

LIST OF REFERENCES

Printed sources

Adelman, C., Jenkins, D. and Kemmis, S. 1994. *Rethinking Case study*, in Bell, J., Bush, T., Fox, A., Goodey, J. and Goulding, S. (Eds). *Conducting Small-scale Investigations in Educational Management*. London: Harper and Rowe.

Adams, D. 1993. *Defining educational quality: Improving Education Quality Project Publication # 1: Biennial Report*. Arlington, VA: Institute for International Research.

African National Congress. 1955. *The Freedom Charter*. Congress of the people. Kliptown.

Apple, M.W. s.a. *Education, markets, and an audit culture*. *Critical quarterly*, volume 47, no. 1-2

Asmal, K. 1999. *Call to Action: Mobilising Citizens to build a South African Education and Training System for the 21st Century*. Statement in South African Parliament by Professor Kader Asmal, Minister of Education.

Asmal, K. 2002. *Speech by Professor Kader Asmal MP, Minister of Education, introducing the debate on vote 8, Education, National Council of Provinces, 18 April 2000*. <http://www.info.gov.za/speeches/2000/0004181233p1002.htm> accessed on 28 01 '12

Asmal, K. 2002. *Speech by Professor Kader Asmal MP, Minister of education, to the South African Certification Council, Pretoria, 25 March 2002*. <http://www.info.gov.za/speeches/2002/020326246p1002.htm>

Basse, M. 1999. *Case Study Research in Educational Settings*. Buckingham: Open Beach University Press.

Beckmann, J.L. and Prinsloo, J. 2004. *Towards an analytical framework for accountability regarding equal educational opportunities*. *Perspectives in Education*, Volume 22(3). September 2004: pages 133 to 146.

Beckmann, J.L. and Prinsloo, J. 2007. *Equality and non-discrimination in education: the South African case*. Paper read at the ELA (Europe) Conference held in Potsdam, Germany in May 2007.

Beckmann, J.L. and Fuessel, H-P. 2011. *The rights and the status of educators in South Africa and Germany and Quality education: an exploratory comparison*. Unpublished paper read at the 16th International

Conference of SAELA held at the Protea Hotel Umhalanga Rocks, Durban, South Africa.

Beckmann, J.L. 2011. *Onderwys in Suid-Afrika van 1961 tot 2011: Tussen twee paradigmas en ontwykende ideale*. Draft article for the Tydskrif vir Geesteswetenskappe of the Suid-Afrikaanse Akademie vir Wetenskap en Kuns.

Bell, J. 1987. *Doing your research project*. Milton Keynes: Open University Press.

Bengu, S.M.E., 1996. *Address by Prof SME Bengu, Minister of Education, on the occasion of the debate on the education budget vote in the national assembly, 21 May 1996*. http://www.info.gov.za/speeches/1996/960711_107.htm - accessed on 28 Jan 2012.

Berkhout, F. & Berkhout, S. 1992. *Die Skool. Finansiële bestuurstegnieke*. Pretoria: JL van Schaik.

Bisschoff, T.C. and Mestry, R. 2003. 2nd Edition. *Financial Management Explained*. Cape Town: Maskew Millar Longman (Pty) Ltd under Kagiso imprint.

Boasberg, T. 2011. *School reform. Paper read during the Edward Kennedy Memorial Lecture at the University of Pretoria on 8 April 2011*.

Burns, Y. 1999. *Administrative Law under the 1996 Constitution*. Durban: Butterworths

Burtless, G (Editor). 1996. *Does Money Matter? The effect of school resources on student achievement and adult success*. Washington DC: Brookings Institution Press

Bush, T. 2005a. *Research Methods Seminar: School Management and Governance: Designing Research*. Unpublished paper read at training seminar under the auspices of Matthew Goniwe School for Leadership and Governance. Johannesburg. South Africa.

Bush, T. 2005b. *Research Methods Seminar: School Management and Governance: Data Analysis*. Unpublished paper read at training seminar under the auspices of Matthew Goniwe School for Leadership and Governance. Johannesburg. South Africa.

Centre for Evaluation and Assessment. 2006. *PIRLS of Wisdom: The What, Where, When and How of the International Reading Literacy Study in South Africa*. Pretoria: University of Pretoria.

