

**The management of religious diversity in schools
from a legal perspective**

BY

BRANDON SCHUNKE

**DISSERTATION OF LIMITED SCOPE SUBMITTED IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE DEGREE OF**

**MAGISTER OF EDUCATION
IN
EDUCATIONAL LEADERSHIP
IN THE
FACULTY EDUCATION
OF THE
THE UNIVERSITY OF PRETORIA**

SUPERVISOR: PROF. RIKA JOUBERT

JUNE 2015

RESEARCHER'S DECLARATION

I, **Brandon Schunke**, declare that ***“The management of religious diversity in schools from a legal perspective”*** is my own work. It has never been submitted in any form for a degree or diploma before in any tertiary institution. Where the work of others has been used, sources have been identified and acknowledged by means of complete references.

Signed: _____

Date: _____

LANGUAGE EDITOR'S DECLARATION

I, Mrs Ailsa Williams as the language editor declare that I edited ***“The management of religious diversity in schools from a legal perspective”***.

Signature: _____

Date: _____

DEDICATION

To my mother (Lynnette Ellen Schunke) and my father (Robert Thomas Schunke),
for all their unconditional love and support throughout my life.

Always supporting my endeavours in the field of education.

Thank you Mom and Dad for the education you gave me in
reaching my dreams and aspirations.

ACKNOWLEDGEMENTS

Any form of study demands a degree of sacrifice from the participants. The researcher is, as always, more aware of his own than that of those to him. For their sacrifices and support therefore I wish to thank:-

- God the Father, God the Son, Jesus Christ my Saviour, my King and Lord and God the precious Holy Spirit – may this work be acceptable and approved in thy sight.
- Professor Rika Joubert for her patience, guidance, wisdom, encouragement and for giving constantly of her time.
- To my lovely wife, Maryke for her unconditional love, patience, support, time and words of encouragement.
- To my parents, Lynette and Robert Thomas Schunke, whom this study is dedicated to – for their strength, love and support throughout my education.
- To my children Keena-Lee Schunke and Caden Joshua Schunke. Thank you for your understanding which was demonstrated throughout my Masters course.
- Yvonne Viljoen and Linda Powell, my deepest gratitude is shown for their endless hours that they invested in typing the many assignments and the mini dissertation.
- To all staff members the Parkrand Primary family, the SGB and SMT. Thank you for your understanding and support, through the journey of my Masters.
- And to my Secretary, Loraine Bygate, for the endless supply of beverages and loving support whilst busy with my dissertation.

TABLE OF CONTENTS

		PAGE
CHAPTER 1		
INTRODUCTION AND BACKGROUND TO THE PROBLEM		
1.	Introduction	1
2.	Background	2
3.	Statement of the problem	11
4.	The rationale for the study	11
5.	Research Question:	13
5.1	Aims of the study	13
6	Conceptual Framework	13
7	Research methodology in brief	17
7.1	Data collection	19
7.2	Data analysis	19
8	Sampling	20
9	Limitations of the study.....	20
10	Ethical Considerations	21
11	Summary	21
CHAPTER 2		
THE MANAGEMENT OF RELIGIOUS DIVERSITY		
2.1	Introduction	22
2.2	Understanding the concept 'religion' in a school context	22
2.3	A brief historical perspective of teaching religion	24
2.4	The Constitution of South Africa, 1996	25
2.4.1	The South African Schools Act, 1996	28
2.4.2	National Policy on Religion and Education, 2003	29
2.4.3	Embracing change in religion and education	32
2.5	Management of religious diversity	33
2.5.1	Religious observances	35
2.5.2	Religion education	37
2.5.3	Religious instruction	39
2.6	Designing and implementing a Religion Observance Policy	39
2.6.1	Religious observances policy	39
2.6.2	Freedom of expression: symbols and dress code	42
2.7	Summary	51

CHAPTER 3 RESEARCH DESIGN AND METHODOLOGY

3.1	Introduction	52
3.2	Research paradigm	53
3.3	The methodology	54
3.3.1	Qualitative Approach	54
3.4	Research design	55
3.5	Selecting participants	57
3.6	Data collection	58
3.6.1	Phase One: Situation analysis	60
3.6.2	Phase Two: Conceptual framework	60
3.6.3	Phase Three: Data collection	60
3.6.1.1	Step 1: Introductory meeting	61
3.6.1.2	Step 2: Interviews	61
3.6.1.3	Semi-Structured interviews	61
3.6.4	Document analysis	63
3.6.4.1	Data interpretation and analysis	64
3.6.4.2	Trustworthiness	66
3.6.4.3	Validity	67
3.6.4.4	Reliability	68
3.6.4.5	Credibility	69
3.6.4.6	Transferability	69
3.6.4.7	Dependability	69
3.6.4.8	Confirmability	70
3.6.4.9	Limitations of the study	70
3.6.4.10	Ethical considerations	71
3.6.4.11	Permission to conduct research	71
3.6.4.12	Anonymity and confidentiality	71
3.6.5	Phase Four: Recommendations	72
4	Conclusion	72

CHAPTER 4 RESEARCH FINDINGS

4.1	Introduction	73
4.2	Data Analysis	73
4.3	Discussion and contextualisation of the data obtained through the semi-structured interviews and document analysis	75
4.3.1	Results from the semi-structured interviews and document analysis	78
4.4	Document analysis	98
4.5	Conclusion	102

CHAPTER 5

SUMMARY – CONCLUSIONS AND RECOMMENDATIONS

5.1	Introduction	103
5.1.1	Religious Observance Policy from various District Officials	106
5.1.2	School Governing Bodies have insufficient knowledge of legislative framework guiding the formulation and implementation of Religious Policies in schools	107
5.1.3	SGBs express low levels of accountability when confronted with factors Involving their response to conflict arising from schools implementing the Religious Observance Policy	107
5.1.4	The role of the Policy and Planning Unit in the implementation of the Religious Observance Policy	108
5.1.5	Staff is not sufficiently trained to interpret and implement the school's Religious Observance Policy	110
5.1.6	School Management Teams lack confidence in communicating the Religious Observance Policy with clarity and certainty to parents and learners	110
5.1.7	School Principal's interpretation and implementation of the school's Religious Observance Policy is guided and directed by their religious beliefs and preferences	111
5.1.8	Differences in the way that principals manage religious observances in their respective schools	112
5.2	Recommendations for further research	114
5.3	Limitations of the study	114
5.4	Conclusion	115
	References	116
	Appendixes	138

ABSTRACT

Numerous incidents regarding the mismanagement of learners' rights to freedom of religion have occurred in public schools in South Africa. South African school principals (managers) and their respective school governing bodies have been accused by parents, learners and educational authorities for violating learners' constitutional rights to freedom of religion. Legal cases regarding such incidents have been brought to the attention of the Constitutional Courts of South Africa. The infamous case, *Pillay v MEC for Education, KwaZulu-Natal 2006 6 SA363 (N) (Pillay High Court)* is a prime example, whereby the Constitutional Court of South Africa ruled that schools, should consider an accommodation clause whereby parents and learners can request its implementation.

Based on the court's ruling, South African schools need to embrace and value that learners are now afforded with an opportunity to express their religious and cultural beliefs within a school environment that displays a society as visualised in the South African Constitution (Republic of South Africa, 1996a). Although the above case has set a definite benchmark which public schools can take cognisance of, the researcher has noticed that South African school principals and their respective school governing bodies are still struggling in managing different religious diversities within their school milieus. This statement is based on the fact that various media reports regarding the mismanagement of learners' rights to freedom of religion have been brought to the attention of the media, irrespective that South Africa is a well-established democracy.

The researcher's interest was embedded in exploring effective ways in which school principals can manage the diversity of religions within their surrounding milieus and ultimately build a democratic school environment where learners from different religions can feel free and secure in having their beliefs, religion and culture recognised, respected and accommodated. The aim of this particular study was to investigate how principals manage the religious diversity of learners in their respective schools. The following objectives encapsulated this research:

- To determine the nature and essence of religious diversity in public schools;
- To determine the perceptions of school principals and SGBs regarding the management of religious diversity; and
- To provide guidelines to school managers and SGBs on how to manage religious diversity effectively in schools.

A qualitative approach was selected for this study. Individual semi-structured interviews were conducted with four school principals and their school governing body chairpersons in the Boksburg area of the province of Gauteng. Data collection methods consisted of individual one-to-one interviews conducted by the researcher in a location that was convenient and appropriate for each principal and chairperson.

Document analysis was another method of data collection, which assisted the researcher in seeking whether documents complied to the South African Constitution (Republic of South Africa, 1996a) and whether religious policies of the sampled schools were formulated making use of the stipulations within the framework of the South African Constitution, South African Schools Act and the National Policy on Religion and Education. Document analysis also underpinned whether such policies made use of an accommodation clause whereby parents and learners could apply in order to have their religious beliefs acknowledged and accommodated.

From the research it emerged that school principals and their SGBs are indeed struggling in managing religious diversity within their respective school environments. It became apparent that principals lacked a clear understanding of the constitutional right to freedom of religion and implemented religious policies that contradicted the stipulations contained in the South African Constitution (Republic of South Africa, 1996a) as well as the provisions in the South African's Schools Act, (Republic of South Africa 1996b).

DEFINITION OF TERMS AS UNDERSTOOD BY THE STUDY

Religion: A set of beliefs and practices in relation to the transcendent, the sacred, the spiritual, or the ultimate dimensions of human life. According to the South African religion policy, religions are believed to be the key resources for clarifying morals, ethics, and building regard for others.

Education: A human event meant for acquisition of aptitude, capabilities, abilities, interests and some other attributes that may develop a person into a worthy human beings. The study refers to education as a tool any nation could utilise to expose its citizens to diversity in religious and life orientation with the aim of promoting tolerance for different religions and life orientations.

Religion in Education: The link between religion and education with new initiatives in cultural rebirth (the African Renaissance), moral regenerations, and the promotion of values in schools.

Religion Education: A curricular programme with clear and age appropriate education aims and objectives for teaching and learning about religion, religions and religious diversity in South Africa and the world.

Religious Education: A form of education that is orientated towards instruction within a particular faith, with the aim of understanding and promoting commitment to that faith.

Religious Education: Instruction in a particular faith or belief, with a view to the inculcation of adherence to that faith or belief.

Religious Instruction: Instruction in a particular faith or belief, with a view to the inculcation of adherence to that faith or belief.

Religious Observances: Activities and behaviours which recognise and express the views, beliefs and commitments of a particular religion, and may include gatherings of adherents, prayer times, dress and diets.

Religious Studies: A subject which is being proposed for the Further Education and Training Band (Grades 10-12) in which learners undertake the study of religion and religions in general, with the possibility of specialisation in one or more of these in context.

ABBREVIATIONS

DoE	-	Department of Education
HOD	-	Head of Department [School Level]
SASA	-	South African Schools Act
SMT	-	School Management Team
NPRE	-	National Policy on Religion and Education

CHAPTER 1

INTRODUCTION AND BACKGROUND TO THE PROBLEM

1. Introduction:

The new democratic dispensation of the Republic of South Africa established a new constitutional order, grounded on constitutional supremacy (Fuo, 2011:1). The birth of the South African Constitution (Republic of South Africa, 1996a) (hereafter referred to as the Constitution) was a great milestone in South Africa's history. All persons in the geographical confines of South Africa can now lay claim to basic human rights such as freedom of expression, freedom of religion, human dignity and equality. Such rights are entrenched in the Constitution (refer chapter 2) and aptly entitled the *Bill of Rights* (Malherbe, 2003: 432-464).

After the first South African democratic elections in 1994, the African National Congress government was confronted with the challenge of restructuring and revising the education system (Ntho-Ntho, 2013:1). The White Paper on Organisation, Governance and Funding of schools (Republic of South Africa, 1996c) gave rise to the South African Schools Act, No. 84 (hereafter referred to as SASA). The SASA which has been operational since 1997 mandated that all public state schools in South Africa should have democratically elected School Governing Bodies (here after SGBs). The composition of the SGB as prescribed by section 23 of the SASA consists of parents, teachers, non-teaching staff and learners (in secondary schools). The parent body must make-up the majority of the SGB and the chair of the SGB should come directly from this component. Through the SASA the objective of the state was to foster democratic school governance and introduce a governance structure that involved all stakeholder groups in active and responsible roles in education (Marishane, 1999:78). This was done to promote issues of "democracy, tolerance, rational discussion and collective decision-making" (Republic of South Africa, 1996b). Bagarette (2011:223) asserts that the parents, as one of the stakeholder components, should be aware of the needs of their immediate communities and by placing the governance of a public school in the hands of the SGB, the best interests of the community as well as of the school would be served. Potgieter, Visser, Van der Bank, Mothata and Squelch (1997:11) state that governance can be viewed as an act of determining policy and rules by which schools can be effectively controlled and organised.

