3 Research purpose and aims

This study is primarily aimed at determining how the understanding/interpretation of legislation on the selection and appointment of teachers by governing bodies of selected Tshwane North public schools affect the way they implement the afore-mentioned amendments promulgated in the Education Laws Amendment Act (Act 24 of 2005).

In pursuing this purpose I first wanted to investigate the reasons for assumed differences in the way governing bodies interpreted the latest changes effected to the Employment of Educators' Act. More specifically I wanted to determine the ways in which the school governing bodies of historically white and black schools respectively experienced the South African government's intent of the amendments to this Act, which is to enforce equity, redress and representivity in the selection and appointment of school educators. I particularly wanted to determine whether or not these amendments, which were promulgated in the Education Laws Amendment Act of 2005, had as yet had any effect on the staff composition of sampled schools.

1.4 Research questions

Informed by my research purpose and aims, I formulated the following research questions which, I believed, would help me focus on the key issues that I wanted to investigate:

- Are there any differences in the way the governing bodies of white schools formerly under the administration of the Department of Education and Culture (House of Assembly) and black schools formerly under the administration of the Department of Education and Training interpret the amendments to teacher selection and appointment promulgated in the Education Laws Amendment Act (Act 24 of 2005), and if so, to what could these be ascribed?
- Does the way in which the governing bodies of these schools interpret legislation influence the criteria and procedures they use in the selection and recommendation of educators for appointment, and if so, how?
- Is there any evidence that the amendments promulgated in the Education Laws Amendment Act have led to greater diversity/representivity in the staff composition of the schools in my sample, and what does such evidence indicate about the alignment between government expectations and the capacity of school governing bodies?

My research objectives, derived from my research questions were, therefore to:

- Determine whether or not there are differences in the way that the governing bodies of white selected schools, formerly under the administration of the Department of Education and Culture (House of Assembly), and their counterparts in black schools, formerly under the administration of the Department of Education and Training, interpret the amendments to teacher selection and appointment promulgated in the Education Laws Amendment Act (Act 24 of 2005), and if so, to identify the reasons for these differences.
- Determine whether or not the way in which the governing bodies of the schools in my sample interpret legislation influences the criteria and procedures they use in the selection and recommendation of educators for appointment and, if so, to describe the way this happens.
- Determine whether or not the amendments promulgated in the Education Laws Amendment Act have led to greater diversity/representivity in the staff composition of the schools and to infer from this the alignment or not between government expectations and the governance capacity of school governing bodies.

1.5 Rationale

My interest in the manner in which SGBs understand and implement teacher selection and appointment legislation was, in the first instance, personal: I noticed that the staff composition of the schools my children attended did not reflect the diversity of the South African population. In the second instance my interest was professional: I teach educational management and educational law

to under-graduate teacher education students, practicing teachers and school principals at university level. Student discussions of the new legislation on teacher selection and appointment indicated that they interpreted various pieces of legislation in different ways. These discussions also indicated that the differences in interpretation were often the result of differences in the operational contexts of the schools and the histories of school governing bodies. This made me think that perhaps there was a link between school culture, governing body members' cultural orientation and/or educational past and the way in which they interpreted legislation on education.

During class discussions on the amendments to teacher selection and appointment promulgated in the Education Laws Amendment Act of 2005, those students who were also school principals and/or who served on the governing bodies of their schools, indicated that they had a number of reservations regarding the intention informing the amendments and the efficacy with which these could be implemented. They talked openly about their fears - possible cultural conflict if teachers from different racial groups had to be appointed to all schools; a lowering of educational standards because merit was no longer the sole criterion for appointment, and the implications that the curtailing of school governing body decision-making powers had for effective school governance. As regards the efficacy of implementation these students indicated that selection procedures were often inconsistent and/or lacked transparency. Consequently there was a disjuncture between legislation and practice. They suggested that the changes to legislation were symbolic rather than real attempts to restore imbalances in the staff composition of public schools.

Having taken cognizance of the views of my education management students I started wondering whether stereotyped racial attitudes had in fact changed. Were governing bodies across racial lines really committed to nation building or

were they using loopholes in legislation to discriminate against certain racial groups? The issues that my students raised, and the questions their discussions awakened in me, prompted me to investigate school governing bodies' understanding and interpretation of education legislation, specifically their understanding of those sections of the Employment of Educators Act (Act 76 of 1998) and the Education Laws Amendment Act (Act 24 of 2005) that dealt with the selection and appointment of school educators. My main aim at the onset was to find an answer to this critical question: 'Why, notwithstanding the fact that these sections of the two Acts emphasize equity and representivity is there still so little evidence of transformation in the staff composition of public schools? This question led to more specific ones, such as, 'Are school governing bodies deliberately ignoring legislation and/or implementing it on ad hoc basis?' 'If this is the case, can we be sure that the mechanisms for transformation at institutional level are functioning as they should?

In thinking about these questions I realized that I had very definite opinions as to what the answers to these questions would be. Fortunately I was not involved in the compilation of either of the afore-mentioned Acts and was therefore able to consider research participants' interpretations of, and attitudes towards said legislation, relatively objectively (McMillan, 2000:9). This was not enough, though. I therefore decided to take specific steps to prevent data being contaminated by my personal bias. As a first step I decided to explicitly acknowledge my own bias/perspective whenever I became aware of it. As a second step I decided to use multiple instruments for data collection, and to interview different categories of governing body members with different perspectives on the legislation concerned. As a third step, I decided to conduct my investigation in an ethical way, handling people with the requisite respect and data with the necessary rigour and scrutiny. As a final step, I decided to lay

an audit trail of my investigation so that I could be held accountable for what I did and found.

1.6 Conceptual framework

Given the focus of this study, namely the effect that school governing bodies' understanding and interpretation of legislation has on the way they select and recommend educators for appointment to their respective schools – one of their governance functions - the conceptual framework within which the study is lodged is school governance. In adopting this framework as my knowledge base I was able to explore the issue of school governance, with specific reference to the selection and appointment of teaching staff at schools. In the first instance it gave me the leeway to analyze legislation that has a direct impact on school governance. In the second instance it allowed me to interrogate the appropriateness of centralization and decentralization as forms of governance in the South African context. In the final instance it enabled me to assess the criteria and procedures used by school governing bodies in the selection and recommendation of educators for appointment against universal school governance criteria on the one hand and democratic principles on the other.

The inclusion of democracy as a key feature of my investigation of school governance was based on the assumption that the principles of representivity, equity and diversity, key to the Acts considered in this study (see Chapter 3), are intrinsically fair. 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. By implication, regardless of whether a particular school governing body prioritized the interests of their schools or the interests of individual persons (Christiano, 2004:269) I could,

within the parameters of these principles, determine whether or not their selection processes were racially biased or not. As long as the procedures followed were genuinely democratic, the outcomes would not only be justifiable but also just, because authority would be grounded in the decision-maker/s (Naidoo, 2004).