Caldwell, B.J. and Spinks, J.M. 1988. *The Self-Managing School*. London: The Falmer Press.

Caldwell, B.J. and Spinks, J.M. 1998. *Beyond the Self-Managing School*. London: The Falmer Press.

Campbell, J.R., Kelly, D.L., Mullis, I.V.S., Martin, M.O., & Sainsbury, M. 2001. 2nd Edition. *Framework and Specifications for PIRLS Assessment 2001*. Chestnut Hill, MA: Boston College.

Carnoy, M. 1999. *Globalization and Educational Reform: What planners need to know*. Paris: UNESCO

Charles, C.M. and Mertler, C.A. 2002. *Introduction to Educational Research*. Boston: Allyn & Bacon

Christie, P., Butler, D. and Potterton, M. 2007. *Schools that work*. Report to the Minister of Education by the Ministerial committee: 13 October 2007.

Cohen, D.K., Raudenbush, S.W. and Ball, D.L. 2003. *Resources, Instruction, and Research. Educational Evaluation and Policy Analysis. Summer 2003, Vol. 25, No. 2, pp. 119-142.*

Colditz, P. 2011. *Principles for a new legislative framework to improve school education in South Africa*. Unpublished paper read at the 16th International Conference of SAELA held at the Protea Hotel Umhalanga Rocks, Durban, South Africa.

Commonwealth 2003. *Improving Quality in Education.htm* found on the web at: <http://www.thecommonwealth.org>

Creswell, J.W. 1994. *Research Design: Qualitative and Quantitative Approaches*. London: Sage Publications Inc.

Cronbach, L.J. 1975. Beyond the two disciplines of Scientific Psychology. *American Psychologist*, No. 30, pp. 116 – 127.

Crouch, L. 2005. *Disappearing schoolchildren or data misunderstandings? Dropout phenomena in South Africa*. Research Triangle Institute (RTI), <http://www.rti.org/abstract.cfm?pubid=6507>

Czaja, R. & Blair, J. 2005. *Designing Surveys. A Guide to Decisions and Procedures*. London: Pine Forge Press.

Davies, H. 2012. Personal communication on 10 July 2012.

De Groof, J. (Editor) 1995. *The Legal Status of Teachers in Europe. Mobility and Education*. Leuven: ACCO.

De Groof, J. & Lauwers, G. 2005. *Increasing access to education throughout European society* in Russo, C.J., Beckmann, J.L. and Jansen, J.D. (Editors).

2005. *Equal Education Opportunities. Comparative perspectives in Education Law*. Pretoria: Van Schaiks.

Department of Education. 1995. *White Paper on Education and Training*. Notice 196 of 1995. Cape Town: Government Printer

Department of Education. 2001. *Education White Paper 6. Special Needs Education. Building an Inclusive education and training system*. Pretoria: department of Education.

Department of Education. 2003a. *Plan of Action: Improving access to free & quality basic education for all*. Pretoria: Government Printer.

Department of Education. 2003b. *Report to the Minister. A review of the financing, resourcing and costs of education in public schools*. Pretoria: Government Printer

Department of Education. 2005a. *Education Statistics in South Africa at a Glance 2003*. Found at the following official website:
<http://www.education.gov.za/EMIS/emisweb/03stats/2003%20Stat%20at%20a%20Glance.pdf>

Department of Education. 2005b. *Information on the State Budget for Higher Education*. August 2005. Pretoria: Department of Education.

Department of Basic Education. 2009. *The national senior certificate: A qualification at level 4 on the national qualifications framework (NQF)*. Pretoria: Department of Basic Education

Editors of the American Heritage Dictionaries . 2010. 4th edition. *The American Heritage® Dictionary of the English Language*. Houghton: Houghton Mifflin Harcourt Publishing Company.

Ehrenberg, R.G. & Brewer, D.J. 1995. *Did teachers' verbal ability and race matter in the 1960s? Coleman revisited. Economics of Education Review, 14*, 1–21, 291–299.