One way in which SGBs can feel confident in making sure that the best interest of all learners is upheld is through the creation of effective policies. Joubert and Bray (2007:30) assert that the SGB contributes and decides on all allocated functions as described in the SASA. Examples of such functions are the school's vision and mission statement, the school's policies like those related to religion and religious observances, the adoption of a school's code of conduct and the school's development plan.

2. Background:

Since 1994 South Africa has changed drastically in all spheres, especially in the field of education (Fuo, 2011:5). All public schools in South Africa are now open to learners of all races, belonging to different cultures, language groups and religions. South Africa is a country of religious pluralities such as Christianity, Hinduism, Islam, Judaism and African Traditional Beliefs. Beckmann (cited in Lauwers & De Groof, 2012:43) posits that South Africa is a multi-religious country, distinct from many other countries, in that South Africa has one numerically dominant religion, namely that of Christianity, which consists of 79,8 percent of the population. He states that all world religions are present in the country, though not in large numbers Beckmann (cited in Lauwers & De Groof, 2012:43). These religions consist of Islam 1, 5 percent, Hinduism 12 percent, Judaism 2 percent, other beliefs 6 percent and no religion or undetermined 17, 4 percent Beckmann (cited in Lauwers & De Groof, 2012:43). Today's learners embrace their various religious belief systems and their individual religious rights and wish to have such rights recognised, accommodated, accepted and respected in their respective schools. Jarvis (2008:2) acknowledges that before the institution of the new democratic dispensation, all public schools in South Africa were required by law to be conducted within the parameters of Christianity. Christian National Education personified the principles of the Christian–Nationalist ideology of the National Party that ruled and governed South Africa from 1948 to 1994 (Jarvis, 2008:2).

It was during this era of apartheid that all other belief systems were excluded from public schools in South Africa. The change from a single religious approach (mono-religious approach) to a multi religious approach has not been an easy one for public schools in South Africa. Jarvis (2008:1) maintains that the magnitude of such change should not be underestimated, and that the change for public school principals has not been an easy one to manage. Van Vollenhoven and Blignaut, (2007:5) emphasise that South African school

principals need a clear understanding of how to respect and honour the constitutional rights of learners. They posit that multicultural and multi-religious public schools in South Africa are called upon to balance the constitutionally protected rights, e.g. the “right to equality, human dignity, freedom of religion, belief and opinion, freedom of expression and freedom of association”. However, irrespective of a very progressive as well as one of the most advanced Constitutions in the world, which protects and promotes human rights, South African school principals and their respective SGBs are finding themselves in challenging situations. Schools’ codes of conduct, uniform policies and religious policies seem not to provide for learners’ rights in certain areas, especially when it comes to upholding learners rights to freedom of religion. This statement is supported by the petition which emanates from South African courts which have declared since 2007 that policies that do not accommodate a learner’s religious and cultural rights as well as their practice is viewed as unfair discrimination (De Waal & Cambron Mc Cabe, 2013:95).

To eliminate discriminatory practices in terms of learner’s rights to religion, public schools are required to uphold and embrace the fact that the Constitution (Republic of South Africa, 1996a) is the supreme law of the country and unequivocally guarantees “freedom of religion and protects religious diversity”. Learner’s right to freedom of religion is determined in Section 15(1) of the Constitution which guarantees “freedom of conscience, religion, thought and opinion”. Religious freedom which is guaranteed in the Constitution is reaffirmed in the SASA and is further redefined in specific regulations and specific policies (Ntho-Ntho, 2013:2). Section 7 of the SASA accommodates and makes provision for religious observances to be conducted at state and state-aided schools, provided that the following provisions are accommodated and taken into consideration: “*Religious observances are to be conducted on an equitable basis and the attendance of the above is grounded on a free and voluntary basis*” (Republic of South Africa, 1996b).

To further secure learners religious rights in public schools, the Ministry of Education developed and promulgated the National Policy on Religion and Education (DoE, 2003) which falls directly under the umbrella of the SASA. Mestry (2006:60) posits that this policy can provide SGBs with a framework to work within, in establishing policies for their respective schools and for parents and communities to be better informed of their responsibilities and

rights with regard to religion and education. However, this is not transpiring, as research indicates that some SGBs lack the necessary knowledge and skills, in drawing up policies and are faced with the inability to work out practical solutions to problems (Mestry, 2004:126). Van Wyk (2004:51) indicates that SGBs sometimes misinterpret their duties and lack confidence in executing their duties. Maile (2002:329) contends that illiteracy amongst some SGB members may be a direct contribution to inefficiency and as such hampers access to as well as understanding of relevant legislation. Van Wyk (2004:50) points out that some SGB members do not possess the required skills and experience to carry out their powers and responsibilities which could ultimately hamper the efficiency of governance. Such concerns could indirectly contribute to school principals and SGBs mismanaging the diversity of religions in their immediate milieus.

To improve the management of religious diversities in schools, principals and SGBs should study and implement the Constitution (Republic of South Africa, 1996a) and the SASA (Republic of South Africa, 1996b) as well as the National Policy on Religion and Education (DoE, 2003) in order to develop and implement policies. In this particular study, I argue that the ineffective approach of managing religious diversity in public schools in South Africa emanates from principals and SGBs misinterpreting the provisions as contained in the Constitution as well as the stipulations in the SASA. When principals and SGBs develop and adopt policies that fail to take into consideration the fundamental rights to freedom of religion, beliefs and conscience, this could directly result in SGBs drawing up policies that misrepresent the legislation and regulations set by government. This include those pertaining to religion, as well as adopting codes of conduct that fail to accommodate the diversity of religions and cultures in their respective schools. Ultimately when religious policies are implemented by school principals' the result could be the mismanagement of religious diversity in schools often inducing conflict amongst various stakeholders. By implication, school principals are required to resolve such conflict. In summary, I base my argument on the basis that, with a plethora of legislation in the form of Acts, regulations, policies and guidelines, some South African principals are experiencing challenges in trying to manage the diversity of religions accordingly, and some SGBs are not implementing policies correctly. This statement is based on the outcome of two court cases, namely that of *Antonie v Governing Body, Settlers High School, 2002 (4) SA 738 (Western Cape High Ct.) (S.Afr.)* and the *MEC for Education:*

KwaZulu Natal v Pillay [2007] ZACC21; 2008(2) BCLR 99(CC) 2008(1) SA 474(CC). In its final judgement regarding the Pillay case, CJ Langa of the Constitutional Court instructed the SGB of Durban Girls' High School to amend its code of conduct and to "provide for reasonable accommodation for deviations from the code on religious and cultural grounds and to accommodate a procedure for the application and granting of exemptions" (Pillay, 2007:par 117).

In the South African context, the professional management of a public school in South Africa is the responsibility of the School Management Team (SMT) under the leadership of the principal (Van Wyk, 2004:49). The SMT normally consists of the principal, deputy principal and educators appointed in promotional posts (also known as Heads of Departments). The SMT is responsible for the management of teaching and learning which includes specific teaching methods, assessment policies and learning activities conducted in classrooms (Van Wyk, 2004:49). Section 16(A2) of the SASA (Republic of South Africa, 1996b) emphasises that "school principals must undertake the professional management of a public school". In section 16(3) principals are called upon to carry out a number of duties and responsibilities. One of the most important responsibilities which principals need to carry out is evident in section 16(3)(v), where they are charged with the implementation of policy and legislation and must on a continual basis inform their SGBs about new and current legislation (South African Schools Act, section 7). Davies (1999:60) (cited in Prinsloo, 2006:255) postulates that although the SASA advocates a boundary between governance and professional management, these two domains are interwoven in practice. This means that school principals and SGBs are compelled to work closely together, especially when legal policies such as the religious observance policy are drawn up for their respective schools. Furthermore, school principals and their SGBs must be familiar with the provisions in the Constitution, the SASA as well as the National Policy of Religion and Education (DoE, 2003) when drawing up policies relating to religion. These very law policies should act as a framework which all stakeholders utilise when compiling policies and managing the diversity that exists within their schools.

Erasmus (2007:22) posits that diversity management is a reasonably new concept in South Africa. Klarsfield (2010:233) reinforces this view by stating that before the 1994 democratic elections, diversity management and academic discourse on diversity was non-existent. The Department of Education (DoE, 2002:par 2) proclaims that managing diversity has to do with

“encouraging a culture of respect for religious diversity” and calls upon a consultative as well as a participatory approach to school leadership and management. South African school principals are summoned to manage their respective schools in line with the democratic principles as contained in the Constitution and the SASA. Principals are directed to act in the best interest of learners at all times. The following studies indicate and elucidate the current manner in which some South African school principals and their respective SGBs are managing religious diversity in their respective schools.

In a recent study on conducting religious observances in public schools in KwaZulu Natal, South Africa, it was found that the sampled public schools in this province in South Africa tended to remain committed to favouring and reflecting on the oppressive nature of the past and that religious observances are still rooted in deep practices based on past customs for the sake of continuity (Govindsamy, 2012:10). Her concern is further supported by the inability of SGBs to shape the path of transformation when it comes to religious reform in practice (Govindsamy, 2012:10). She maintains that “religious observances in public schools is a highly complex and potentially a very controversial issue” and one in which she feels that learners rights to freedom of religious observances is being violated on a daily basis (Govindsamy, 2012:10). Van der Walt (2011:381) aligns himself with Govindsamy’s views and posits that visits to public schools in South Africa, particularly schools that embrace a Christian ethos, indicate that business is as usual. He maintains that some public schools continue to market themselves as having a Christian ethos, while others still continue to offer confessional or sectarian Christian religious education (Van der Walt, 2011:381). These practices are not unnoticed by researchers such as Ferguson and Roux (2004), Roux (2003;2005;2006), Roux and Du Preez (2005:280) who in turn view these practices carried out by some public schools in the new democracy of South Africa, as detrimental to the effective inclusive praxis (Roux, 2006b:160) and ultimately contrary to policy as well as the Constitution.

Choma (2013:206) in his study on “Cultural Symbols and the Schools Act: A South African Case Study” reflects on an incident where there was no litigation, nor court involvement. The incident took place at a high school in Springs, where the principal of the school resorted to breaking a string of mourning beads which was displayed around the neck of a learner (Choma, 2013:206). The learner wore the beads to pay his respects on the passing away of

his mother. Choma (2013:206) highlights that these mourning beads were in accordance with the learner's tradition, culture and religious beliefs. Choma (2013:206) asserts that it is well known that Africans take on different mourning cultures. Some other examples of African culture include people wearing black clothes for an entire year, particularly women on the loss of their husbands (Choma, 2013:206). Men will grieve the death of their wives or children by attaching a small black cloth to their shirts for a certain period of time (Choma, 2013:206). The above incident is one of many cases that could not be adjudicated in courts and symbolises some of the shocking and traumatic ways in which schools manage the learners' rights to freedom of religion. Such cases often do not reach the courts due to the affected person/s being unable to afford legal costs. Choma (2013:206) declares that public schools are the primary vehicle for transmitting the values on which society rests and that it must be understood that South Africa is a multicultural and multi-religious country. The protection of symbols in South Africa is covered by constitutional provisions. He asserts that it is the very Bill of Rights which endorses the protection for freedom of conscience, religion, thought, belief and opinion (Choma, 2013:206).

Alston, Van Staden and Pretorius (2003:163-167) bring to light a case where a school had formulated and adopted a dress code which was approved by the parent body of the school and its learners. In 1997 a grade 8 Muslim learner was enrolled at the school. Upon enrolling the girl at the school, the father signed an undertaking that stated "I will ensure that my child attends school regularly and complies with the rules and regulations of the school, which I endorse". The girl arrived on the first day of school in her Muslim religious attire. The school authorities intercepted her and requested that her father fetch her with immediate effect as she was not dressed in accordance with the prescribed school uniform. The father was not satisfied with the schools approach and instituted action against the school and its authorities via the KwaZulu Natal Education Department. The Department instructed the school to accommodate the learner and to uphold her religious rights. The school engaged legal counsel. At the end of that academic year the same parent enrolled his second daughter at the same school. He duly signed the code of conduct, however, resorted to crossing out all references to the stipulated dress code of the school. The school reacted by refusing his second daughter admission to the school. The school principal was issued with an ultimatum by the Provincial Department of Education, instructing the principal to accept the learner or to face removal from his post.

Alston (2006:84) criticises the schools approach. He states that when a school as an organ of state restricts freedom of expression in terms of stringent dress codes as in the case above, they are in fact stating that “We do not like what you are wearing” and emphasises “that such a limitation within the South African context is unconstitutional, as the limitation has an impermissible purpose behind permissible sounding language”. De Waal, Mestry and Russo (2011:89) align themselves with Alston in that they are of the opinion “that South African public schools need to be proactive in developing conflict resolution skills to handle problems of conflict around school dress codes”. They believe that SGBs must be encouraged to sincerely evaluate each infringement of the school’s dress codes based on its context, before executing judgements and deciding on punitive sanctions (De Waal et al, 2011:89).