By devolving the authority to take decisions with regard to the appointment of teachers in their schools to school governing bodies (SASA, 1996), legislators assumed that school governors understood their roles and responsibilities and would take appropriate action to ensure effectiveness, efficiency and transformation. Implied in this assumption are, firstly, that governing bodies are legally responsible for the decisions they make, and, secondly that, as legal entities, they are obliged to implement state law and policy even when they are in disagreement with it. As pointed out by Sayed (2002a), and confirmed by my investigation, not all legislation necessarily promote greater participation, equity and representivity. Equity, in particular, might be jeopardized if either of the parties involved – that is, legislators or school governing bodies - disregards individual rights. Not only could this cause tension and/or conflict between school governors and the department as regards the definition of powers and functions but school governing bodies might well find themselves entrapped in bureaucratic legal battles that undermine their effectiveness as agents of equity and representation.

In also assessing the effectiveness of school governing bodies against democratic principles – equity and representivity in particular - I was able to compare the perspectives of persons who are quite different from each other with one another. I assumed that their having lived their lives in quite different political, socio-economic, and educational contexts would influence the way they interpreted and implemented legislation, and the principles informing such, in

their own selection processes. Given that people tend to interpret the interests of others in the light of their own understanding, I could use their notions of equity and representivity as basis for determining their cognitive bias towards their own interests (Christiano, 2004). It follows that the ways in which members of school governing bodies participating in my study understood and felt about equity and representivity would reflect their interests, indicating whether or not a particular group was ignored (Christiano, 2004). Such revelations could, in turn, contribute to insights regarding the causes of differing interpretations of the same legislation and controversies in this regard.

1.7 Theoretical framework

Given my epistemological/ontological position (a social constructivist and interpretivist position), that context and experience influence the way that school governing bodies interpret and implement legislation, it followed that I would be most comfortable conducting my research in this theoretical paradigm. Resting on the premise that the world is made up of multiple realities, a constructivist/interpretivist paradigm recognizes the importance of context in the way people experience events and each other (Cohen, Manion & Morrison, 2000:3; Guba & Lincoln 1998:206-207; and Henning, Van Rensburg, & Smit, 2004:21;). As such it allows for the consideration of multiple meanings of individual experiences, meanings that are often socially and historically constructed (Creswell, 2003:18 and Patton, 2002:96).

Since my study was aimed at uncovering school governors' understanding, interpretation and implementation of legislation on the selection and appointment of school educators on the one hand and the factors that influenced their stance on the other, I regarded this theoretical framework as particularly useful. It enabled me to enter into conversations with research participants from

very different contexts in ways that allowed them to convey their perspectives in their own words and in their own way. It also enabled me to holistically compare the multiple meanings research participants attached to legislation and the implications that these interpretations had for school governance, taking cognisance of their different cultures, histories, fears and expectations (Cohen, Manion, & Morrison, 2000).

1.8 Research paradigm and design

Given my social constructivist/interpretivist position, namely that (a) knowledge is constructed through social interaction, (b) the ways in which individuals interact with their social worlds differ, and (c) the realities they construct would therefore reflect these differences (Merriam, 1994:6), I opted to conduct my research in a qualitative rather than a quantitative paradigm. Qualitative research focuses on the examination of phenomena in their 'real life' contexts (Yin, 2003:22-23) – the implementation of legislative changes in public schools in South Africa, in my case.

It was only within the qualitative paradigm that I was able to use a case study design, a design most appropriate to the comparison of different views, understandings, interpretations and beliefs typical of the multi-cultural South African society. Specifically, I planned to study five cases - that is, the governing bodies of three formerly white and two black schools in the Tshwane North District of Gauteng, South Africa. I specifically did not include any schools formerly reserved for Indian and Coloured learners because I was interested in comparing the understandings and interpretations of the two racial groups in South Africa that were most and least advantaged in the previous apartheid

dispensation. In this sense my cases were chosen by means of the kind of purposeful sampling typical of qualitative research (Merriam, 1994:6).

Because case study designs are flexible (Merriam, 1998:9), allowing for the use of different data collection instruments, and different ways of analyzing and reporting data, it enabled me to use multiple data collection instruments and to ask not only *'what'* and *'how'* questions but also *'why'* ones. Because the comparison of data is intrinsic to case study designs I could compare research participants' understandings and interpretations with each other as well as with the understanding of legislators as contained in Acts dealing with educator employment. Most importantly, in using a qualitative research paradigm and a case study design I created the opportunity for research participants to share their experiences and interpretations of legislative changes in their own *'voices'* (Miles & Huberman, 1994).

My original research design was tentative in that I allowed for the possibility that I would have to adjust it as and when the results of inductively analyzed data indicated that this was necessary. As it happened, I had to change my original plan to conduct focus group interviews with selected school governing bodies to one in which my primary data collection instrument was one-on-one interviews with available governing body members. I also had to add an additional data collection instrument – telephonic conversations – to those I planned to use initially because I realized that I did not have sufficient data to answer all my research questions. I also had to reorganize my raw data for coding purposes when I realized that the way in which I had planned to do it would not enable me to compare the perspectives of people from different *racial groupings* represented in the school governing bodies that participated in my study.

1.8.1 Data collection

Given that I chose to conduct my research in a qualitative research paradigm I used a range of instruments and strategies to collect data that would enable me to answer my original research questions. Not only does the use of more than one source contribute to the 'truth value' of data (Tellis, 1997) but it also reveals more and 'deeper' facets of the 'phenomenon' being studied (Kallioneimi, 2003:185).

- In the first instance I analyzed various pieces of legislation dealing with education in general and the selection and appointment of school educators in particular. This analysis served a threefold purpose. Firstly it provided me with a basis for the formulation of questions that I could use in my one-on-one interviews with selected school governing body members. Secondly it clarified my own understanding of legislation, which was sometimes 'coloured by emotion and moral judgment' (Clandinin, 1986:29). Finally it served as a frame of reference against which I could corroborate evidence from data provided by research participants (Bell, 1999), specifically as regards emotionally charged interpretations offered by interviewees which I could assess against the content of the legal document concerned. This in itself sharpened my awareness of the fears, expectations, bias and stereotypes that might well influence the way in which different schools governing bodies and different individuals and groupings represented on those bodies interpreted and implemented legislation on the employment of school educators.

- In the second instance I decided to conduct interviews with selected school governing body members who volunteered because interviews lent themselves not only to the collection of factual information but also to the uncovering of hidden fears, expectations, bias and tensions (Denzin & Lincoln, 2000:8). I first planned to use focus group interviews with the majority of school governing body members of a specific school being present at the same time so as to pick up on group tensions and dynamics (Yin, 2003:89). However, given the incompatible time schedules and unavailability of school governing body members I had to settle for individual one-on-one interviews (Denzin & Lincoln, 2000:8; Terre Blanche & Durrheim, 2002:6; and Yin, 2003:89) with available governing body members. Information from the available SGB participants will not be generalized since it is contextual.