Ehrenberg, R.G., Brewer, D.J., Gamoran, A. and Willms, J.D. 2001. *Class size and student achievement*. Psychological Science in the Public Interest. Vol. 2, No. 1, May 2001 pages 1 -30

European Commission. 2001. *European Report on the Quality of School Education. Sixteen Quality Indicators*. Luxembourg: European Communities
Easterby-Smith, M., Thorpe, R. and Lowe, A. 1994b. 'Analysing qualitative data' in Bennet, N., Glatter, R. and Levacic, R. (Eds.) *Improving Educational Management through Research and Consultancy*. London: Paul Chapman.

Fiske, E.B. & Ladd, H.F. 2004. In Chisholm, Linda (Ed.) *Changing Class. Education and social change in post-apartheid South Africa*. Pretoria: HSRC Press.

Foxcroft, C. and Stumpf, R. 2005. *What is matric for?* In the proceedings of the joint seminar by UMALUSI and Centre for Higher Education Transformation Conference on *Matric: What is to be done?* Held on 23 June 2005.

Fraenkel, J.R. & Wallen, N.E. 6th Edition. 2006. *How to design and evaluate Research in Education*. New York: McGraw-Hill.

Ferguson, R.F. 1991. *Paying for public education: New evidence on how and why money matters*. *Harvard Journal of Legislation*, 28, 465–497.

Ferguson, R.F. & Ladd, H.F. 1996. *How and why money matters: An analysis of Alabama schools*. In H.F. Ladd (Ed.), *Holding Schools Accountable: Performance Based Reform in Education* (pp. 265–298). Washington,DC: Brookings Institution Press.

Fleisch, B. 2004. *Does higher education expenditure generate higher learner achievement? A study of historically disadvantaged schools in Gauteng*. *South African Journal of Education*, 2004. EASA Vol 24(4) 264–269

Gamoran, A. and Borman, G. 2007. *Coleman Report, Forty Years On* - http://www.wcer.wisc.edu/news/coverstories/coleman_report_40_years.php - accessed on 2 02 '12

Gustafsson, J-E. 2003. *What do we know about effects of school resources on educational results?* *Swedish Economic Policy Review* 10 (2003) 77-110

Hanushek, E. A. 1996. *School resource and student performance*. In Burtless, G (Editor). 1996. *Does Money Matter? The effect of school resources on student achievement and adult success*. Washington DC: Brookings Institution Press

Herman, C. 2004. *Prophets and Profits*. Unpublished PhD thesis. University of Pretoria.

Hersey, P. & Blanchard, K. 1988. 5th Edition. *Management of Organizational Behavior. Utilizing Human Resources*. Englewood Cliffs NJ: Prentice-Hall Int. Editions.

Hiemstra, V.G. and Gonin, H.L. 1992. *Trilingual Legal Dictionary*. Johannesburg: JUTA.

Hill, H.C., Rowan, B. and Ball, D.L. *Effects of Teachers' Mathematical knowledge for Teaching on student achievement*. *American Educational Research Journal*. pp 371 to 406.

Hoaglin, D.C. et al. 1982. *Data for decisions*. Cambridge, Massachusetts: AbT Books.

HSRC. s.a. *National Priority Initiatives Education Quality Improvement (EQI)* found at the HSRC website: <http://www.hsrc.ac.za/index>

Johnson, D. 1994. *Research Methods in Educational Management*. Harlow, Longman.

Joubert, H.J. 1994. *The Management Task of the Principal of a State-Aided School*. Unpublished M Ed Dissertation. University of Pretoria.

Joubert, H.J. and Prinsloo, I.J. 2001. *Education Law. A practical guide for educators*. Pretoria: Van Schaik Publishers.

Kerzner, H. 1998. 6th Edition. *Project Management. A systems approach to planning, scheduling and controlling*. New York: Wiley & Sons.

Koontz, H. & Weihrich, H. 1998. 9th Edition. *Management*. New York: McGraw-Hill Int. Editions.

Leu, E. 2005. *The Role of Teachers, Schools, and Communities in Quality Education: A review of the Literature*. Academy for Educational Development Global Education Center.

Louw, M., Van der Berg, S. and Yu, D. 2006. *Educational attainment and intergenerational social mobility in South Africa*. Stellenbosch Economic Working Papers 09/06. Stellenbosch: Bureau for Economic Research, University of Stellenbosch.