Van Vollenhoven, Beckman and Blignaut (2006:130) posit that South African school principals and their SGBs are at times eager to manage schools and learners according to prescribed legislation; however they easily forget the values that underpin the Constitution, since these are vague principles. The researcher assumes that South African school principals also lack knowledge about the belief systems of certain religious and cultural practices and when these are expressed in their immediate environments, principal’s resort to punitive measures by suspending learners or instructing learners to remove their symbols. Often this approach results in confrontation between schools who adamantly wish to uphold their stringent codes of conduct and learners, who on the other hand wish to exercise their constitutional right to freedom of religion. This assumption is grounded in the court cases of *MEC for Education: KwaZulu Natal v Pillay* [2007] ZACC21; 2008(2) BCLR 99(CC) 2008(1) SA 474(CC) and that of *Antonie v Governing Body, Settlers High School*, 2002(4) SA 738 (Western Cape High Ct.) (S. Afr.).

De Waal et al (2011:76) in their study reported on an incident where an educator at a Primary School in Gauteng, confiscated a nine year-old male learner’s goatskin bracelet because it contravened the school’s jewellery rules. The principal of the school managed the situation by stating that “*their school was not a cultural institution and that by allowing the bracelet to be worn would mean compromising their school policy on culture*” (De Waal et al, 2011:76).

Another prominent court case that was heard by the Constitutional Court of South Africa was that of the *MEC for Education: KwaZulu Natal v Pillay* [2007] ZACC21; 2008(2) BCLR 99(CC) 2008(1) SA 474(CC) (hereafter Pillay). Sunali Pillay a 16 year old Matric student at Durban Girls High School was threatened with suspension from the school for violating the school's code of conduct. Sunali had resorted to piercing her nose with a gold stud. She claimed that the stud was symbolic of her cultural and religious practice which was adopted by South Indian Hindu women. The school refused to grant permission for Sunali to wear the nose stud and viewed it more as a fashion item, thus compromising its code of conduct. In this specific case the Constitutional court found that the school had violated the "learner's right to express her religion and culture, and the school was requested to include in its code of conduct an accommodation clause" (Pillay, 2007:par 184).

There are cases that have not reached the attention of the Courts in South Africa and which have been reported in the media and brought to the attention of the public. The following media headlines bring testimony to the fact that the mismanagement of learners' rights to freedom of religion is an on-going issue in South African public schools. The following newspaper articles allude to such a problem:

- A male learner at a public school was given the choice to either shave his beard that he had grown in testimony to the fact that he knew the Koran off by heart or to enrol at another school (Pretorius, Beeld, 20 January 1998).
- Lamiah Khan a 13 year old Muslim girl at Sir John Adamson High School in Johannesburg was instructed to remove her headscarf as she was violating the school's dress code (Rondganger & Govender, 2004:3).
- A learner at a Public Primary School was instructed to remove his "Isiphandla, bracelet" which was symbolic of his culture. The school felt that it compromised their rules and jewellery policy (Monayi, The Citizen, 16 March 2007).
- "More racism claims over pupils' red string". Several parents came forward claiming that their children were discriminated against on the basis of their Hindu faith. They claimed that they were verbally abused by an educator at a school on the East Rand. (Solly Moupumulo, IOL, 2012).

- “School kicks kids out over Muslim headgear”. Traumatized siblings were kicked out of a Cape Town school for wearing traditional Muslim headgear. The principal of the school refused learners access to the school as it was in contravention of the school’s dress code. (News 24, January 2013).
- A grade 10 learner from a High School in Khayelitsha, was instructed to leave school and not to return until he had cut his hair. Diniso is a Rastafarian and growing his hair was part of his faith. The principal unlawfully suspended Diniso from school on 13 March despite the fact that he was scheduled to write tests for History on 14 March (Nombembe 2013: Sowetan Live).

These newspaper articles as well as relevant court cases depict how South African school principals are not always succeeding in managing religious diversity in their respective schools. School principals and their SGBs have been accused of developing and implementing stringent codes of conduct which fail to take into consideration the sincerely held religious beliefs of individual learners. Learners have been unlawfully suspended by school principals and their SGBs for not adhering to inflexible codes of conduct, as well as strict uniform and jewellery policies. Such policies fail to take learners religious attire or religious symbols into consideration. Some principals have resorted to violently removing religious symbols from learners and as Govidsamy (2012:10) points out, some school assemblies are still being conducted in the ambit of past apartheid practices.

The above situations have reached the attention of parliament, where Cabinet spokesperson Williams has stated that government has placed numerous measures in place, ensuring that children’s’ rights are protected. Williams went on to highlight that “South Africa is a democratic country with a diverse population of different religious and ethnic groups”. He goes on to say that “its’ citizens are responsible in ensuring that we continue to develop a unity of purpose and a spirit that recognises and celebrates our diversity” (Williams, 2013). Williams reminded parents, learners and educators that the Constitution enshrined the values of citizenship, human rights, equality and freedom from discrimination”.

Nevertheless the problem of SGBs and principals being accused of mismanaging religious diversity appears to be on-going. In a press release, Hans Pietersen the founding director of a

non-governmental organisation OGD, made headlines by highlighting coercive religious practices which he feels are taking place in public schools in South Africa (Press release:2014). *Die Organisasie vir Godsdienste-Onderrig en Demokrasie* has embarked on taking a number of public schools and ministers to task for allowing the suppression of scientific and cultural knowledge, religious coercion and abuse of learners' rights in public schools. The objective of this organisation is to "promote in-depth, fact based education about religions of the world; eradicate religious indoctrination in public schools; identify and expose religious counter-knowledge and magical thinking; shield children from the psychological dangers of religious damnation; promote a democratic, secular and human rights based South African society, and eradicate religious elitism". (Press release:2014). *Die Organisasie vir Godsdienste-Onderrig en Demokrasie*

3. Statement of the problem:

South African school principals and their SGBs have been provided with a plethora of legislation which provides direction on how to manage the diversity of religions within their respective school environments. However, irrespective of the fact that learners in public schools in South Africa are guaranteed the constitutional rights to freedom of religion, conscience and belief (Republic of South Africa, 1996a), the South African media continues to report on school principals who mismanage religious diversity in public schools. The research problem posed for this study is: How well are school principals equipped in terms of knowledge, skills and values to manage the diversity of religions within their immediate environment? Also, how well prepared are SGBs for the developing of policies that support principals and other SMT members in effectively managing religious diversity in public schools in South Africa.

4. The rationale for the study:

The researcher became intensely interested in the topic of 'managing religious diversities' in public schools, based on two prominent court cases that he came across whilst studying for his Honours Degree in Education Management Law and Policy at the University of Pretoria. These court cases were namely that of the *MEC for Education: KwaZulu Natal v Pillay* [2007] ZACC21; 2008(2) BCLR 99(CC) 2008(1) SA 474(CC) and that of *Antonie v Governing Body, Settlers High School*, 2002(4) SA 738 (Western Cape High Ct.) (S.Afr.) It was these very court

cases that were heard by the courts of South Africa which jolted the attention of the researcher in questioning his very own practices in terms of managing religious diversities in his school. Researchers such as Ferguson and Roux (2004), Roux (2003; 2005; 2006), Roux and Du Preez (2005:280) posit that many religious practices that are carried out in some public schools in South Africa are still continued within the parameters of Christianity and they view such practices as detrimental to the effective inclusive praxis (Roux, 2006:160) and ultimately contrary to policy as well as the Constitution.

The researcher is currently a practicing principal of a public primary school in the Ekurhuleni District of the province of Gauteng and is a product of the previous government's ideology. His formal training in managing and leading a public school was entrenched in the parameters of Christian National Education. With the advent of the new democratic government that came into power in 1994 and the birth of a progressive Constitution which unequivocally commits itself to the attainment of an open and democratic society based on human dignity, equality and freedom South African Constitution (Republic of South Africa, 1996a), radical changes in the field of education are taking place. As a practicing principal, the researcher has found it challenging to adapt from a single religious environment. The researcher's interest in managing religious diversity in schools emanated from certain schools within his immediate environment where school principals and their SGBs were accused of mismanaging the diversity of religions within their immediate environment.

Ultimately the researcher's interest is embedded in exploring effective ways in which school principals can manage the diversity of religions within their surrounding milieus and ultimately build a democratic school environment where learners from different religions can feel free and secure in having their beliefs, religion and culture recognised, respected and accommodated.

The main research question which pertains to this study will now be elucidated upon and the subsidiary questions will be interrogated.

5 .Research question:

The primary question guiding this study will be the following:

How do school principals manage religious diversity of learners within their schools?

- a. What is the nature and essence of religious diversities in public schools?
- b. What are the perceptions of school principals and SGBs regarding the management of religious diversity; and
- c. To find out what the challenges are that school managers and SGBs experience on managing religious diversity effectively in their schools?

5.1 Aims of the study:

The aim of this study is to investigate how principals manage the religious diversity of learners in their schools. The following objectives will encapsulate this research:

- To determine the nature and essence of religious diversity in public schools;
- To determine the perceptions of school principals and SGBs regarding the management of religious diversity; and
- To provide guidelines to school managers and SGBs on how to manage religious diversity effectively in schools.

6. Conceptual Framework:

A conceptual framework has been selected to underpin and guide the study. Miles and Hubermann (1994:18) define a conceptual framework as a “visual or written product, one that explains, either graphically or in narrative form, the main things to be studied – the key factors, concepts, or variables and the presumed relationships among them”.

The Constitution (Republic of South Africa, 1996a) and the SASA (Republic of South Africa, 1996b) has impacted radically on the management of religions in public schools. Van der Vyfer (2007:77) states that the current Constitution can be described as one of “profound toleration and accommodation for religious freedom.” Freedom of religion which is contained and guaranteed in section 15(1) of the Constitution states: “Everyone has the right to freedom of conscience, religion, thought, belief and opinion.” Learners do not relinquish, nor do they discard their religious rights upon entering public school premises. The word “everyone” is an inclusive term and indicates that all persons within the geographical confines and borders of

South Africa are entitled to this constitutional right and no-one is excluded. Furthermore learners and teachers are entitled and guaranteed to have their own beliefs, no matter how peculiar that belief might be. Fourie (2003) (cited in Jarvis, 2008:40) asserts that a leading Canadian court definition has been embraced as a general definition standard for 'religious freedom' in the South African context. Jarvis (2008:40) mentions that this phrase was first used in the religious freedom case heard in South Africa in 1997. This right reads as follows:

"It is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or with fear of hindrance or reprisal, and the right to declare religious beliefs by worship and practice or by teaching and dissemination." Chaskalson in *S v Lauren* (1997) Canadian Case. (Fourie, 2003:101).

Section 7 of SASA accommodates and makes provision for religious observances to be conducted at state and state-aided schools, provided that the following provisions are taken into consideration. Religious observances are to be conducted "on an equitable basis and the attendance of the above is on a free and voluntary basis" (Republic of South Africa, 1996b). Religious freedom is reaffirmed in the National Policy on Religion and Education (Republic of South Africa, 2003) which encourages the practice of religion to be conducted in a responsible way that will ensure the equitable treatment of all religions in public schools. The Religion and Education Policy (DoE,2003) undertakes to promote a co-operative model for public schools in South Africa with the objective of recognising the diversity of religions that exist in public schools, whilst at the same time protecting learners from coercion and discrimination.

With regard to education, the White Paper on Education and Training (Department of Education, 1995) formulated a number of goals aimed at simultaneously addressing the injustices of the past and rectifying existing inequalities within the education system. It was this 1995 White Paper which served as the basis for the rewriting and/or redrafting of education legislation and policies that would ensure equal education of the same quality for all South Africans in future (Naidoo, 2005:34). Of primary importance amongst the Education acts passed was the SASA which focuses specifically on issues of "redress, equality, quality and democratic participation". It is the South African Schools Act (Republic of South Africa, 1996b)

which mandates, amongst other things, the creation of a new school governance system, one which is intended to democratise school education by localising decision making, devolving power to the individual schools and community and promoting the forming of citizen, community and State partnerships (Republic of South Africa, 1996b). Beckmann, Foster and Smith (1997:10) posit that governance relates to overall control and authority of a school by its policies and direction. A policy can be defined as “a law enacted by government to determine the direction and pace of changes in a school with the objective of achieving educational aims and objectives” (Beckmann et al, 1997:10). Webster’s High School Dictionary (1996) defines a policy as “a frame of reference or a set of principles or rules determining what and how things are done by a person or a group, a government regulation”.