All School Governing Body members were asked the same questions regarding legislation and the selection of teachers but, where applicable, the common set of questions was supplemented with specific probes that not only enabled me to clarify my understanding of their responses but also to uncover hidden motives and/or bias (Mason, 2002:64-65). While research participants had the opportunity of sharing their feelings of and experiences with appointment equity during interviews any insights about the group dynamics of the different governing bodies therefore had to be inferred from the responses of individual governing body members. These interviews, while not being what I had initially planned nevertheless allowed me to follow interesting lines of enquiry and to learn more about selected school governing body members' attitudes towards, as well as their understanding, interpretation and implementation of legislation on, the selection and appointment of school educators (Grieves & Hanafin, 2005:31; Creswell, 2002:457).

- In the third instance I planned to conduct follow-up interviews with participating governing body members to clarify issues that emerged during the initial interviews (Crotty, 1998:75). Due to governing body members' hectic personal and professional schedules this was not, however, possible. I therefore had to rely on follow-up telephonic conversations with school principals to fill gaps in the data already collected as well as to clarify and/or verify data collected during interviews. One of the gaps I identified after I had left the field was that I had not validated information on the racial composition and socio-economic status of the schools concerned; I therefore conducted telephonic conversations with the principals of these schools, who willingly provided me with the necessary information.

1.8.2 Data analysis

Typical of qualitative research data analysis was inductive and ongoing (Miles & Huberman, 1994:68). Using two approaches (see Chapter Two, figure 1), one for legal documents and another for interviews, I analyzed collected data on a daily basis. In both cases, though, I used a deductive approach, considering the content and tone of the text and then inferring from the results of the analysis whether or not (a) white and black SGB members understood and interpreted legislation on teacher selection and appointment differently; (b) why this might be so; (c) whether or not there was a clear alignment between legislative requirements and the way these were implemented, and (d) to what such alignment or not could be ascribed.

All the interviews were tape-recorded and the recordings were transcribed as soon as possible after the interview had taken place. Data analysis started immediately the transcripts were ready. I then restructured the data in each

transcript in terms of content categories derived from my original research questions, as well as from the questions included in the interview schedule (see Chapter 5 for details) prior to coding the data. In coding the data I took cognizance of the totality of selected school governing body members' contexts, orientations, emotions and thoughts (Ary, Jacobs & Razavieh, 2002:27 &: 441; Crotty, 1998:42; Denzin & Lincoln, 2003:250; Wotherspoon, 2004) with a view to gaining a holistic insight into the motives for their actions.

1.9 Reliability and validity

In qualitative research the terms, 'reliability' and 'validity' are very seldom used. Instead, qualitative researchers strive to enhance the trustworthiness, credibility, comparability and transferability of their research findings. Informed by this difference between qualitative and quantitative research I strove to ensure that my research procedures and findings were accepted as trustworthy and credible. I used triangulation (using different sources and instruments), engaged with research participants (in interviews and telephonic conversations), and supported my claims with reference to related research literature.

To enhance the credibility and dependability of my findings I piloted the interview schedule (see Chapter 2, figure 1) with school governing body members of other non-participating schools before using it. This enabled me to fine-tune questions and/or eliminate those that did not seem to lend themselves to the generation of rich or relevant data. Moreover, the information provided by participants at the different research sites and the detailed notes I took to supplement the tape-recorded interview data, coupled with multiple episodes of

cross-referencing, confirmed that my data and the inferences I drew from such were dependable.

As regards the transferability of my research findings and/or of the methods I used to investigate differences in the understanding, interpretation and implementation of legislation on educator employment in selected schools in the Tshwane South District of Gauteng, South Africa, I would argue that, while the findings of this study cannot be generalized, the study could be replicated. Should future researchers use the same instruments, the same data collection procedures, the same interview schedule and the same categories of research participants, they may well find that their research findings would replicate mine. Should such replication happen on a large enough scale, the eventual findings could well be generalized to school governing bodies across the country.

Being sensitive to my personal biography and how it shaped my study, I tried to be as objective as possible. It was not; however, easy to avoid filtering data through a personal lens shaped by my specific socio-political and historical background (Creswell, 2002: 182). What is real to me might be relative to others because people interpret reality as it presents itself to them at a specific time and in a specific context (Schwandt, 1998:243). I did not therefore formulate predetermined outcomes or limitations (Patton, 2002). Neither did I in any way manipulate research contexts or participants (Berg, 2001; Creswell, 2003). The truths of my findings as a researcher are therefore based on the most informed constructions available to me.

Although my research findings might prevail as the truth for a specific time period, this truth will most probably change as other researchers discover new truths that either negate or supplement my findings. In this sense my research does not represent uncontested accumulated facts. Rather, it represents truth in

the making, truth in a constant process of evolution (Kuhn, 1970, cited by Mouton, 1996:16).

Concept clarification

For the sake of clarity key concepts used in this study are briefly defined here in advance of the discussion of insights I gained into the problem being researched.

- In the first instance, I use the word '*teacher*' rather than '*educator*' when talking about selection and appointment procedures because of the narrow focus of this study on the employment of classroom teachers, heads of department, deputy principals and principals – teaching staff, in other words. The word, '*educator*', while applicable to all of these, is also applicable to education officials working at departmental offices and includes school psychologists, curriculum advisors, and other support personnel. This study does not focus on them, only on those who are involved in teaching at school level, hence the preference for the word, '*teacher*'.
- In the second instance, while acknowledging that the abbreviation, *SGB*, is also used to refer to those tasked at national and other levels with the generation of educational standards, that is, Standards Generating Bodies, this study focuses on school governance. In this context everybody uses the term, *SGB*, to refer to school governing bodies, *not* to standards generation bodies. When I use the term in my study it therefore refers to school governing bodies only.
- Thirdly, the term '*Head of Department*' - abbreviated as HoD - is used at school level to refer to a teacher who is in charge of a specific learning area at school

phase. At provincial level the same term is used to refer to the departmental official who acts as the representative of the national government or department of education in the province. This person is also a member of the executive council and has the final say in the appointment of teachers at school level. Also, s/he and the school principals are jointly responsible for the effective management of day-to-day activities at schools. When I use the term, 'Head of Department', or its abbreviation, 'HoD', I am referring to the provincial Head, not to the HoD of a learning area or phase at school level.