Loock C. 2011. Personal communication on 22 October 2011.

Maile, S. 2002. Accountability: An Essential Aspect of School Governance. *South African Journal of Education*. 22(4): 326 - 331

Matho, K.C. 2010. *The relationship between quality policies and lived experiences of orphaned learners*. Unpublished PhD thesis. Pretoria: University of Pretoria

Merriam, S.B. 1998. *Qualitative Research and Case Study Applications in Education*. San Francisco: Jossey –Bass Publishers.

Miles, M.B. and Huberman, A.M. 1994 (2nd Edition). *Qualitative data analysis: An Expanded Sourcebook*. Thousand Oaks, California: Sage

Moloi, M., & Strauss, J. (2005). *The SACMEQ II Project in South Africa: A Study of the Conditions of Schooling and the Quality of Education*. Harare: SACMEQ.

Monk, D.H. 1994. *Subject area preparation of secondary mathematics and*

science teachers and student achievement. *Economics of Education Review*, 13, 125–145.

Monk, D.H. & King, J.A. 1995. *Multilevel teacher resource effects on pupil performance in secondary mathematics and science: The case of teacher subject matter preparation*. In R.G. Ehrenberg (Ed.), *Choices and Consequences: Contemporary Policy Issues In Education*. Ithaca, NY: ILR Press.

Motshekga, A. 2009. *Minister of Basic Education, Angie Motshekga, Member of Parliament 2009/10 Education Budget Speech, 30 Jun 2009*.
<http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=752&tid=771> - accessed on 28 01 '12.

Motshekga, A. 2011. *Statement during announcement of the National Senior Certificate Grade 12 Examination results for 2010 by Angie Motshekga, Minister of Basic Education*.
<http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=15519&tid=26422>

Morrison, M. 2002. 'What do we mean by educational research?' in Coleman, M. and Briggs, A. (Eds.), *Conducting Small-Scale investigations in Educational Management*, Harper Row. London.

Motala, E. 2001. *Policy analysis capacity in South Africa, Implementing Education Policies: South African Experience*. (Eds) Sayed, Y. and Jansen, J. Lansdowne: UCT Press.

Motala, S. 2006. *Education transformation in post-apartheid South Africa: finance equity in public schooling in Gauteng*. Unpublished PhD thesis. University of the Witwatersrand. Johannesburg.

Motala, S. 2008. *Meaningful access to education in South Africa*. In Hofmeyer, J. 2008. *Risk and Opportunity*. Cape Town: Institute for Justice and Reconciliation. Pp 46 to 53.

National Center for Public Policy and Higher Education. s.a. Quality Education found on the New Jersey website: http://www.njstatelib.org/Research_Guide/Public_Policy/Index.php accessed on 23 March 2010)

Neethling, J., Potgieter, J.M., Visser, P.J. and Knobel, J.C. 2006. 5th Edition. *Law of Delict*. Durban: Butterworths.

Nieuwenhuis, F.J. & Mokoena, S. 2005. *Decentralisation and the management of change in South African teacher training institutions*. Compare: Volume 35, No. 2, May 2005, pp. 127-137.

Oosthuizen, I.J. (Ed) 1998. *Aspects of Educational Law*. Pretoria: Van Schaik Publishers.

Pandor, N. 2004. *Speech by Naledi Pandor, MP, Minister of Education, introducing the debate on the Education Budget Vote 15, National Assembly, 18 June 2004.* <http://www.education.gov.za/Newsroom/Speeches/Speeches2004/tabid/180/ctl/Details/mid/580/ItemID/2377/Default.aspx> - accessed 28 01 '12.

Pandor, N. 2005. *Introducing the debate on Education Vote 15 on 17 May 2005.* Government website: <http://www.info.gov.za/speeches/2005/05051714151002.htm>

Perry, H and Andrews, F. 2003. *Public schooling.* Human Resource Development Review 2003. Cape town: HSRC Press.

Raudenbush, S. and Bryk, A.S. 1986. *Hierarchical model for studying school effects.* Sociology of Education 1986, Vol. 59, (January) : 1 to 17

Reddy, V. (Editor). 2006. *Mathematics and Science Achievement at South African Schools in TIMSS 2003.* Cape town: HSRC Press.