When school policies are developed, the following principles that are highlighted by Van Wyk and Marumoloa (2012:102-104) may be employed: The first phase is that of consultation. In this phase the school community should be informed and consulted as widely as possible in drawing up policies. The second phase is that of accountability. Within this phase a person or body or committee who is responsible for drafting the policy must be held accountable for their actions. The third phase is that of transparency, in which all aspects of the school policy should be clearly understood by all stakeholders. The last phase would be that of fairness. It is important that within this phase the policy should be applied in a just and fair manner, avoiding any form of discrimination and favouritism.

Section 8 of the Schools Act (Republic of South Africa, 1996b) provides that “a governing body of a public school must adopt a code of conduct for learners”. The code of conduct must be drawn up within the ambit of the Constitution (Republic of South Africa, 1996a) and other national and provincial legislation. The objective of the code of conduct of a school is aimed at establishing a disciplined and purposeful environment (DoE, 1998a). A schools’ code of conduct must be adopted by the school after a lengthy process of consultation with all stakeholders (Joubert, 2008:237). Choma (2013:203) states that such consultation must involve people drawn from “every racial, religious and cultural group within the said community.” He emphasises that the main issue in drawing up the code of conduct is not only its extensive and consultative process, but whether the adopted code accords with the Constitution (Republic of South Africa, 1996a), the South African Schools Act (Republic of

South Africa, 1996b) as well as the National Guidelines on School Uniforms (DoE,2006). Thus the importance of accommodating cultural, religious beliefs and practices within a code of conduct cannot be overemphasised. This is important because schools' codes of conduct cannot supersede the provisions as contained in the Constitution and need to take into consideration respecting the learners' right to freedom of religion and belief.

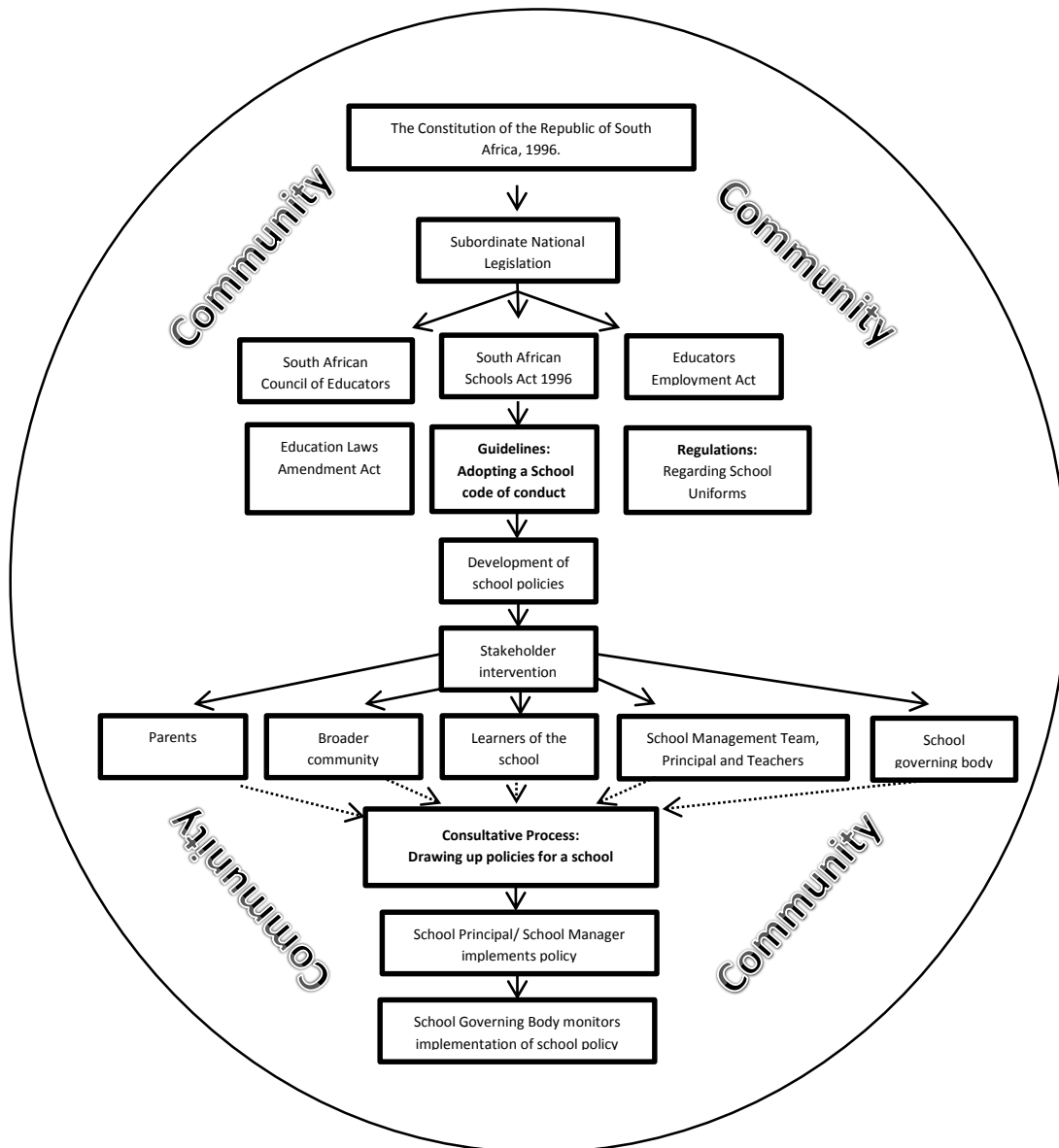


Figure 1: Conceptual framework

The conceptual model in Figure 1 illustrates how SGBs and all stakeholders within a school can develop effective policies, like those relating to religion, within a democratic school context. The Constitution of the Republic of South Africa is the supreme authority or supreme legislation within the confines of South Africa. Any legislation or law that does not align itself to the Constitution (Republic of South Africa, 1996a) is declared invalid. This means that the Constitution applies to all educational acts, like that of the SASA (Republic of South Africa, 1996b).

When SGBs, draw up policies and adopt codes of conduct for their respective schools, it is imperative that the SGB consults firstly the Constitution and secondly, subordinate national legislation like that of the SASA. The stipulations within the SASA will guide SGBs and SMTs when drawing up policies. All stakeholder groups are encouraged to work collaboratively in drawing up the school's religious observance policy and when adopting a school's code of conduct. The background, as well as the needs of the particular school could possibly be considered when SGBs draw up the religious policies for their particular school. Section 16A of the SASA states that school principals are to implement policies and SGBs are encouraged to monitor the effectiveness of school policies.

7. Research methodology in brief:

A research paradigm can be viewed as a framework that identifies, explains and solves problems. Henning, Rensburg and Smit (2004) view an interpretive paradigm as the construction of knowledge which emanates from a person's values, beliefs, reasons, intentions, as well as self-understanding. Patton (2002) depicts the central question within the interpretive paradigm as "what common set of symbols and understanding has emerged to give meanings to peoples interactions?" Three research paradigms within educational research can be distinguished. These paradigms are the critical paradigm, the positivism paradigm and that of the interpretivist paradigm (Merriam, 1998). Taking this into consideration, the researcher for this particular study utilised the interpretive paradigm. This was undertaken to capture the experiences of the participants as well as an attempt to understand how such participants make sense of their experiences. Therefore, the aim of this particular study was to investigate how school principals manage the diversity of religions in their respective schools and how the SGB supports them. This reinforces Carr and Kemmis (1986) (cited in Merriam,

1998) believe that social reality is only understood by comprehending the subjective meanings of individuals.

For the purpose of this study a qualitative research approach was employed. According to Silvermann (1993:26), qualitative researchers believe that they are able to provide an in-depth understanding of the problem at hand. McMillan and Schumacher (2006:315) lay claim to the fact that “qualitative research is an inquiry in which researchers collect data in a face-to-face situation by interacting with selected persons in their settings”. They state further that qualitative research is first concerned with understanding a social phenomenon from a participant’s perspective (McMillan & Schumacher 2006:315). In an attempt to obtain in-depth information as well as a deeper understanding of the problem, the researcher utilised a qualitative approach. In essence qualitative research methods were suitable in this study, as this method undertook to investigate the chairpersons’ role, and the perceptions of selected principals in managing religious diversities in a given context from a legal perspective.

According to Mouton (2001), a research design can be defined as the blueprint or the plan according to which a researcher intends to conduct and carry out the actual research. This qualitative study was conducted making use of a case study that involved four public schools in Gauteng. Nisbet and Watt (in Cohen *et al.*, 2002:181) define a case study as “a specific instance that is frequently designed to illustrate a more general principle ...”, while Alderman in the same book refers to it as “the study of an instance in action”. He further elucidates by stating that the single instance is of a bounded system, examples of which would constitute a child, a clique, a class, a school, or person. In this study it would mean the principal and the SGB chairperson of the sampled schools.

All participants were visited in their natural environment, and a thorough investigation on their perceptions and experiences of managing religious diversity was undertaken. To successfully adopt an inductive approach, I became familiar with each principal’s natural setting, thus working from the inside out, (as opposed to imposing) an existing theory, thus allowing each context to speak for itself. This reinforced Creswell’s (1998:87) standpoint that qualitative research can thus be interpreted naturalistically and inductively.

7:1 Data collection:

Data was collected by means of semi-structured interviews, which were conducted with each individual school principal and the respective school's SGBs chairperson of the relevant sampled school. According to Bernard (2002) (cited in Patton, 2002) semi-structured interviews utilise a list of predetermined written questions and topics that need to be addressed and which need to take place in a particular order. Semi-structured interviews afford the researcher with the opportunity to ask questions about thoughts, understandings as well as the experiences of the selected participants regarding the problem under investigation. These semi-structured interviews were employed to determine how school principals manage the human rights of religious freedom and how the SGB assists in monitoring and supporting the principal in such a position. Cohen *et al.* (2002:271) maintains that a semi-structured interview is likely to "increase the comprehensiveness of the collected data." A prominent weakness of such a method is that data which is collected in such a way can have limitations should the interviewer neglect to ensure that all interviewees cover the same questions, issues and topic. Inclusive in the data gathering process is that of document analysis. Here the researcher studied and analysed the religious policies, codes of conduct and uniform policies of all sampled schools. Such an analysis was undertaken to establish whether such policies were in line and complied with the relevant legislation.

7:2 Data Analysis:

McMillan and Schumacher (1997:111) assert that data analysis involves a process of analysing, coding and interpreting the data collected. The researcher utilised Tesch's' (1990) eight steps in the analysis of the data. This was employed with the purpose of open coding in identifying relevant themes as well as categories. Throughout the research process I continually analysed the data collected from the time that I engaged in interviewing the participants. Further analysis was undertaken with regards to documents that were obtained. Such documents were those of religious policies of the sampled schools, codes of conduct as well as uniform and jewellery policies. Data that was obtained was first transcribed and thoroughly checked for errors and completeness. The transcriptions were further analysed manually in order to make sense of, as well as interpret and theorise about the data (Henning, 2004:127). Therefore the researcher was able to identify common themes, and patterns as well as trends from the descriptions which the participants provided. I also made use of Tesch's

method of open coding which afforded me the opportunity to identify themes and categories. (This will be discussed in greater detail in Chapter Three).

8. Sampling:

Sampling can be defined as a process with the objective of selecting a group of participants for a particular study (Johnson & Christensen, 2008; Nieuwenhuis, 2007; Slavin, 2007). Although the majority of school principals and SGBs will qualify for direct participation in this study, it would not be possible to include all. For the purpose of this study the researcher made use of non-probability sampling methods. Purposive sampling is best suited for this study because the selected schools represent typical government schools and are representatives of former apartheid institutions. I will therefore intentionally and purposefully select four school principals who are in the position of management with at least ten years' experience. To further validate my choice of research participants I will select those principals of the previous dispensation and who previously trained in managing their schools within the parameters and confines of Christian National Education. This reinforces Wellingtons (2000:62) standpoint that the selection of a sampling strategy depends upon the "focus of inquiry and ultimately on the researcher's judgement" as to which approach will yield the clearest understanding of the phenomenon under consideration. The SGB chairperson was selected on the understanding that such a person would serve that school in a Governance position and was the official elected chairperson or chairlady of the SGB.

9. Limitations of the study:

This study of the way in which school principals manage religious diversity within their schools from a legal perspective was limited to four primary schools in the Boksburg area of the province of Gauteng. These schools all fall within the jurisdiction of the Gauteng South District (D6) of the Gauteng Department of Education and all sampled schools are located to the east of Johannesburg. Thus the limitation of such a research study is that a single case study was conducted utilising four selected schools, which in turn limited its applicability to the greater population.