- Finally, while I originally wanted to use the terms, 'formerly white' and 'formerly black' schools I realized during the course of my investigation that these terms are misnomers. While many 'formerly' white schools are fully integrated as far as the racial compositions of learners go, there are many white schools that are still lily white. Also, black schools do not seem to have changed at all. With a few exceptions, where one or two learners from other races attend black schools, all black schools are still black as far as learner and teacher compositions go. I decided, therefore, to refer to white schools as those formerly under the administration of the Department of Education and Culture (House of Assembly) and to black schools as those formerly under the administration of the Department of Education and Training. When I use these terms they therefore refer to what we commonly call 'formerly white' and 'formerly black' schools respectively.

1.10 Significance of the study

The study is arguably a significant and ground-breaking study in that it makes a contribution to existing scientific knowledge because it provides information on an area in which no research has been published to date, namely school

governing bodies' understanding, interpretation and implementation of legislation on teacher selection and appointment at public schools in South Africa. In this regard my study, therefore, adds to existing literature on school governance and has important implications for legislation analysis in South Africa and elsewhere.

In the second instance, insights into the ways that the governing bodies of different schools interpret legislation suggests that the implementation of legislation requires that the issues of language, school culture and ethnic traditions be addressed if equity and representivity is to be achieved in the workplace, with specific reference to public schools in South Africa.

Finally, and most importantly, given the results of my investigation, empirical data indicate that racism and resistance to change is not, as many people assume - myself included – the primary cause for the lack of transformation in the staff composition of public schools in South Africa. The results of my study, albeit with a very small sample of schools and SGB participants, suggest that there is a whole range of factors that affect the way in which governing bodies of selected public schools in South Africa interpret, respond to, and implement legislation related to school governance in general and the selection and recommendation of teachers for appointment in particular.

1.11 Limitations

Yin (1989:22) argues that, because of the intricacies and the rigour involved, good case studies are very difficult to do. Typical limitations of case studies include researcher bias, restricted generalization, and the generation of large amounts of data that have to be reduced, coded and categorized prior to analysis.

The limited generalizability of case studies is due to their being context-specific. In my study the generalizability of my findings is even more limited because they reflect the perceptions of a small sample of school governing bodies seen through the eyes of available members only. Also, my sample was limited to schools in the Tshwane D4 region of the Gauteng Department of Education. By implication my findings are applicable only to those schools in the Tshwane D4 region of the Gauteng Province that participated in the investigation. However, should SGBs at other schools identify with these findings, thus suggesting the possibility of transfer; this limitation would have been minimized to some extent. In this sense the findings may be 'generalizable to theoretical propositions' only (Yin, 1994:10).

A final limitation of the study is that it may be difficult to reproduce it in other contexts given the constant evolution of people's understanding of and attitudes to legislation, specifically legislation aimed at the transformation of society in general and education in particular. It is possible, though, to reproduce the study in other contexts similar to the ones I included in my study if changes to the broader (national) context are factored into the replication.

1.12 Research programme and chapter outline

The following section provides a description of my research programme in terms of a chapter outline.

- In **Chapter One** I present my research purpose and parameters. I state my thesis, explain the rationale for the study, stipulate the specific and general aims of the study, explicitly state my ontological and epistemological

positions, describe my research design and the measures that I took to establish credibility, acknowledge the limitations of the study, and indicate the possible significance of the study to the greater research community.

- In **Chapter 2** I provide a more detailed ex post facto description of my research design and methodology so as to lay an audit trail that could be followed by future researchers who might want to replicate this study in other contexts. More specifically I justify the choices I made with regard to research instruments and strategies in terms of theoretical paradigms as well in terms of my research purpose, questions and objectives.
- In **Chapter 3** I present my analysis of legislation on teacher appointment in South African schools, indicating how various stakeholders in education interpreted and responded to the changes promulgated in the Education Laws Amendment Act (Act 24 of 2005) when it was first submitted to Parliament as a Bill. In discussing these interpretations and responses I also indicate, with reference to relevant literature, the possible implications of the new teacher appointment legislation on school governance.
- In **Chapter 4** I discuss, with reference to literature on the topic, the principles that underpin the changes to teacher selection and appointment as promulgated in the Education Laws Amendment Act (Act 24 of 2005), namely equity, redress and representivity. In doing so I explain why I think these principles are intrinsically fair and why their promotion is crucial to the creation of a unified education system in South Africa. In justification of my claims I refer to similar interventions in other countries and the effect they had on school governance there.

- **In Chapter 5** I present my research findings in the form of rich comparative descriptions that indicate differences in the understanding, interpretation and implementation of different categories of school governing body members as well as different racial groupings represented on those bodies. In doing so, I indicate some of the possible reasons for these differences, suggesting that the common assumption that there is more resistance to racial integration in white schools than there is in black schools may be nothing more than a myth.
- **In Chapter 6** I present the conclusions I reached as a result of my research enterprise. Informed by these conclusions I offer a few tentative suggestions on the way forward as regards the promotion of equity, redress and representivity in the staff composition of public schools in South Africa as well as in the building of greater school governance capacity.

1.14 Summative conclusion

The primary purpose of this chapter is to provide readers of my report with something akin to a road map, something that will give them an indication of my research focus, purpose and methods on the one hand and my theoretical and personal stance on the other. In describing the parameters within which my research was conducted I indicated that my interest was in determining whether or not the racial group to which school governing body members who participated in my study belonged understood, interpreted and implemented legislation in different ways and if so, to what could these be ascribed. I indicated, moreover that I conducted my investigation within a qualitative research paradigm that allowed me to adopt a constructivist/interpretivist approach to data collection and analysis. I then briefly justified the terms I use in this study and the meanings I attach to them and described the steps I took to

ensure that my research was ethical, credible and trustworthy. Finally, I gave some indication of the limitations and possible significance of my study.

The chapter that follows is dedicated to a description of my research methodology, describing in some detail how I went about collecting and analyzing data and why I followed this specific route.

CHAPTER 2

RESEARCH METHODOLOGY

2.1 Introduction and purpose

As indicated in Chapter One, this qualitative study is directed by my research purpose and the research questions posed in the first chapter. In order to ensure that I would be able to achieve my purpose and answer these questions I had to focus on collecting data that would provide me with the requisite answers. To this purpose I had to select data collection instruments that would enable me to collect the appropriate data and use data analysis strategies that would ensure that I would be able to determine not only the level of understanding of the school governing body members in my sample but also to uncover hidden predispositions, bias, expectations and fears as regards legislation on teacher selection and appointment. I therefore collected data from more than one source and used more than one data collection instrument. Also, in selecting my research participants, I had to ensure that they had the requisite knowledge and expertise to provide me with information-rich data (McMillan, 2000).

In this chapter I describe in some detail the sources and instruments I used for data collection, the method I used to select research participants, and the techniques I used to reduce, analyse and interpret collected data. In providing reasons for my choices I discuss the benefits and limitations of each with regard to my study and indicate the extent to which I followed or deviated from my original research design/plan. In this sense Chapter Two serves as an audit trail of the empirical part of my inquiry.