Rees, S and Rodley, G. (Eds). In Herman, C. 2004. *Prophets and Profits.* Unpublished PhD thesis. University of Pretoria.

Republic of South Africa. 1962. *South African Income Tax Act, Act 58 of 1962.* Pretoria: Government Printer.

Republic of South Africa. 1995. *The South African Qualifications Authority Act (Act 58 of 1995).* Pretoria: Government Printer.

Republic of South Africa. 1996a. *The National Education Policy Act (Act 27 of 1996).* Pretoria: Government Printer.

Republic of South Africa. 1996b. *The South African Schools Act (Act 84 of 1996).* Pretoria: Government Printer.

Republic of South Africa. 1996c. *The Constitution of South African Schools Act (Act 108 of 1996).* Pretoria: Government Printer.

Republic of South Africa. 1997a. *The Basic Conditions of Employment Act (Act 75 of 1997).* Pretoria: Government Printer.

Republic of South Africa. 1997b. *The Higher Education Act (Act 101 of 1997).* Pretoria: Government Printer.

Republic of South Africa. 1998a. *The Employment of Educators Act, Act 76 of 1998).* Pretoria: Government Printer.

Republic of South Africa. 1998b. *The Further Education and Training Act (Act 98 of 1998).* Pretoria: Government Printer.

Republic of South Africa. 1998c. *National Norms and Standards for School Funding*. Government Gazette 19347 of 12 October 1998. Pretoria: Government Printer.

Republic of South Africa. 1999a. *Public Finance Management Act, Act no. 1 of 1999*. Pretoria: Government Printers

Republic of South Africa. 1999b. *Personnel Administrative Measures*. G.N. 222 of 1999 published in *Government Gazette* No. 19767 dated 18 February 1999. Pretoria: Government Printer.

Republic of South Africa. 2000a. *The South African Council for Educators Act (Act 31 of 2000)*. Pretoria: Government Printer.

Republic of South Africa. 2000b. *The Adult Basic Education and Training Act (Act 52 of 2000)*. Pretoria: Government Printer.

Republic of South Africa. 2003. *South Africa Human Development Report 2003*. Pretoria: Government Printer.

Republic of South Africa. 2006. *National Norms and Standards for School Funding*. Government Gazette 29179 of 31 August 2006. Pretoria: Government Printer.

Republic of South Africa. 2007a. *National Norms and Standards of School Funding*. Government Gazette Number 30322 of 26 September 2007. Pretoria: Government Printers.

Republic of South Africa. 2007b. *Education Laws Amendment Act, Act 31 of 2007*. Pretoria: Government Printers.

Republic of South Africa. 2009. *Human Resource Development Strategy for South Africa (HRD-SA) 2010 - 2030*. Pretoria: Government Printer.

Republic of South Africa. 2011a. *Basic Education Laws Amendment Act, Act 15 of 2011*. Pretoria: Government Printer.

Republic of South Africa. 2011b. *Budget 2011. A People's Guide*. National Treasury.
http://www.treasury.gov.za/documents/national%20budget/2011/guides/Eng%20PGB%202011_.pdf – accessed on 14 April 2011.

Republic of South Africa. 2011c. *Budget Speech. Minister of Finance. Pravin Gordhan. 23 February 2011*. Pretoria: Government Printers.

Republic of South Africa. 2011d. *National Development Plan. Vision for 2030*. National Planning Commission. Pretoria: Government Printer.