10. Ethical Considerations:

Creswell (1994:148) asserts and emphasises that the following ethical issues must be taken into consideration whilst conducting research. Such issues are the preservation of the anonymity of participants, issues of the confidentiality of data and that the research is utilised strictly for its intended purpose only. In this study various attempts were made to win the confidence and trust of all research participants. Throughout the entire research process the semi-structured interviews reflected a sense of confidentiality and privacy. The researcher undertook to ensure that all information that was obtained during the research process was treated with sensitivity and respect. Furthermore, the researcher informed the respondents /participants of their right to withdraw from the research at any point and their right to withdraw from answering any questions which they felt were far too sensitive in nature.

11. Summary

This chapter served as an exposition of the topic. It brought to light a variety of situations where school principals and their SGBs have been accused of violating learner's' rights to freedom of religion. This chapter briefly elucidated on how school managers are currently struggling in managing religious diversity within their school milieus. The research emanates from the realisation that school principals and their respective school governing bodies play a prominent role in adopting suitable codes of conduct and developing religious observance policies for the efficient management of religious diversities, within their immediate environments. Such policies should be deeply rooted in the democratic principles of human dignity, tolerance, and equity and should be free from all forms of discrimination. These policies and codes of conduct should provide suitable guidelines for school principals in the area of managing religious diversities within the context of their respective schools. Thus, the primary purpose of this research is to investigate how school principals manage the diversity of religions and ultimately to make recommendations to improve the management of such.

CHAPTER 2

THE MANAGEMENT OF RELIGIOUS DIVERSITY

2.1 Introduction

Chapter one provided a comprehensive overview of the study detailing the rationale for the study, as well as the research methodology and ethical considerations that were applicable to this study. This chapter provides a literature review of the management of religious diversity in public schools and also expounds on the conceptual framework for the management of religious diversity. At the very outset it should be mentioned that this study is undertaken from an education law perspective and that the framework's main focus is on legislation rather than theoretical models.

McMillan and Schumacher (2001:108), and Mouton, (2001:86) all agree that a literature review is a critical and integrative synthesis of the ways in which various researchers have dealt with the problem being studied, with the goal of justifying one's endeavour. It is important for every research project to begin with a review of the existing body of accumulated scholarship in the same discipline as the study being conducted. This provided me with an opportunity to locate my research within the existing body of knowledge, to define and limit my research problem, and to select appropriate research methods.

The concept 'religion' within a school context has to be defined.

2.2 Understanding the concept 'religion' in a school context

Dean (1971:18) maintains that there is no agreement on what really constitutes a suitable definition for the term "religion", as followers of any religion are most likely to attach their own meaning to the word which they feel comfortable with, whilst unbelievers attach other meanings. Thus it can be deduced that different people will appear to experience religion in different degrees. Hopfes (1983:3) states that religion is closely associated and part of a human being something for which a person would be willing to die. Kennedy (1984:63) states that "religion is a system of beliefs about reality, existence, the universe, the supernatural or the divine and practices that arise out of these beliefs". Such practices may include "worship, a moral code and often prayer, contemplation, obedience or meditation."

Many religions have narratives, symbols, and sacred histories that aim to explain the meaning of life and/or to explain the origin of life or the Universe. Thus, “religion is a relatively-bounded system of beliefs, symbols and practices” (Mandaville & James, 2010:3) and according to Grimmitt (1987) (cited in Teece, 2010), religion is seen as a factor that strongly unites communities or ultimately divides them. In this study, issues of traditional or cultural beliefs such as Hindu women wearing the nose-ring, Muslim men keeping a beard or Rastafarians having dreadlocks are intertwined with religion, and will therefore also be accentuated.

The Department of Education (DoE, 2003) describes religion as “the comprehensive and fundamental orientation in the world, mostly with regard to ideas of divinity, spiritual and non-secular beliefs and requiring ultimate commitment, including (but not restricted to) organised forms of religion and certain worldviews, as well as being used collectively to refer to those organisations which are established in order to protect and promote these beliefs”.

The National Policy on Religion and Education (2003:par 31) describes religions as “key sources for clarifying morals and ethics, and of building a regard for others since all religions are founded on the values of justice, mercy, love and care, commitment, compassion, and cooperation”. Modipa (2014:19) states that religion can be viewed as the reason behind various cultures and that both religion and multiculturalism can be viewed as a direct cause of misunderstanding amongst people of different faiths.

Tomalin (2007:625) proclaims that religion has a direct impact on the way in which people express themselves through dress, the food they eat, the jewellery they wear, and their interpersonal relationships, and can have a strong influence on their socio-political views. Gokulsing (2006:468) and Kunzman (2006:518) agree that religion can cause social tension as well as resentment amongst communities due to a lack of understanding and acceptance. Thomas (2005:25) concludes with the fact that religion has the potential to unite people. It is the researcher’s opinion that today’s principals in South Africa need to embrace the various religions that have entered the public school arena and calls upon principals to manage such diversity with integrity and sensitivity. Before embarking on the management of religious diversity, it is essential that we understand the historical perspective of how religion in public schools was dealt with prior to South Africa becoming a democratic country.

2.3 A brief historical perspective of teaching religion:

During the apartheid regime considerable disparity existed between the segregated departments of education. According to Mestry (2006:57), religion was either not taught at all or Biblical Studies was offered as an optional subject in schools under the jurisdiction of certain education departments. Religion had a different connotation during this period as compared to the new democratic government's approach to religion in schools.

After the National Party came into power in 1948, the apartheid government of the time undertook to deliberately advance its personal ideology, which was entrenched in Christian National Education (Ntho-Ntho, 2013:67) and this became the official policy of education in 1967. It was this very ideology that was accommodated and taught in public schools throughout South Africa during the apartheid regime. This doctrine was based on the religious doctrine of Calvinism and such ideology was spawned in apartheid principles (Ntho-Ntho, 2013:67). Schools, as well as classrooms were seen as opportunities for evangelism and for the nurturing of Calvinist values and principles. Mitchell (1993) (cited in Ntho-Ntho 2013:67) claims that parents who did not approve of such doctrine, were denied opportunities to develop their personal religious orientations and cultures.

It should be noted that during this era, Bible Education which was a form of religious instruction, was a compulsory subject and was taught throughout all public schools. Learners, irrespective of their religious affiliation were expected to accept the Christian National Education model with its philosophies and assumptions. Ntho–Ntho (2013:67-68) asserts that the wrongs that were perpetrated during the era of apartheid could be viewed as a complete denial of the basic human right to religious freedom. Bilchitz (2011:13) concurs with this and states that such unequal treatment of the diversity of religions that existed during the apartheid era, is indicative of the fact that the apartheid government lacked a genuine respect for the diversity of South Africa's people. Saayman (1993:32) emphasises that disrespect for an individual's rights were further entrenched, when, although communities were afforded the opportunity to build temples and mosques, they were prohibited from providing religious instruction relating to their own belief system in public schools. Muslim, Jewish, Catholic and Hindu communities were compelled to establish their own religious private schools, many of which were in fact created within white, coloured and Indian communities (Saayman, 1993:32).

The Christian Education model could no longer continue after the implementation of the South African Constitution (Republic of South Africa, 1996a) (hereafter referred to as Constitution) and subordinate legislation, the South African Schools Act (Republic of South Africa, 1996b) (hereafter referred to as Schools Act) and the National Policy on Religion and Education (2003). According to Beckmann (cited in Lauwers & De Groof, 2012:43) South Africa as a country embraces the major religions of the world. The Constitution has undoubtedly addressed past injustices relating to the violation of learners' rights to freedom of religion and conscience.

With the advent of a new democratic order from 1994 onwards, discussions centred on the way in which religion in education and schooling would be dealt with. Jarvis (2008:4) maintains that some people wanted the previous status quo to remain. This would have meant that only Christianity would have been accommodated and tolerated in public schools. Others were of the opinion that all forms of religion should be removed from public institutions (Jarvis, 2008:4). As a school principal I believe that schools should be neutral concerning religion and fully support the notion of not having to teach religious education in schools but to advocate religion education which provides learners with a world view of the diversity of religions practiced in South Africa and globally.

2.4 The Constitution of South Africa, 1996:

Every person has human rights due to the fact that they were born (Kleyn & Viljoen, 2007). Human rights, although not absolute or unlimited, are “universal, inalienable and enforceable by the government”. The Constitution is one of the most advanced Constitutions in the world, especially for the fact that the Bill of Rights (Chapter 2) forms part the Constitution and entrenches the fundamental human rights of every person in South Africa (Malherbe, 2003: 432-464).

Modipa (2014:20) posits that human rights entail that of “upholding and promoting constitutional rights, values as well as democracy” which infuses everything in which a school as a learning institution involves itself. He maintains that this would constitute the way in which learners are valued to the very way in which teachers teach, to the way visitors are received and treated.

The researcher concurs with this view and believes firmly that everything a learning school does and aspires to should transmit messages that learners are valued, their rights are respected, protected and their interests held dearly. Life (cited in Figueroa, 1993:332) asserts that “human rights constitute the moral framework that will transcend those interpretations which originate from political as well as traditions that relate to religion”, in that they symbolise universal principles and entitlements. It is these very rights that stress common humanity, affirming the very right to cultural and religious expression, and ultimately equal opportunities for all.

The discriminatory practices of the former apartheid government had to be dismantled by the African National Congress (ANC) led government. The radical reshaping of so much of South African life by the introduction of the 1996 Constitution and the consequent change to a constitutional democracy, has had and continues to have a profound effect on public schools in South Africa (Alston, 2006:83).

Most democratic countries have a Constitution, which in essence is an important document according to how a country is governed or ruled. Beckmann (cited in Lauwers & De Groof, 2012:43) asserts that the Constitution is the supreme law of the country. Rautenbach and Malherbe (1999:22-23) concur with this and emphasise that all laws of the country are subject to the Constitution and are declared invalid should they contradict the Constitution.

As stated, the Bill of Rights is contained in Chapter Two of the Constitution. Section 7.1 reads as follows “The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom”.

Some of these rights pertaining to religion are discussed:

Section 9 of the Constitution states that “Everyone is equal before the law and has the right to equal protection and benefit of the law and that the state shall in no way unfairly discriminate directly or indirectly against anyone on one or more grounds, including religion, conscience, belief, culture”. Thus, equality would constitute “promoting fair and equitable treatment of every

religion” in South Africa. Section 9 (3) says that the state is called upon to be neutral among all religions and is obligated to treat all different religions equally.

In terms of section 15(1) of the Constitution “Everyone has the right to freedom of conscience, religion, thought, belief and opinion”. Learners may not be forced to surrender their religious rights upon entering school premises since it remains their fundamental human right to exercise their freedom to worship or not to worship at all. This is ultimately the choice of the individual and not a choice that is relinquished to the state, church, school and even the parent.

It is also important to accentuate the importance of section 10 of the South African Constitution namely, that “Everyone has inherent dignity and the right to have their dignity respected and protected”. Goolam (1997:2) claims that “the human rights law must serve the purpose of effectively protecting the human dignity of the members of any society”. Related to religious diversity in a school context, the right to dignity means that all stakeholders within the immediate school environment must treat each other with equal concern and respect. School principals and SGBs should at all times, respect minority group rights when it comes to their personal choices and preferences relating to their individual belief systems.

At this point I believe that it is essential that we examine the constitutional rights of learners in respect of freedom of expression.

Section 16 of the Constitution addresses the right to freedom of expression. This right is pertinent to managing religious diversity in schools. According to Vollenhoven and Blignaut (2007:6), the right to “religious freedom of expression can be a thorny and contentious issue”. In a study by Vollenhoven (2005:4), he found a tendency among learners to claim the right by indicating that, under the right to freedom of expression, they were allowed to “pray anywhere and at any time”. The right to express religion is associated with the right to express religion through traditional attire. However, Vollenhoven and Blignaut (2007:20) state that learners “cannot claim the right to wear religious attire to school because of the right to freedom of religion and/or the right to freedom of expression”. In the case *Christian Education South Africa*

v Minister of Education, Judge Sachs stated that “the right to freedom of religion and freedom of expression can be limited, provided that the limitation is executed in a reasonable manner”.

In terms of section 20(1) (c) of the Schools Act the “SGB must develop a mission statement of the school”. The author is of the opinion that such mission statement should reflect the value system underpinning the various religions that are represented within a specific school. Vollenhoven and Blignaut (2007:17-23) raise a pertinent question: “Can parents from a specific religious denomination have a claim against the SGB, stating that the values of a specific religion as stated in the legal mission is promoted at the expense of other religions?” This would be in contravention of the law that religions in multi-faith public schools should receive equal treatment.