In addition to laying an audit trail that could be used to assess the credibility and trustworthiness of my inquiry I also reiterate my philosophical stance on knowledge and its production, that is, the philosophical underpinning of this study. Specifically, I clarify my epistemological viewpoint and ontological stance since these framed the way in which I engaged with research participants, literature and the data generated during my empirical investigation (Denzin & Lincoln, 2000).

2.2 Research purpose and aims

As indicated in Chapter One, my study is aimed at determining the way in which governing bodies of selected public schools in the Tshwane North District of Gauteng, South Africa, understand, interpret and implement changes in legislation relating to the appointment of teachers. In pursuing this purpose I specifically focused on three aspects namely (a) the recently promulgated Education Laws Amendment Act (Act 24 of 2005), described by Education Minister Naledi Pandor as one of the last steps towards complete transformation in education; (b) the stiff opposition by the Democratic Alliance, who claims that, since the Act is 'rotten at the core', it is a 'significant marker in the ongoing decline of public education', and (c) the shift of decision-making power as regards the selection of public school teachers for appointment from school governing bodies to provincial Heads of Department as a change stipulated in this piece of legislation.

In investigating these three inter-related issues, I focused on the extent to which the staff composition at schools has or has not changed as a result of the new legislation. In doing so I could deduce the way in which the governing bodies of selected public schools implemented legislation, inferring from the outcome of this exploration to what extent they understood the intent of the Education Laws

Amendment Act of 2005. In analysing their responses to the questions I posed during one-on-one interviews with individual governing body members, I attempted also to identify their feelings about the changes to legislation and their ability to effect these changes in the way they selected and recommended teachers for appointment at their schools. In doing so I was able to draw certain conclusions not only about their ability to govern their schools but also about their willingness to promote equity and representivity in the staff composition of the schools for whose governance they accepted responsibility. More specifically I strove to determine whether or not the criteria and procedures selected governing bodies used in the selection and recommendation of teachers for appointment at public schools matched those stipulated or implied in the relevant Acts.

2.3 Philosophical foundations of the study

In the sense that my study is implicitly aimed at the identification of factors that influence School Governing Body members' understanding of and ability to implement the latest legislation on teacher appointment, it reflects elements typical of both the naturalistic and logical positivist paradigms. These paradigms are particularly appropriate to the explanation of social, behavioural and physical phenomena since they guide researchers to a better understanding of a particular action (Denzin & Lincoln: 2000; and Terre Blanche & Durrheim, 2002). However, since the primary purpose of this study is to gain a deeper, critical understanding of school governing body members' interpretations of, attitudes towards and ability to implement new legislation on the appointment of public school teachers in South Africa, the study leans more towards the interpretivist paradigm. This paradigm postulates that individuals interacting with their social world construct their own realities. In other words, in terms of this paradigm, human activity and institutions are 'social constructions', not

products of external forces that mould individuals and institutions in predictable ways (Vulliamy, Lewin & Stephens, 1990:9). Truth can therefore only be found in the consideration of multiple socially and historically constructed meanings of individual experience and in the determination of the possible implications that those constructions might have on the behaviour of individuals and those with whom they interact (Creswell, 2003:18; & Patton, 2002:96).

The interpretivist paradigm was particularly appropriate to my study given its focus on the intent of the Education Laws Amendment Act of 2005, which is specifically aimed at the achievement of 'equity' and 'representivity' in the staff composition of public schools. Of course equity and representivity are also social constructs, created in the course of everyday activities and interpreted against the backdrop of shared understandings, practices, language and so forth (Denzin & Lincoln, 2000). A key feature of the interpretivist paradigm, when framing research, is that it brings to the fore meanings that people assign to their experiences, and by implication, to anything that is socially constructed. Central to this approach is the premise that the researcher constructs his/her own meaning from the research results (Denzin & Lincoln, 2000; Merriam, 1998:6). In this sense the researcher has some control over extraneous factors and/or interpretations that could impact on the research results (Merriam, 1998:9).

2.4 Conceptual framework

For the purposes of this study, the conceptual framework, namely school governance, served as a frame of reference against which school governing bodies' understanding, interpretation and implementation of the Education Laws Amendment Act could be interpreted and evaluated. In devolving certain governance responsibilities to school governing bodies (SASA, 1996) the State was in effect saying that these bodies understood their roles and responsibilities

and would be willing and able to take appropriate action to ensure that their schools were functioning as well as they could. Implied in this assumption is the notion that governing bodies are legally responsible for the decisions they make and that, as legal entities, they are morally obliged to implement state legislation even when they are in disagreement with it.

The recent amendments made to the Employment of Educators Act (Act 76 of 1998), as promulgated in the Education Laws Amendment Act (Act 24 of 2005), stipulate in detail the processes and procedures that should be followed by school governing bodies who are selecting and recommending teachers for appointment at their respective schools. If, however, Sayed's (2002a) claims that amendments like these are indicative of a move towards greater State control are true, it is possible that conflict could arise between governing bodies and the department over the definition of governance powers. Such controversies may have grave consequences for the promotion of equity and representivity since governing bodies might well find themselves entrapped in bureaucratic legal battles that undermine their effectiveness as school governors. Using school governance as my conceptual framework created the opportunity for me to explore claims like these and enabling me to determine whether or not the voices of those most affected are still considered (Christiano, 2004; Naidoo, 2004) in the development and implementation of legislation.

The use of a school governance framework also gave me the opportunity to consider other factors that might affect the quality of governance at different public schools. Included amongst these are variations in school structure and culture, governance capacity and resources, all of which have historical and cultural roots. Allied to these, especially in South Africa, are racial and gender attitudes as well as entrenched dispositions towards those with some or other disability. All of these issues can be discussed in a school governance framework:

actions are influenced by disposition, while dispositions lead to specific actions. Individuals are naturally biased towards their own interests (Christiano, 2004). School governors' preferences in respect of teachers most suitable for appointment at their schools could well be indicative of such bias, a bias reflected in a specific group or school culture. The stronger the culture the more difficult it will be for someone with a culture different from the dominant one to gain access into a specific institution.

2.5 Research design

My original research design, rather than being 'an architectural blueprint' was a tentative plan for assembling, organising and integrating information'/data (Merriam, 1998:6). Informing the design were my research purpose and questions. Noting the increased role of the government in promoting equity and representivity in public schools through legislative interventions I wanted to explore differences in the way the governing bodies of (white) schools - formerly under the administration of the Department of Education and Culture (House of Assembly) and hereafter referred to as HoA schools - and those of (black) schools - formerly under the administration of the Department of Education and Training and hereafter referred to as DET schools - understood, interpreted and implemented amendments to legislation on the selection and appointment of teachers at public schools.