SAQA website. Roles of educators. Downloaded on 14 June 2008.
<http://www.saqa.org.za/show.asp?include=structure/nsb/nsb5/delineatin.html>

- Scott, C. 2010. *SA ready to take the TIMSS test again*. Mail & Guardian. 3 August 2010. <http://mg.co.za/article/2010-08-03-sa-ready-to-take-the-timss-test-again>, accessed on 20/08/2010
- Seddon, D.J., March, J. and Willis, M. 1980. *Local Management of Schools*. London: Kogan Page Ltd.
- Sinclair, J. and Hanks, P (Editors). 1989. *Essential English Dictionary*. London & Glasgow: Collins
- Skelton, A. 2011. *Children's rights and Education*. Unpublished paper read at the 16th International Conference of SAELA held at the Protea Hotel Umhalanga Rocks, Durban, South Africa.
- Smit, P.J. & Cronje, G.J. de J. (Eds.) 1992. *Management Principles*. Cape Town: JUTA & Co. Ltd.
- Spaul, N. 2011. *A Preliminary Analysis of SACMEQ III South Africa. Stellenbosch Economic Working Papers: 11/11*. Bureau for Economic Research, University of Stellenbosch. Stellenbosch: Bureau for Economic Research.
- Stoner, J.A.F. & Wankel, C. 1986. 3rd Edition. *Management*. Englewood Cliffs NJ: Prentice-Hall Int. Editions.
- Strauss, R.P. & Sawyer, E. 1986. *Some new evidence on teacher and student competencies*. *Economics of Education Review*, 5, 41–48.
- Sykes, J.B. (Editor). 1982. Sixth Edition. *The Concise Oxford Dictionary*. Oxford: Clarendon Press.
- The Editor. 2010. *PIRLS 2011*. School management & Leadership, Vol. 4 Number 9&10, pages 16/17.
- Van der Berg, S. 2009. *Poor educational quality in SA: Issues of equity and efficiency*. Pretoria : HSRC Seminar Series. 2 May 2009.
- Van der Berg, S. et al. 2011. *Low Quality Education as a poverty trap*. Social Policy Research Group in the Department of Economics at Stellenbosch University. <http://www.polity.org.za/article/low-quality-education-as-a-poverty-trap-april-2011-2011-04-20> - accessed on 5/11 /2011.
- Van der Linde, C.H. 1998. *Clinical Supervision in Teacher Evaluation: A Pivotal Factor in the Quality Management of Education*. *Education* 119(2): 326 – 334.
- Van Rooyen, J.W. and Rossouw, J.P. 2007. *School governance and management: Background/Concepts*. In Joubert, R and Bray, E. 2007. *Public School Governance*. Pretoria: CELP.

Volansky, A. and Friedman, I. A. (2003) *School self-management: An International Perspective*. Israel: Ministry of Education. Jerusalem.

Yin, R. 1994. *Designing single and multiple-case studies*, in Bennett, N., Glatter, R. and Levacic, R. Eds.), *Improving Educational Management through Research and Consultancy*. London: Paul Chapman.

Wenglinsky, H. 1998. *Finance Equalisation and within-school equity: The relationship between education spending and the social distribution of achievement*. *Education Evaluation and Policy Analysis*. Winter 1998, Vol. 20, No. 4 pp 269 to 283.

Wildeman, R. 2003. *Public Expenditure on Education*. In *Human Resource Development Review 2003*. Cape Town: HSRC Press. Chapter 12 pages 280 to 301.

Wildeman, R. 2008a. *Public Expenditure on Education*. In *Human Resource Development Review 2008*. Cape Town: HSRC Press. Chapter 8 pages 161 to 185.

Wildeman, R. 2008b. *Social capital and school education in South Africa*. In Hofmeyer, J. 2008. *Risk and Opportunity*. Cape Town: Institute for Justice and Reconciliation. Pages 62 to 70.

Wilson, S. 1979. *Explorations of the usefulness of Case Study Evaluations*. *Evaluation Quarterly*. No. 3, pp.446 – 459.

Wilson, M. 1984. Styles of research, in Bell, J., Bush, T., Fox, A., Goodey, J. and Goulding, S. (Eds.) *Conducting small-scale investigations in educational management*. London: Harper and Row.

Woolman, S. and Fleisch, B. 2009. *The Constitution in the classroom: Law and education in South Africa 1994 – 2008*. Cape Town: PULP

UNESCO. 1989. *United Nations International Convention on the Rights of the Child* (18 Nov 1989) - <http://www2.ohchr.org/english/law/crc.htm> - accessed 20 March 2006.

UNESCO. 2000. *Dakar Framework for Action: Education for all – Meeting our collective commitments*. World Education Forum, Dakar, Senegal. 26 – 28 April. unesdoc.unesco.org/images/0012/001211/121147e.pdf - accessed 20 March 2006.