Also, section 18 of the Constitution (Republic of South Africa, 1996a) stipulates that: “Everyone has the right to freedom of association”. This right guarantees a person the right to associate with any religious group or belief system which they feel comfortable with and believe in. In democratic countries members of cultural and religious groups are guaranteed the right to associate freely, promoting their own individual norms, and may engage in practices that are significant to their cultural and religious identity. Ayres (2012:30) emphasises that schools must avoid “embracing a policy of assimilation”, whereby the minority group or minority religion is expected to conform to the dominant group or the dominant religion of the organisation. To avoid conforming to such practices, school principals can manage this particular right by ensuring that learners are not coerced into the dominant religion of the school by not forcing learners to participate in school assemblies which do not accommodate their religion.

2.4.1 The South African Schools Act, 1996:

The Schools Act emphasises the principles of redress, equality, quality and participation which are firmly rooted in the democratic principles. Democratising education and guaranteeing equality in education for all citizens of South Africa was a pertinent objective of the Schools Act and is encapsulated as follows:

“This country requires a new national system for all schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners and in

so doing lay a strong foundation for the development of all people's talent and capabilities, advance the democratic transformation of society, combat racism, protect and advance our diverse cultures and language, uphold the rights of all learners, parents and educators and promote their acceptance of responsibility for the organisation, the governance and the funding of schools in partnership with the state" (Republic of South Africa, 1996b).

This school governance system reflected in the Schools Act gives mandatory powers to SGBs who are democratically elected by the immediate school community. Shumane (2009), Mahlangu (2008) and Van Wyk (2004) state that the overarching aim of SGBs is one of "decentralising education and to democratically transform schools into sound teaching and learning environments". Democratically transforming schools implies that schools are to embrace the values provided by the Bill of Rights. It also means that the contributions of various stakeholders are taken into consideration when drafting relevant policies.

2.4.2 National Policy on Religion and Education, 2003:

South Africa's transition to democracy set in motion new dynamics that destabilised the social structure established under the apartheid regime (Modipa, 2014:33). Since educational reform and change was an imperative objective for the newly elected government, the African National Congress (ANC), public schools were directly affected. Herman (2008:167) states that "such reform was at the very heart of the country's reconstruction and development project, which ultimately aimed at achieving redress, equity and that of equality". Reforming public schools in South Africa was a conspicuous challenge undertaken by the newly appointed government (ANC) and addressing reform initiatives on how public schools would deal effectively and efficiently with the issue of religion was a remarkable challenge.

With the constitutional values discussed above in mind, the government had to develop a policy that would specifically address the issue of religion in public schools in post 1994 developments (Ntho-Ntho, 2013:80). It was not until 2003 that the National Policy on Religion and Education was developed after many years of research, debate and consultation (Ntho-Ntho, 2013:83).

In terms of managing religion in public schools, a policy of secularism, which is one of strict separation between religion and state, was not embraced. Gokulsing (2006:460-465) elucidates on various models like those of the American, French and English schools and how they manage the diversity of religions in their respective institutions. The English model encourages its citizens to pursue their own private goals and does not insist on, nor encourage its learners to embrace and even experience values that are not their own. Such a model fails to afford learners from different religious backgrounds the opportunity to learn together. This very model limits children as “future citizens to be tolerant, considerate and respectful” of other people’s religious traditions and way of life (Modipa, 2014:33).

Mavromaras (2007:1) highlights an example of an extreme neutral model that is evident in the French model. Gokulsing (2006:464) claims that such a model takes an obligation to neutrality as its starting point, and its foundations rest on a principle of equal exclusion of the private from the public. Vorster (2010:10) emphasises that such a model prohibits the wearing of any religious symbols and that of religious attire in public domains, like public schools. In such a model, Christian children may not wear necklaces displaying a cross and Muslim children would be deprived of wearing their religious attire like the veil (hijab). Such a model would expect all learners and educators to abandon their religious commitments at the front door of the school. This model has brought much tension to the forefront, where uprisings in the cities of France have occurred (Vorster, 2010:210). In conclusion, the French model on a structural level makes no allowance for regional or local variations and all public schools in France are obligated to teach the national curriculum. The school must mirror the secular neutrality of the public domain and ultimately teach its learners to be French (Gokulsing, 2006:464).

Modipa (2014:34) posits that “the highly debated issue has been the question of what role, if any, religion should have in America’s public schools. Wary of violating any legal constraints, many public schools have tackled the issue of religion by steering clear of it” (Khrais, 2009:1). Public national identity is created and emphasised in the American model of schooling.

Gokulsing (2006:464) states that by adopting a policy of equal inclusion, the objective of public schools in the United States of America is one of “embracing shared civic identity and education”. It is grounded in interaction and accommodating the separate and private identities of individuals. A major concern in embracing such an approach is that “some students receive

special treatment in the light of religious, ethnic, linguistic or other cultural difference where, some religious students are excused from health classes on the grounds that it contravenes religious or moral beliefs by teaching about contraception” (Gokulsing, 2006:464). Rosenbohm (2011:viii) concludes by stating that although “substantial differences between students exist on a number of factors like those pertaining to content satisfaction and personal beliefs, the role of spirituality and that of religion is generally positive”.

The South African model determines the “relationship between religion and education, which undertakes in serving the best interest of the South African democracy” (DoE, 2003: par 1). This policy emphatically states that South Africa “does not have a state religion, but it is also not a secular state where there is a very strict separation between religion and the state” (Beckmann and Sehoole, 2004:124). Furthermore the national policy emphatically states that “no particular religious ethos should be dominant and suppress others by distinguishing between religion education, religious instruction and religious observations, where religion education in public schools is about teaching and learning about religions of the world and other worldviews.”(DoE, 2003: par 2).

After 20 years the new dispensation adopted a model that would ultimately aim at respecting all the different religions and their beliefs and would also take religious customs into consideration. Such a model became known as the “co-operative model”, which subsequently manifested in the National Policy on Religion and Education which serves as a mediator of the relationship between religion and education (DoE, 2003:par 4). One of the prominent features of the model is guaranteeing the protection of all citizens from religious discrimination and coercion. Particular attention was given to religions practiced in South Africa, as well as “worldviews of individuals and communities”, with special emphasis on values and moral education (DoE, 2003: par 19).

According to Mestry (2006:58) “this policy seeks to impose certain restrictions on the constitutional right to conduct religious observances in public schools”. It would appear that the Minister of Education has encroached on the terrain of SGBs who have the power to regulate the conduct of religious observance; the policy is being interpreted as hostile towards single-

faith religious observances and is opposed to a single religion or a particular religious ethos, irrespective of whether the school may be “religiously homogeneous” (Mestry, 2006:58).

2.4.3 Embracing change in religion and education:

The Religion and Education Policy was symbolic of a major change, as the new government in power began dismantling the Christian National Education model. The magnitude of such change cannot be underestimated. Roux (1998:84) states that “it is extremely difficult for an established community with its given boundaries of culture, community life and religious institutions to accept change”. Many South African public schools, who were predominantly Christian in nature, have found and experienced their own individual problems in embracing the policy, let alone other religions. Within a new multi-religious context it is reasonable to anticipate that educators, school principals and school governing bodies would feel threatened and insecure in implementing new policies and legislation regarding the management of the diversity of religions within their schools.

The transition from the old to the new constitutional dispensation essentially involved a radical shift in managing religious diversity in schools. Public school principals found themselves working in a new milieu and managing the change from a mono-religious environment to that of a multi-religious environment. This journey is not an easy one for school principals and teachers to undertake. In order to help SGBs and school management teams (SMTs) manage religion in schools, two documents were developed, namely, the Manifesto on Values, Education and Democracy (2001:44) (hereafter referred to as The Manifesto) and the Norms and Standards for Teachers (DoE, 1998).

The Manifesto (Department of Education, 2001:44) encourages schools to expose learners to the “diversity of religions as a dimension of human experience”. The Norms and Standards for Teachers policy document (DoE,1998:74) mandates, principals and educators to show a “genuine appreciation of and respect for learners of different values, beliefs, practices” as well as their individual cultures. Jarvis (2008:5) maintains that the requirements and expectations of the Norms and Standards for Teachers (DoE,1998) could be interpreted as reductionist and technocist, which means that educators and principals are called upon to surrender their doubts, insecurities and personal prejudices when engaging in a multi-religious environment.

The researcher is of the opinion that school principals, as well as educators should gain insight and knowledge of the practices as well as the beliefs of the different religions which are part of South Africa's heritage.

Today, South African school principals find themselves operating in a religiously diverse society in which learners claim allegiance to one or more religions: "Christianity, African Religions, Hinduism, Judaism, Islam, Buddhism and a plethora of world views", Beckmann (cited in Lauwers & De Groof, 2012:43). These individual religions embrace a diversity encompassing many different interpretations, as well as applications. Religious diversity remains a fact of life for South African public schools and calls on school principals as well as their respective SGBs to manage the diversity of religions with sensitivity, tolerance and integrity.

2.5 Management of religious diversity:

The management of religious diversity has two important concepts "management" and "diversity" that requires clarification.

Management can be defined from different perspectives. Koontz and Weihrich (1990:4) view management as "that which entails supervision and a process that involves maintaining an environment where all individuals work together to make sure that the selected aims and objectives are accomplished". Kreitner (2004) proclaims that "management is a process of working with or through others to effectively achieve organisational objectives". Bush, Creighton, Dembowski, Echols, Glass, Hoyle and Kelehear (1999:6) define management as "hard skills that involve different functions such as planning, organising, leading (directing), monitoring and controlling, and evaluating".

Diversity is closely interrelated to "race, gender, ethnicity, age, national origin, or disability" (Carnevale & Stone, 1995:31). It can also include sexual affection, orientation, values, personality characteristics, education, language, physical appearance, marital status, lifestyle, beliefs and background characteristics such as geographic origin, tenure with the organisation, and economic status (Thomas, 1992:27). Hayles (1996:105) defines diversity as all the ways in which we differ. He adds that the diversity concept is not limited to what people traditionally

think of: race, gender, and disabilities. Smit and Cronje (2002:243) view diversity as “a mosaic of people who bring a variety of backgrounds, styles, perspectives, values and beliefs as assets to the group and or the organisation with which they interact”.

Religious diversity can thus be viewed as a “diverse set of religions in which each religion practices its own values, norms and belief system” (Beaman, 2010:10). She posits that religious diversity and the management thereof, has brought challenging situations to the forefront in the international and national arena especially in public schools. To regulate, monitor and manage religious diversities in public schools in South Africa, it is imperative that school principals and their respective SGBs and all other stakeholders uphold and sincerely accommodate the rights that are afforded in the Constitution and manage such rights.

Research conducted by Ferguson and Roux (2004), Roux (2003;2005;2006), Roux and Du Preez (2005:280), (Roux, 2006b:160), van der Walt (2011:381) and Govindsamy (2012:23) indicate that current practices in terms of managing religious diversity in public schools in South Africa is of great concern. Such concerns emanate from the concern that current practices relating to managing religious diversity in public schools is based solely on practices that were conducted during the apartheid regime. Van der Walt (2011:381) concludes that a visit to a number of public schools in South Africa “*shows that it is business as usual as many of these schools market themselves as having a Christian ethos and in others confessional or sectarian Christian religious education is still being offered*”. Such practices are not in line with the provisions as contained

in section 15(1) of the Constitution which ultimately guarantees learners the “freedom of religion and conscience”.

It is important that the management of religious diversity is given high priority in public schools especially, where learners, teachers, non-teaching staff and parents come from diverse backgrounds. Ayres (2012:12) emphasises that when it comes to managing religious diversity in schools, that principals and SGBs need a comprehensive understanding of diversity in religions. The researcher concurs with this and emphasises that it is essential that principals obtain knowledge, understanding and competence of the various religious beliefs, values and traditions as well as cultural worldviews when it comes to managing religious diversity in public

schools. Ayres (2012:12) postulates that the way in which principals manage diversity will vary from school to school based on the fact that each environment has its own contextual factors that are different to the other. Beckmann (2008:2) asserts that it is clear that the principal and SGBs have a profound voice in terms of how religion is managed in public schools in South Africa. SGBs can be viewed as the “appropriate public authorities” and that by their mere constituency they have more clout in decision making.

The Schools Act as well as the National Policy on Religion and Education (Department of Education, 2003) identify two aspects of religion in a school context: “Religious observances and religion education”. For the purpose of this study, it is essential to differentiate between “religious observance, religion education and religious instruction in schools”.

2.5.1 Religious observances

According to the Constitution (section 15(2)) and the Schools Act (section 7) public schools are allowed to make their facilities available for religious observances such as worship, prayer meetings, observance of holy days, the observance of dress codes within school hours and devotional scripture readings provided that facilities are made available on an equitable basis to all who wish to make use of these facilities.