Focusing specifically on the school governing bodies of five schools in the Tshwane North District of the Gauteng Province, South Africa, I looked for answers to the following research questions:

- Are there any differences in the way the governing bodies of white schools formerly under the administration of the Department of Education

and Culture (House of Assembly) and black schools formerly under the administration of the Department of Education and Training interpret the amendments to teacher selection and appointment promulgated in the Education Laws Amendment Act (Act 24 of 2005) and if so, to what could these be ascribed?

- Does the way in which the governing bodies of (white) schools formerly under the administration of the Department of Education and Culture (House of Assembly) and (black) schools formerly under the administration of the Department of Education and Training interpret legislation influence the criteria and procedures they use in the selection and recommendation of educators for appointment and if so, how?
- Is there any evidence that the amendments promulgated in the Education Laws Amendment Act (Act 24 of 2005) has led to greater diversity/representivity in the staff composition of those (white) schools formerly under the administration of the Department of Education and Culture (House of Assembly) and those (black) schools formerly under the administration of the Department of Education and Training, and what does such evidence indicate about the alignment between government expectations and the capacity of school governing bodies?

To best enable me to answer these questions I used a case study design because it allowed me to examine a recent or contemporary phenomenon within its real life context (Yin, 2003:22-23) – that is, changes to legislation on teacher selection and appointment as promulgated in the Education Laws Amendment Act (Act 24 of 2005). Given its flexibility, a case study design allowed me to consider multiple and varied responses (Merriam, 1998:9) concerning school governors' understanding, interpretation and implementation of these amendments. Since I

wanted to determine whether or not there were differences in the understanding of former House of Assembly (HoA) and Department of Education and Training (DET) schools I opted for a multiple case design. Such a design enabled me to compare the responses of different racial and governing body membership groupings as well as different operational, cultural, political and educational contexts (Yin, 1994:21). My use of exploratory, explanatory and descriptive questions to determine how the amendments to teacher selection and appointment promulgated in the Education Laws Amendment Act (2005) were interpreted and implemented constitutes what Berg and Stake, in Denzin & Lincoln (2000), call an *instrumental* case study approach. I regarded this approach as particularly appropriate in that it afforded me the opportunity of answering the three types of questions mentioned above. The answers to each of these types of questions made a very specific contribution to my study.

- *Exploratory questions* helped me focus on the possibility that teachers from different racial groups could be appointed to schools that were previously outside their domain of choice. Answers to exploratory questions emerged from an analysis of the views and opinions expressed by research participants (school governing body members at the five selected schools) during the course of one-on-one interviews. Their responses suggested to me what could be done to promote representivity in the staff composition of public schools.
- *Explanatory questions* assisted me in continually reassessing and refining issues while conducting fieldwork, helping me to interpret data, to frame key findings, and to link theoretical discussions with the data to establish praxis (Denzin & Lincoln, 2000:388-389). In order to be truly explanatory, I related my emerging understanding of the phenomenon being investigated, i.e. SGB members' understanding and implementation of legislation on teacher selection and appointment, to universal school governance principles.

- *Descriptive questions* generated a comprehensive and detailed account of ways in which SGBs implement legislation on teacher selection and appointment. This enabled me to better interpret the significance and impact of the phenomenon's variables on redress initiatives, specifically attempts to advance equity and representivity in staff composition at public schools in South Africa.

Included in my research design were a number of interdependent steps aimed at ensuring that the evidence gathered addresses the research questions in the study (Yin, 1989:27). Since the study is qualitative in nature these steps did not necessarily occur in a chronological sequence; rather, data collection and analysis were integrated, with the results of each analysis informing the next data collection action (Patton, 2002).

2.6 Sampling – research sites and participants

In selecting my cases – that is participating schools and their governing bodies – I made use of purposeful sampling. Given the interpretivist paradigm within which I was framing my investigation, purposeful sampling was most appropriate, in that it enabled me to identify research sites and research participants that would provide me with information-rich data (Merriam, 1998: 61). The three main criteria I used in selecting the cases were (a) previous involvement of individual SGB members in teacher selection processes (b) SGB members' willingness to participate in the study, and (c) ease of access and minimal financial costs to me as regards the location of the schools selected. Hence my decision to limit my study to five Tshwane D4 schools in the Gauteng Province.

In addition to these three general criteria I also selected schools and participants that would be representative of public schools and teachers in general. To this purpose I decided to include in my sample of schools those that were historically advantaged (HoA schools) as well as disadvantaged (DET schools). The inclusion of historically advantaged as well as disadvantaged schools was of importance to me since I wanted to determine the ways different racial groups interpreted recent amendments promulgated in the Education Laws Amendment Act of 2005. The final sample consisted of three former HoA and two former DET schools. Their status as primary or secondary schools was irrelevant since the role functions of all SGBs are the same.

Individual research participants were selected in terms of their knowledge and expertise as members of school governing bodies since I assumed that these factors would contribute to the generation of illuminative and information rich data. To ensure that the perspectives of different categories of SGB members were represented I included principals (ex-officio members), parents (nominated and ad hoc members) as well as teachers in the sample. Learners were not included because they do not participate in the teacher selection and recommendation processes. I initially intended to interview every member of every SGB in the sample; however, due to a lack of consent from some members and their reluctance to be part of this process I could not do so. My research findings are, therefore, based on information gathered from those SGB members who willingly participated in my study.

2.7 Gaining access to research sites (schools)

I was granted permission to do research in schools of the Department of Education in July 2007. It took me three months to obtain this permission. The person responsible for processing the forms was on sick leave and after making

several phone calls I was assisted by someone else, who informed me about the ill person and then speedily processed my application for permission to do research in the schools. I then had to negotiate access – using the database of the Gauteng Department of Education (Tshwane region) – to select schools that satisfied my purposeful sampling criteria.

Gaining access to formerly disadvantaged schools was easy, perhaps because I am a black person. Gaining access to formerly advantaged schools was not so easy. At one of the selected schools the secretary phoned me back to inform me that the principal was not willing to give me the opportunity to conduct research because the school had in the past had a bad experience with students doing research. The details were not given. Some secretaries promised to pass the message to the principal who would come back to me but this never happened. Yet others indicated that they were inundated with requests from aspirant researchers who wanted to collect all sorts of data from them and that this disrupted their activities at school. Finally, some used the extended July teacher strike in 2007 as an excuse for not having enough time to grant interviews to researchers, and so on. Notwithstanding these problems I did gain access to the entire governing body of one of the former HoA schools and to the principals, who are ex officio SGB members, of two more through the assistance of a white colleague at work.

2.8 Data collection strategies

In this study, I carefully scrutinised the different Acts of legislation to get a sense of the intent of these Acts as well as of the criteria and procedures that should legally be followed in the selection and recommendation of teachers for appointment at public schools. Informed by insights gained I designed an

interview schedule (see Figure 1) aimed at the generation of data that would enable me to answer my research questions (see questions below).

INTERVIEW SCHEDULE

Greetings and introductions

Good afternoon My name is Sharon Mampane. Thank you for agreeing to be interviewed by me.