UNESCO. 2004a. *Education for All THE QUALITY IMPERATIVE*. EFA Global Monitoring Report 2005. Paris: UNESCO - unesdoc.unesco.org/images/0013/001373/137333e – accessed on 20 March 2006.

UNESCO. 2004b. *Quality education and HIV/AIDS*. Paris: UNESCO

Case law:

Bastian Financial Services (Pty) Ltd v Generaal Hendrik Schoeman Primary School, Case number 207/07 in the Supreme Court of appeal of South Africa.

Knouwds v the Administrator of the Cape Province 1981(1) SA 544 (C) in the High Court of South Africa, Cape Provincial Division.

South View High School v Financial Services of South Africa (Pty) Ltd, Case number 7612/2001 in the High Court of South Africa, Transvaal Provincial Division.

The Governing Body of the Juma Musjid Primary School and another v Essay NO and Others (Centre for Child Law and Another as Amici Curiae) 2011 (7) BCLR 651 (CC)

The Governing Body of the Rivonia Primary School and another v the MEC for Education: Gauteng Province and Others (Equal Education and Centre for Child Law as Amici Curiae) (Unreported case number: 11/08340 heard in the South Gauteng High Court).

TM Jacobs v The Chairman of the Governing Body of Rhodes High School and Others. Case number 7953/2004 in the High Court of South Africa, Western Cape.

Willem Sternberg Schoonbee and 17 others v The MEC for Education in the Mpumalanga Province and the Head of Department: Department of Education of the Mpumalanga Province 2002. 33750/01 DMA

The Centre for Applied Legal Studies (CALs) & two mothers obtained and unequivocal victory today by obtaining a court order compelling Hunt Secondary School to obey the laws protecting poor parents who cannot afford school fees.

The order granted by the court in a nutshell does the following:

- *The school is interdicted from proceeding with any actions instituted against parents after 26 January 2006 unless they are able to provide proof that those parents would not have qualified for exemptions in terms of the legal framework. Where parents would have qualified for exemptions, the school will have to will make application to rescind judgments taken, or withdraw action where judgments have not yet been obtained.*
- *The school is required to transmit to all parents of learners currently at the school a letter advising parents of the exemption policy and inviting them to apply for exemptions if they qualify.*
- *The school is required to process all exemption applications received and advice parents who have been refused of their right to an appeal and the procedure for this.*
- *In respect of previous learners, the school is required to send to all parents where there are open files in respect of actions instituted before 26 January 2006, a letter explaining that such parents may be entitled to*

exemptions and inviting them to apply for exemptions before 30 September 2007. The school is also interdicted against proceeding with any action against these parents until 30 September 2007 and thereafter only if the parent would not have been entitled to an exemption and if no appeal has been lodged against any application.

- *The school is required immediately to implement their obligations in terms of the South African Schools Act of 1996 read with The Exemption of Parents from the Payment of School Fees Regulations, 2006.*

The case was initiated by CALS in 2006 as a test case to begin address the nationwide, systemic failure on the part of many schools to enforce the legal framework protecting poor parents and learners who cannot afford school fees. The case is a class action suit with CALS and the two mothers acting in the public interest, in particular, on behalf of all parents whose children attend Hunt Secondary School, who are poor and who are eligible for exemptions from schools fees, but who cannot act in their own names because of poverty and lack of awareness of their rights.

Between 2005 and 2006 CALS has been approached by different parents with complaints against Hunt Secondary School. In two of the matters CALS successfully rescinded default judgments taken against the poor single mothers for arrear school fees. In terms of the law, both women were eligible for exemptions from the payment of school fees, and should not have been sued. In both cases, these women attempted to apply to the school for exemptions from the payment of schools fees, which exemption applications were not processed in terms of the law. CALS attorneys also extracted at least ten other case files of other similarly situated and similarly treated parents by the school. This suggested that the school was in flagrant violation of the legal framework, as set out in the South African Schools Act read with the Exemption of Parents from the Payment of Schools Fees Regulations. The application was therefore instituted to enforce the law.