According to Russo (2014:3), religious observances include “rites, rituals, ceremonies and services in accordance with faith, community’s traditions and beliefs”. Religious observances imply singing religious songs, prayers and scripture reading. It can be described as “those activities and behaviours which recognise and express views, beliefs and commitments of a particular religion, and may include gatherings of adherents, prayer times, dress and diets” (DoE, 2003).

In the *Bill of Rights* (Republic of South Africa, 1996a) two types of religious observance are implied:

- “Public occasions, which makes use of school facilities; and
- Occasions when the school community gathers for religious Observances” (section 15(2) of the Constitution of the (Republic of South Africa, 1996a).

Mestry (2006:63) asserts that although such religious observances take place on the school property, they are not part of the school's programme. However, SGBs may determine the nature and form of religious observances, allocate time for religious observances for educators and learners as part of the school assembly. If it is organised as an integral part of the school day, then it is imperative that it reflects the religious nature of the South African community in an appropriate manner. Govindsamy (2012:12) provides some interesting recommendations on how public schools can adopt a multi – religious approach during their school assembly periods. Schools can be encouraged to organise assemblies of different faiths (Govindsamy, 2012:12). Here learners' can be separated into their different religious groups and can thus receive religious teachings according to their personal beliefs (Govindsamy, 2012:12). She goes on to say that when schools have special days celebrating religious festivals like that of Dewali, the school could utilise a prayer which followers of all religions feel comfortable with (Govindsamy, 2012:12).

Furthermore she goes on to state that readings from a variety of religious books or scriptures from various religions can be utilised during school assemblies. Govindsamy (2012:12) states that schools can also rotate religious observances and focus on different religions on different days. She emphasises that learners and educators should at all times be respected should they wish to excuse themselves from a particular observance, with which they do not feel comfortable (Govindsamy, 2012:12). Thus the democratic rights of learners should at all times be upheld, in that learners should not be forced , nor coerced to take part in assemblies where a specific religious observance is conducted and which in essence is in conflict with their own religion (Govindsamy, 2012:12). Should the rights of learners not be upheld, Jeenah (2005:13) maintains that “some learners might feel that their freedom of conscience is violated when religious observances are conducted during school assemblies”.

Chidester (2006:32) remains concerned about the question of equity. He found that some religious communities are still finding themselves unfairly discriminated against while others are unfairly privileged. Ntho-Ntho (2013:86) supports this statement by claiming that those schools which do not involve parents and stakeholders in the planning would constitute a breach of Section 21(b) of the Schools Act, Section 15 (2) of the Constitution as well as The

United Nations Charter on Human Rights (1945). In essence the school would be violating other members' right to equal participation in the decision making process.

Van der Walt (2011:1) remains concerned after visits to a number of public schools. He found that "business is as usual". He maintains that many public schools continue marketing themselves as having a Christian ethos while in other public schools confessional or sectarian Christian religious education is still being continued (Van der Walt, 2011:381). Such practices have not gone unnoticed by other researchers. Ferguson and Roux, (2004), Roux, (2003; 2005; 2006) and, Roux and Du Preez, (2005:280) view such practices as discriminatory and ultimately detrimental to "effective inclusive praxis" (Roux, 2006b:160) an approach which they claim violates The National Policy on Religion and Education (DoE, 2003). Govindsamy (2012:9-10) in her study on Religious Observances in Public Schools posits that "public schools in South Africa are accustomed to holding onto past religious practices and customs because the process of democratising education is a slow one in nature".

2.5.2 Religion Education:

Religion Education is a "compulsory curriculum programme with clear educational outcomes for teaching and learning about religion and religious diversity" in South Africa and the world (DoE, 2003: par 17). In South Africa this programme is embedded in the school subject, Life Orientation with the aim of providing learners with knowledge about the multitude of religions and the hope of achieving mutual respect among learners. Section 17 of the Religion and Education policy and the Revised National Curriculum Statement policy emphasises the importance of Religion Education as "an education programme with clearly defined and transferable skills, values and attitudes as outcomes" (Revised National Curriculum Statement Grades R-9, 2002).

Religion Education recognises that the school in its entirety will continue to evolve into an organisation that displays religious diversity (Mestry, 2006:45). Religion education provides an understanding and appreciation of the full extent of our rich and textured religious diversity and this should be reflected in all the learning programmes (DoE, 2003: par 29). It should expose learners to a variety of secular belief systems in a well-informed manner which gives rise to a

“genuine respect for the adherents and practices of all these without diminishing in any way the preferred choice of the learner” (DoE, 2003).

Mayson (2008) (cited in Mestry, 2006:61) argues that religion education is primarily concerned with three prominent features which include: (1) “The educational knowledge which should expose learners to the richness and variety of religions in a well prepared and respectful manner; (2) Education is about diversity, in an environment which encourages the sense of acceptance and security for all, irrespective of their race or creed. This means that people should appreciate, and feel emotionally secure, in the field of religion; and (3) Education should uphold traditional values which include the question of moral regeneration to which all religious and non- religious citizens adhere”.

According to Ntho-Ntho (2013:3), religion education, when given its rightful place in the education system, creates opportunities for the imparting of moral values in the teaching of and learning of religious and other value systems. In South Africa religion education is an aspect of the school curriculum that provides learners with a broader education about various religions of the world without promoting any particular faith or belief. It is intended to educate learners about religions of the world and the country as such (Dreyer, 2007:45) and not to focus on any particular religion as such. The onus lies on the school to develop a culture of acceptance, where learners genuinely feel secure and tolerant as the value is upheld.

One way in which principals and educators can develop a culture of acceptance amongst different religions in a particular school is by embracing their pastoral role and *in loco parentis* role. Maile (cited in Beckmann 2006:839-853) views the concept of *in loco parentis* as literally meaning “*in the place of a parent*”. This role calls upon educators, in fact all stakeholders to act as a caring parent towards learners in a school environment, irrespective of their nationality, colour and religious belief system, thus ultimately surrendering their own personal prejudices. It is imperative that educators and all other stakeholders are not called upon to proselytise learners, as this falls within the jurisdiction of religious instruction.

2.5.3 Religious Instruction:

Religious instruction refers to the “teaching of religion and includes the right of religious institutions to have their members instructed and trained and the right of parents to have their children brought up according to their religious convictions” (DoE, 2003: par 54 and 55). Religious instruction is based upon a person’s personal belief system with the objective of instilling the “norms, values, traditions and beliefs associated with that particular religion” (Mandaville and James 2010:23). Smit (cited in Russo, 2014:4) believes that religious instruction involves training as well as proselytizing in a particular faith and emphasises that religious instruction may not be provided at public schools in South Africa. Mestry (2006:60) and Russo (2014:4) assert that religion instruction is the sole responsibility of the home, the family and religious community and is rendered by clergy or other accredited faith persons of a specific religion. Religious instruction falls outside the scope of this particular study. It is contended that religious instruction be placed directly in the hands of religious as well as community leaders and that it not be integrated into educational programmes of public schools.

2.6 Designing and implementing a Religion Observance Policy:

One of the prescribed functions of the SGB is policy formulation. Section 20(1) of the South African Schools Act (Republic of South Africa, 1996b) empowers SGBs to adopt a “constitution, developing a code of conduct for all learners, deciding on the language policy of the school, drawing up a religious observance policy, deciding on fees to be charged at fee paying schools, overseeing maintenance and control of school property and recommending the appointment of non-teaching and teaching staff.” When executing these functions it should be undergirded by core democratic values such as the active participation of stakeholders, “tolerance, rational discussion and collective decision making”. Clarke (2007:352) maintains that the most commanding challenge facing schools and their respective SGBs is that of developing and designing school policies and procedures.

2.6.1 Religious observances policy:

Policies should at all times be in accordance with the Constitution, national legislation such as the South African Schools Act, provincial legislation and other relevant regulations (Joubert, 2008:235). The National Policy on Religion and Education is of particular importance when it

comes to managing religious diversity within public schools in South Africa. Paragraph 2 of the Policy reads as follows:

“The policy is not prescriptive, but provides a framework for schools to determine policies, and for parents and communities to be better informed of their rights and responsibilities in regard to religion and education. The policy genuinely advances the interests of religion, by advocating a broad based range of religious activities in the school.” (DOE, 2003) This policy and its implications in terms of managing religious diversities in schools will be examined”.

When developing the religious observances policy, SGBs should take cognisance of the diversity of religions which exist within their school communities and the different religions that are represented in their immediate school milieu. This policy must uphold the constitutional values of “citizenship, human rights, equality; freedom from discrimination” and ultimately must respect the right to freedom of conscience, religion thought, belief and opinion. Taking this into consideration, SGBs should ensure that the policy is coherent and aligned to the Constitution and applicable legislation.

Section 7 of the South African Schools Act empowers the SGB to draw up a religious observance policy for its respective school. Furthermore, this section of the Act also empowers SGBs to determine rules to conduct religious observances at public schools. The following criteria must be applied when such observances are conducted:

- (1) *“observances must be carried out on an equitable basis; and*
- (2) *the attendance of such observances by members of staff and learners is firstly; free and secondly, voluntary” (Section 7 of the South African Schools Act) (Republic of South Africa, 1996b).*

SGBs are at liberty to prescribe to learners not to observe religious observances in their respective school. By the very same token, SGBs are well within their right to include religious observances as part of the weekly school assembly. This would apply to those schools which have a majority of learners who follow the same faith, like Christianity and who would be well within their rights to conduct Christian prayers, songs and readings from the Holy Bible during

their assembly periods. The only limitation in such an environment would be that learners of other faiths are not forced to attend such assemblies (Mestry, 2006:42).

Beckmann (cited in Lauwers and de Groof, 2012:44-45) believes that a well drafted religious observance policy which is developed and sanctioned by the SGB is a “constructive way of managing religion” in public schools. He maintains that such a policy must be developed within the framework of supporting a democratic culture of respect for the countries’ cultural and religious traditions. The DoE (2002: par 2) states that “managing diversity has a great deal in encouraging a culture of respect and requires a consultative as well as a participatory approach to school leadership and management”. The policy should embrace the constitutional values mandated in the Constitution and clearly spell out the policy on religious observances.

Ntho-Ntho (2013:5) advocates that SGBs are required to carefully determine the nature and content of religious observances for teachers and learners. Religious observances should become an official part of the school day and must be conducted on a professional basis. The attendance of educators and learners should be free and voluntary, In *S v Lawrence; S v Negal; S v Solberg (1997)* the judgement dealt with the “right to freedom of religion” in the Constitution. The Constitutional Court held that the requirements of free and voluntary attendance at religious ceremonies are “an explicit recognition of the deep personal commitment that participation in religious ceremonies (observances) reflects. It recognises that public institutions (schools) should never make it compulsory for all to attend religious ceremonies. It protects the rights to conscience of believers and non-believers, and those whose religious beliefs differ from the beliefs which are being observed at the public institutions”.

The policy for the role of religion in education thus flows directly from the “constitutional values of citizenship, human rights, freedom from discrimination, and freedom of conscience, religion, thought, belief and opinion” (DoE, 2003). Mestry (2006) asserts that by enshrining these values, the Constitution provides the framework for determining the relationship between religion and education in a democratic society. Religious freedom means “the right to express one’s religious beliefs, both in private and in public, individually or jointly with others”, freely in the form of teaching, practice, worship and observances. However, in a school context,

educators and learners should be sensitive to each one's own beliefs and mutual respect should be maintained among all.

The policy should work from the premise that public schools have an educational responsibility for teaching and learning about religions, and for promoting these. It is not intended to be prescriptive but provide a framework for parents and communities to be better informed of their rights and responsibilities with regard to religious observances in schools. This will foster a better understanding among learners of their communities and of diversity within communities. Mestry (2006) points out that schools should develop an understanding of religion among learners, rather than teaching a belief or religion and educators should steer clear of promoting any religion or dogma. It is imperative that public schools develop and craft milieus that permit learners, to experience a sense of security and feel at ease when it comes to expressing their religious and cultural uniqueness.

As mentioned previously, that the concept of religion also embraces traditional and cultural beliefs. It is thus necessary to deal with learners' dress code which is closely aligned to religious beliefs. It should be borne in mind that religious dress and symbols have been a bone of contention in the education fraternity and numerous religious conflicts have led to court cases between parents and schools and their authorities. The management of diversity can be complex and the researcher therefore finds it crucial to deal with the learner's code of conduct (more specifically, school dress) as an aspect of managing religious diversity. In this study, religious expression is subsumed by the right to freedom of expression.

2.6.2 Freedom of expression: symbols and dress code:

Section 16(1) of the Constitution of the (Republic of South Africa 1996a) states that: "Everyone is guaranteed the right to freedom of expression." Joubert (2009:10) affirms that freedom of expression consists of situations that take place in a school environment ranging from clothing selection, hairstyles to religious expressions. In terms of such rights, a parent who requests that their child's religious attire, like Muslim religious garments (jilbabs and shalweezes), Jewish yamurkhes, hairstyles (dreadlocks) or religious symbols, like African mourning beads, Christian Crosses, Rosaries ,or the Hindu red string known as a kalava or Mauli or Charades, would be protected under such a clause.