As you know I am conducting research on school governing bodies' interpretation and implementation of the recent changes in legislation on teacher selection and appointment. Since you are serving on the governing body of your school I hoped that you would be able to help me by telling me how you interpret these changes and how your governing body goes about implementing these changes.

I will be asking you a few general questions about school governance and the law. Please feel free to express your real feelings about issues as they arise. I promise that your identity and the identity of your school will not be revealed at any time. You can therefore be as honest and open as you wish.

Are there any questions that you would like to ask me at this moment?

Before we start I would like to ask your permission to tape record the interview. This will make it easier for me to remember everything that was said. The tapes will be destroyed as soon as my thesis has been approved. Is that OK with you? One more question: Is it a problem if I ask the questions in English? You can answer in your own language if you wish but it will be easier if we all speak English.

Questions

1. How long have you been on the SGB?
2. Do you enjoy it? Why / Why not?
3. What do you think led to your nomination or election as an SGB member?
4. What is usually discussed at ordinary SGB meetings?
5. How is a special SGB meeting for short listing and selection of teachers different from an ordinary SGB meeting? Please explain.
6. When you have these meetings on staff selection, what qualities / characteristics would count in an applicant's favour?
7. What are the minimum qualifications and experience that the SGB looks for in determining the short list of possible appointments?
8. To what extent does race, language and gender play a role in the SGB short listing process?

9. Do you think the criteria used by your SGB reflect the criteria in the legislation? Explain your answer.
10. Bearing in mind the thinking behind the legislation, and considering staff composition, do you think your SGB selection process is effective? Give reasons for your answer.
11. Why, according to you, has the legislation been passed?

Closure

Thank you very much. I really enjoyed the conversation I had with you and I am looking forward to seeing you again.

Figure 1: Interview Schedule

Interview data, complemented by information gathered from my analysis of relevant Acts (see Chapter 3) and my own daily reflections gave me a sense of whether the process of teacher selection and appointment was procedurally acceptable or not. This, in turn, enabled me to draw conclusions about differences in and the causes thereof in the teacher selection and appointment processes used at former HoA and DET schools respectively.

Data were collected directly from individual SGB members by means of one-on-one interviews and, in some cases, telephonic follow-ups. Neither the data nor the interview process was manipulated or controlled by me, the researcher. Moreover, following the advice of Lincoln & Guba (1985:210), I did not rigidly adhere to my prepared interview schedule; instead, I allowed the research process to unfold by itself hence the slight deviations from and/or added probes reflected in the discussion of my research findings (see Chapter 5). However, being mindful of the fact that the implementation of recent amendments to teacher selection and appointment legislation was a process, I paid careful attention to system, process and situation dynamics emerging from interviews with individual research participants.

I collected detailed information ethically, showing respect for the humanity of participants, over a sustained period of time (Berg 2001:10; Creswell 2003:179-183), ensuring them of confidentiality and discretion as far as their and their schools' identities were concerned. It was due to the creation of such 'trusting' relationships that I was able to collect information-rich data that reflect a range of divergent views and answers to my original research questions (Tashakkori & Teddlie, 2003:61-77).

To ensure that my research findings would be accepted as credible, I rigorously reflected on the data I collected and analyzed each day, constantly interpreting the situation on the ground, comparing it with insights gained from literature and focusing subsequent data collection activities ever more sharply on the research problem at the heart of my study (Marshall & Rossman, 1999:2-3), i.e. the lack of diversity in the staff composition of public schools in South Africa. In reflecting on data collected I attempted to link the results of data analysis to broader issues of transformation, which fall mainly in the domain of SGB functions in schools. It was at this stage where I gained a sense of SGB members' ability and/or willingness to implement new legislation on teacher selection and appointment, and to find out whether or not they were supported in this process by government institutions in terms of capacity building and resource allocation.

2.8.1 Interviews

Although I was aware of the limitations and weaknesses of using face-to-face interviews for data collection as regards participant cooperation (Marshall & Rossman, 1999) I had little choice in the matter. As indicated in Chapter One (see 2.6 above) it was impossible for all school governing body members to fit my interviews into their schedules on the same day or at the same time. I therefore

had to opt for one-on-one interviews. I was determined to use interviews rather than other data collection instruments because I regarded them as particularly useful for obtaining large amounts of data quickly, with immediate follow-ups and clarification being possible if required (Powney & Watts 1987:6).

A pleasant relationship was established with all the respondents and there was a relative flexibility in handling the interview situation, with each respondent turning out to be unique in terms of his/her experience of teacher selection and appointment related matters. All the participants were given the opportunity to express their views and opinions freely without being coerced into a particular viewpoint, although they were given specific directives in terms of what to provide information on (Mertens & McLaughlin, 2004). To ensure accuracy and to facilitate analysis of interview data all the interviews were tape-recorded – with participants’ permission – and carefully transcribed afterwards.

As indicated earlier (see 2.8) I used an interview schedule rather than a fixed list of chronologically ordered questions (see Figure 1). This option created the opportunity for participants to answer in their own words while allowing me to ask probing questions for clarification and enhancement purposes. It was the probes that enabled me to capture SGB members’ individual perspectives on teacher selection and appointment legislation, adding depth to the data gathered through generic questions posed to all participants (Patton, 2002:40).

Generic questions were posed to all research participants, focusing primarily on their expertise in and experience of school governance and the processes for teacher selection used by SGBs that they served on. These questions were informed by insights I gained from research and related literature on school governance as well as by my own assumptions regarding SGB members’ understanding, interpretation and implementation of legislation. Specifically, I

assumed that, as is common practice in school governance, each school would have communicated legislative changes to its community, including the SGB, by way of information sessions, workshops or publicity materials.

I also used follow-up telephonic interviews with the school principals who participated in my study to supplement information gathered through one-on-one interviews. The telephonic interviews served to clarify issues that emerged during the initial interviews (Crotty, 1998:75) and to provide me with crucial 'missing' data. Included in the 'missing data' was information on school quintiles (socio-economic status of the school) and racial composition (of learners, staff and school governing bodies).

2.8.2 Document review

Since one of my research objectives was to determine whether or not there was evidence of articulation between the criteria and procedures prescribed in legislation on teacher selection and appointment and the way in which participating SGBs select and recommend teachers for appointment at their schools, I had to ensure that I knew exactly what the law says in this regard. With a view to determining what the national requirements/specifications are regarding teacher selection and appointment I consulted a number of Acts dealing amongst others with school governance, educators employment, equity in the workplace and, specifically, with the selection and appointment of teachers in public schools. In this regard an analysis of the Employment of Educators Act (Act 55 of 1998) and the most recent Education Laws Amendment Act (Act 24 of 2005 [GG 28426 of 26 January 2006]) was absolutely crucial since both these Acts focus specifically on the criteria to be used and the procedures to be followed in the selection of teachers for appointment by SGBs.