While CALS believes that no school should be above the law, it views such a victory as only partial solution to ensuring that all learners are able to access an adequate education. While schools like Hunt Secondary School cannot pursue poor parents that ought to be exempted from school fees. At the same time, schools like Hunt Secondary which cater for predominantly poor learners should be adequately funded so that they need not resort to unlawful means of fee collection.

For further information please contact Faranaaz Veriava at CALS @ 011 717 8616 or 011 717 8600; or attorney, Trudie Nichols @ 031 539 4248. A copy of the order of court is attached.

FRIDAY, 15 JUNE 2007

Web-based sources

Commonwealth s.a. Improving Quality in Education.htm found on the web at: <http://www.thecommonwealth.org>

Examinations.

<http://www.education.gov.za/Examinations/tabid/338/Default.aspx> accessed on 20 May 2011

Reducing Class Size, What Do We Know? – March 1999

http://ed.gov/pubs/ReducingClass/Class_size.html - accessed on 24/05/2011

SACMEQ <http://www.sacmeq.org/about.htm>. accessed on 5/4/2011

TIMSS <http://timss.bc.edu/>, accessed on 16/03/2010

UNESCO. 2000. *Bangkok Quality Education*. -

www.unescobkk.org/education/.../world-education-forum/ - accessed on 20 March 2006.

UNESCO. s.a. Education - *Quality Education.htm*

<http://www.merriam-webster.com/dictionary/extent> - accessed on 02/02/2012

<http://www.thefreedictionary.com/extent> - accessed on 02/02/2012

http://www.njstatelib.org/Research_Guide/Public_Policy/Index.php - accessed 20/05/2008

<http://www.education.gov.za/EMIS/emisweb/03stats/2003%20Stat%20at%20a%20Glance.pdf> - accessed on 20/5/2010.

<http://www.businessdictionary.com/definition/legal-capacity.html>- accessed on 20 August 2011

<http://www.umalusi.org.za/Inveloper.asp?iP=2&iVdate=22/10/2011&iS={4CABC8F-183A-4015-A076-6C898BC190DB}> accessed on 22/10/2011

<http://dictionary.reference.com/browse/epistemology> - accessed on 2/11/2011

<http://pespmc1.vub.ac.be/EPISTEMI.html> - accessed on 2/11/2011

<http://plato.stanford.edu/entries/epistemology/> - accessed on 2/11/2011

<http://www.rep.routledge.com/article/P059> - accessed on 2/11/2011

<http://www.thefreedictionary.com/reality>; - accessed on 2/11/2011

<http://dictionary.reference.com/browse/reality>; - accessed on 2/11/2011

<http://www.merriam-webster.com/dictionary/reality>; - accessed on 2/11/2011

<http://www.brainyquote.com/words/re/reality210450.html>; - accessed on 2/11/2011

<http://oxforddictionaries.com/definition/reality> - accessed on 2/11/2011

<http://en.wikipedia.org/wiki/Reality> - accessed on 2/11/2011

<http://www.merriam-webster.com/dictionary/truth> - accessed on 2/11/2011

<http://dictionary.cambridge.org/dictionary/british/belief> - accessed on 2/11/2011

<http://www.thefreedictionary.com/Truth> - accessed on 2/11/2011

<http://www.merriam-webster.com/dictionary/truth> - accessed on 2/11/2011

<http://plusroot.com/dbook/23TruthDef.html> - accessed on 2/11/2011

<http://www.thefreedictionary.com/beliefv> - accessed on 3/11/2011

<http://dictionary.reference.com/browse/belief> - accessed on 3/11/2011

<http://www.brainyquote.com/words/be/belief135832.html> - accessed on 3/11/2011

<http://www.merriam-webster.com/dictionary/belief> - accessed on 3/11/2011

<http://oxforddictionaries.com/definition/belief> - accessed on 3/11/2011

<http://www.definitions.net/definition/belief> - accessed on 3/11/2011

<http://www.yourdictionary.com/belief> - accessed on 3/11/2011

<http://dictionary.cambridge.org/dictionary/british/belief> - accessed on 3/11/2011

<http://edulibpretoria.wordpress.com/2007/11/30/results-from-pirls-2006-international-report-is-shocking/> - accessed on 28/11/2011