To further enhance my insights into school governance in general and the relationship between the State and school governing bodies in particular, I also reviewed literature on school governance and equity interventions in other countries (Spillane, Reiser, & Todd (2002); Tikly, 1997; Weber 2002). Not only did this review provide me with a solid base for my investigation but it also enabled me to benchmark the selection procedures and criteria used in the sampled Tshwane North schools with each other.

2.9 Data analysis

One of the analytical challenges confronting me was how best to present the different views, understandings, interpretations/perceptions and beliefs held by different participants given the interpretive notion of multiple realities. I therefore made use of discrepancy analysis (Potter, in Miles & Huberman, 1994) to compare different 'voices' – those of individuals, institutions and legislators – as well as discrepancies between what participants said they did and what actually happened in practice.

As indicated in Chapter One, data analysis was inductive and ongoing (Miles & Huberman, 1994:68), with tape-recorded interview data transcribed immediately after the event and then electronically restructured and coded. The process of data analysis involved scrutinizing the data to identify categories. These categories for data restructuring were determined by my research purpose, namely to find out whether or not governing bodies of former HoA and DET schools respectively understood, interpreted and implemented legislation on teacher selection and appointment differently and if so, why. In using my research purpose as the organizing principle for data restructuring I was able to holistically consider selected school governing body members' contexts,

orientations, emotions and thoughts (Ary, Jacobs & Razavieh, 2002:27 &: 441; Crotty 1998:42; Denzin & Lincoln 2003:250; Wotherspoon, 2004).

I used two strategies in analyzing collected data, one for the review of legal documents and another for the analysis of interview data.

- As regards legal documents – specifically Acts relating to the employment of school educators - I compared relevant sections in a number of Acts (see Chapter Three) with a view to identifying similarities and differences in content, wording and intent. I then related the results of these comparison with the reasons for and implications of centralization and decentralization of educational governance in the South African context. Finally I related the insights thus gained to the implications that various pieces of legislation on educator employment had for the roles and functions of school governing bodies.
- In preparation for the analysis of interview data I first transcribed each tape-recorded individual interview before commencing with the coding process. I did this as soon as possible after each interview had taken place, so as to enable me to focus not only on the content but also on the words/phrases and the tone of voice (indicated in the transcripts) in which these were uttered (Nelson & Wright, 1995). This enabled me to pick up on emotional tension, dissatisfaction, approval and other emotions and attitudes experienced but not voiced by individual research participants.

In coding the data I first utilized deductive logic, carefully reading each transcript to get a sense of the individual's understanding, interpretation and feelings towards legislation on the selection and appointment of school educators. Having done so, I restructured the interview data in terms of different

categories. My first attempt at categorization was based on my original research questions and related questions in the interview schedule.

While my initial analysis gave me a general idea of the understandings, interpretations and attitudes of particular governing body groupings – parents, teachers, principals – this type of categorization did not make any contribution towards a better understanding of differences between governing bodies of schools previously regarded as advantaged (i.e. formerly white schools) and those previously regarded as disadvantaged (i.e. black schools). Maintaining the essence of my initial categorization I then reorganized the data in terms of governance issues, SGB membership and racial groupings (see Annexure B). This done, I did a word-by-word, phrase-by-phrase and sentence-by-sentence analysis (Glasser & Strauss, 1999:76; Strauss & Corbin 1987:55-56) of the responses of each individual in each governing body and racial category (see Chapter 5). The result of this analysis formed the basis of my descriptive discussion of the findings.

2.10 Research report

Given the qualitative nature of my investigation the results of my review of legal documents and the analysis of empirical data, are presented in the form of an information-rich verbal description (see Chapter 6). The report is written in an academically acceptable though not unduly technical style so as to make it accessible to laypersons as well as to academics. Its reader friendliness and accessibility is one of the strengths of qualitative research.

2.11 Trustworthiness

As indicated in Chapter One, qualitative research is judged not in terms of its reliability but in terms of its trustworthiness, credibility, comparability and transferability. In order to satisfy these criteria as regards this study I collected data from multiple sources (documents, Acts, and people), interviewed different categories of SGB members (ex officio members, elected members and ad hoc members, including principals, parents and teachers) and analysed data by first comparing the responses of different participant categories before relating these to theoretical and legislative positions on school governance. This technique, referred to as *triangulation*, is typical of qualitative research and is assumed to enhance the trustworthiness of qualitative research findings and processes.

In order to ensure accuracy of data recording I tape-recorded and transcribed interviews and took them back to interviewees, asking them to check the transcripts for accuracy. I also asked them to comment on the categories emerging from the data. This is called *member checking* and, like triangulation, it is commonly used by qualitative researchers to enhance the credibility of research findings. With a view to checking the logic of my interpretations I made use of peer/expert reviews, using the services of established and reputable academics from the University of Pretoria to critique my research methodology and inferences regarding legislation, its implementation and school governance. I also asked key informants to review various aspects of the research process given the fact that I had used multiple sources of evidence, interviews and document review to establish a chain of evidence. This was done during the data collection as well as the writing up stages.

I adhered to all the prescribed processes at the institution where I studied to ensure that my research was ethical and up to standard. These included

defending my research proposal at Faculty level and getting clearance from the Ethics Committee of the university to embark on the empirical part of the investigation. Finally, as indicated earlier on, I obtained permission from the requisite authorities – the Department of Education and the principals of selected schools – to conduct research at schools in the Tshwane district of the Gauteng Province, and declared my own interest, involvement and possible bias where applicable throughout the research report.

2.12 Summative conclusion

As indicated in the Introduction to this chapter the primary purpose of the chapter was to lay an audit trail for readers of the report and/or future researchers who wished to replicate or add to my own research findings. In laying such a trail I indicated my intention to gain a deeper understanding of legislation on teacher selection and appointment on the one hand and school governing bodies' understanding, interpretation and implementation of such legislation on the other. I then described and justified my approach to and perspectives on the most appropriate way to study this phenomenon. Specifically, I clarified my epistemological viewpoint and ontological stance since these framed the way in which I engaged with research participants, literature and the data generated during my empirical investigation (Denzin & Lincoln, 2000). Finally, I described in detail the instruments and methods I used to collect, analyse and report my data and research findings, taking pains to indicate what steps I took to ensure the trustworthiness of my research outcomes.

In the next chapter I present my analysis of legislation dealing with teacher selection and appointment, focusing specifically on the changes that were promulgated in the Education Laws Amendment Act (Act 24 of 2005) in this

regard. In discussing said legislation I continuously refer to insights gained from my literature review on school governance, indicating the relationship between such and South African legislation on school governance. I also strive, in relating these, to merge the diverse views of education stakeholders on the recent changes to legislation on teacher selection and appointment into my discussion so as to sensitise readers to the complexity of the issue as revealed in my empirical investigation.