Court cases and incidents related to freedom of expression:

At this juncture it is crucial to raise two cases related to freedom of expression that were raised in South African courts and which has had serious implications for the management of religious diversity in public schools:

- Pillay case: *MEC for Education: KwaZulu Natal v Pillay* [2007] ZACC 21; 2008 (2) BCLR 99 (CC) 2008 (1) SA 474 (CC) (*hereafter Pillay*)

A golden nose stud became a controversial issue at Durban Girls' High School (hereafter referred to as *DGHS*). Sunali Pillay, a learner at DGHS returned from her school holidays with a pierced nose stud. Sunali's mother; a Ms Naveneethum Pillay granted permission for her daughter to pierce her nose as this was part of her culture, symbolising that she had reached "physical maturity". The principal of DGHS, informed Ms Pillay that her daughter was not allowed to wear the nose stud as it was in contravention of the school's code of conduct (Pillay, 2007:par 8). Ms Pillay, upon writing a letter to the principal of DGHS, explained that the "nose stud was symbolic of her Indian culture", only to be met with much hostility and a refusal on the school's part to accommodate such a request.

This issue first reached the Equality Court. Amongst the matters considered were: On enrolling her daughter at DGHS, Ms Pillay agreed to the school's code of conduct and failed to inform the school about the significance of the nose stud. The Court took into consideration the consultative process that DGHS went through in devising its school's code of conduct. In its final decision the Court stated that "no impairment to Sunali's dignity had occurred" (Pillay, 2007: par 14) and emphasised that the school had acted in a manner which was fair and reasonable.

The matter was then heard in the High Court. In its judgment, the High Court held that the conduct of the school was discriminatory against Sunali and was unfair in terms of the Equality Act (Pillay, 2007: par1 5). It claimed indirect discrimination had taken place based on the grounds that the nose stud contained religious and cultural significance (Pillay, 2007: par 15). Secondly, the fact that Sunali was "treated differently from her peers amounted to withholding

the opportunity of enjoying her culture and practising her religious rights fully” (Pillay, 2007: par 15). The Court further held that the school’s argument in maintaining discipline through its code of conduct was not an acceptable reason for excluding genuine requests, (Pillay, 2007: par 17). In reaching its final decision, the High Court found that the school had unfairly discriminated against Sunali.

Finally the matter was raised in the Constitutional Court. The Court held that Sunali’s right in wearing a nose stud was interpreted as an expression of her religious and cultural rights, even though it was a voluntary practice (Pillay, 2007: par 90-91). The Court stated that the schools approach in refusing Sunali permission to wear the nose stud “not only affected her cultural and religious rights but also impaired her right to freedom of expression” (Pillay, 2007: par 94). In coming to such a conclusion the court maintained that discrimination flowed firstly from the school’s code of conduct. The court maintained that the code of conduct failed to provide a provision of exemption (accommodation), and secondly the school itself did not exempt her (Pillay, 2007: par 175). In reaching its decision the Constitutional Court maintained that “cultural and religious practices remained central to a person’s identity and hence to dignity which in turn, is central to equality”. Dignity which is directly linked to freedom requires the right to respect another person’s unique beliefs and practices which a person pursues.

- *Antonie v Governing Body, Settlers High School and Others (4) SA 738(c)*
Antonie, 2002

Passionate about her religious beliefs and determined to grow dreadlocks, which symbolised and expressed her religion, a fifteen year old grade ten learner at Settlers High School in the Western Cape, requested on several occasions permission from her school principal to do so (Antonie, 2002:par 4). The request was denied. Due to permission being denied and prompted by her religious convictions, she attended school wearing a cap that matched the school colours. The school principal of Settlers High School managed the situation by stating that the learner was “contravening the school’s code of conduct and interpreted the learner’s defiance as a serious violation”.

The Principal of the school stated that the learner's adamant behaviour caused disruption and uncertainty in the school and was viewed as a manner of deviancy against school authority (Antonie, 2002: par 4). The matter was brought to the attention of the SGB which charged her with serious misconduct and resorted to suspending her for a period of five days (Antonie, 2002:par 6). Convinced that her rights to freedom of religion and expression had been violated, the learner and her mother sought relief from the High Court of South Africa.

According to the detailed ten subsections of the code of conduct, a learner's "hairstyle was required to be neat and tidy". It was this very code of conduct and its stipulations regarding hairstyles which the High Court found to be far too rigid and in conflict with the principles of justice, fairness and reasonableness (Joubert, 2009:10). Furthermore the Court stated that not one of the provisions in the code of conduct prohibited the learner from growing dreadlocks and the "prohibition of wearing a black cap to school was not mentioned in the code of conduct" (Antonie, 2002: par 19). The school's line of defence was that the dreadlocks and the black cap, caused uncertainty and disruption. However, the court found that the school had "failed to act in a manner of mutual respect, tolerance and reconciliation" (Joubert, 2009:10). The Court highlighted the fact that freedom of expression includes the right to seek, hear, read and wear forms of outward expression as seen in clothing selection and hairstyles (Antonie,2002:par 14). The Court did emphasise that the right to enjoy freedom is not absolute, and stated that "vulgar words, insubordination and insults" are not protected under such a right (Antonie, 2002: par 15). Schools' are well within their right to impose a limitation, based on grounds where the expression has led to direct disruption. In conclusion, the court found that the school had failed to act in an attitude of respect, tolerance and reconciliation and thus ultimately ruled in the applicant's favour (Antonie, 2002: par 17).

The following newspaper report appeared in the Beeld Newspaper in January 1998.

- Yusuf Bata – Refused admission (Pretorius, Beeld, 20 January 1998).

Yusuf Bata, a Muslim boy who attended Hoërskool Vorentoe, acting on his religious beliefs," "never shaved his beard as a sign that he knew the Quran by heart", and as a result was refused admission to school in 1998. This was mainly viewed as an infringement of his right to freedom of religion. Growing a beard was, from his perspective, a symbolic act to express his

fundamental and protected right to religion, belief and opinion, and expression. In terms of section 16 (1) (b) “everyone has the right to freedom of expression, which includes freedom to receive or impart information or ideas”. In this case the SGB could be sued since their admission policy had not been implemented in accordance with the relevant legislation. The fact that Yusuf was denied admission merely because of his beard as part of his religious expression boils down to an infringement of his fundamental rights to equality.

These cases have direct implications for principals and SGBs. Such implications would mean that SGBs and principals must take into consideration the sincerely held religious beliefs and practices of a learner when drawing up admission policies, codes of conduct as well as uniform policies for their schools. School Principals and SGBs should take it upon themselves to investigate the authenticity of the claims made by certain learners pertaining to their religious beliefs and practices. This can be done by consulting with various religious leaders to afford principals and SGBs the opportunity to ascertain the sincerity of the respective custom, practice, as well as the attire which is in question. Furthermore, policies should be accommodating of sincerely held religious beliefs, and policies should at all times endeavour to treat all religions equally. This would encourage management not to be biased according to their own beliefs and preferences.

The learners’ code of conduct: School uniforms:

Section 8(1) of the South African Schools Act stipulates that “subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school”.

A code can be defined as “a body of binding rules and principles that contain moral and value standards applicable to schools” (Visser, 1999:147). Joubert and Prinsloo (1999:17) maintain that “a code of conduct is an applicable moral of standard behaviour”. In section 8 of the South African Schools Act, the objective of a code of conduct must be one of “establishing a disciplined and purposeful environment which undertakes to commit itself to the improvement and maintenance of the quality of the learning process” (section 8(1) RSA 1996a).

Squelch (2000:19) asserts that a code of conduct must be written and developed in such a unique way that it will achieve its main objective which is one of discipline for teaching and learning and ultimately creating a harmonious environment for teaching and learning (Joubert & Prinsloo 2001:133).

Lekalakala (2007:29) states that a code of conduct must be “equitable, fair and reasonable”. The principles of lawfulness, reasonableness and fair procedures are contained in section 8 of the Schools Act. In essence, the implication behind this is that school principals and governing bodies are called upon to take into consideration and accommodate the diversity of religions that exist in their schools and should avoid in implementing trivial rules that encroach and discriminate against a learner, based on their right to freedom of religion.

To facilitate the effective implementation of the learner’s code of conduct, the Department of Education provided all public schools with the National Guidelines on School Uniforms (DoE, 2006). These guidelines emphasise “that uniforms serve an important social and educational purpose” National Guidelines on School Uniforms (DoE,2006: par 1). Schools are at liberty to embrace uniforms or not to have any uniform at all. Uniform policies are called upon to uphold the constitutional right of every learner and not to hinder the education process in any manner whatsoever. The right of those learners’ whose religious beliefs are compromised by uniform requirements, also need to be upheld Public schools in South Africa may not under any circumstances prohibit the wearing of religious attire such as yarmulkes, headscarves and religious bracelets. Public schools must take cognisance of the fact that such accommodation of religious attire is fundamentally guaranteed in the provisions contained in article 15 of the Constitution.

The guidelines state that “a learner’s’ unwillingness to comply with the requirements of a school’s’ uniform policy, which is an infringement of the school’s code of conduct, may be treated and actioned as a disciplinary matter” National Guidelines on School Uniforms (DoE,2006: par15). De Waal, Mestry and Russo, (2011:68) make reference to the section 29 (1) (2) and (3) of the Guidelines on School Uniforms, emphasising that the Guidelines on Uniforms boast of three sub–sections, namely:-

- 29(1) *“A school ... dress code should take into account religious and cultural diversity [and] ... accommodate learners whose religious beliefs are compromised by a uniform requirement.*
- (2) *If wearing ... attire ... is part of the religious practice of learners ... schools should not, in terms of the Constitution prohibit the wearing of such items.*
- (3) *A uniform policy may ... prohibit items that undermine the integrity of the uniform ... such as a T-shirt that bears a vulgar message “ ...*

Joubert (2008:21) makes reference to the National Guidelines on School Uniforms (DoE,2006) in that she contends that schools that adopt a school uniform policy that restricts and endeavours to prohibit religious clothing, attire and symbols, are still obligated to provide exemptions which ultimately will take into account the practicing religious beliefs of learners and their families. She states that “such exemptions must be stated explicitly and must be equitable, as well as justifiable so as to eliminate any form of discrimination, confusion and ultimately uncertainty (Joubert, 2008:21). Furthermore, Joubert encourages SGBs, when developing school uniform policies, to look abroad and internationally, to see how public schools in the international domain have approached the accommodation of religious diversity in their school uniform policies.

The SGBs are faced with the mammoth task of balancing the adoption of the code of conduct for their particular school that is comprehensive in nature, yet it leaves no room for misinterpretation. At the same time they need to take into consideration the provisions and accommodations made for all learners by the Bill of Rights. There is a clear internal conflict in that a code of conduct is prescribed to be all inclusive, yet at the same time is instructed to make provision for certain religious and cultural rights. Squelch (2000:21) states that the importance of sound school policies was emphasised and addressed in the South African constitutional case *MEC for Education Natal v Pillay*, in which CJ Langa CJ noted and stressed that “(a) properly drafted code [code of conduct] which sets realistic boundaries and provides a procedure to be followed in applying for and granting of exemptions, is the proper way to foster a spirit of reasonable accommodation in our schools and to avoid acrimonious disputes” (Pillay,2007: par 38).

Accommodation of and exemptions:

In the Pillay case (par 176) Judge J O'Regan, stated that "*the school failed in its obligations to the learner. Where a school establishes a code of conduct which may have the effect of discriminating against learners on the grounds of culture or religion, it is obliged to establish a fair process for the determination of exemptions.*" Such a principle would require a school to establish an accommodation or exemption procedure affording learners who are assisted by their parents to explain clearly the request for the accommodation whether religious or culturally based.

Beaman (2012:1) maintains that since 2007 "reasonable accommodation" has filtered as well as seeped into public discourse in relation to managing religious diversity within an organisation. She maintains that the intention of the phrase "reasonable accommodation" was to capture the guiding principle by which religious diversity could be reasonably governed and managed. She further asks whether too much accommodation is taking place, especially in public schools and also states that others are of the opinion that not enough accommodation is being permitted and for the extremists, she maintains that accommodation is not an appropriate language for evaluating claims based on religious identity. (Beaman, 2012:4).

Since 2007 South African courts have ruled that schools are called upon to accommodate the sincerely held religious beliefs of learners (De Waal et al., 2011:112). SGBs and Principals must undertake to build within their codes of conduct an exemption process, whereby parents and learners can feel secure in requesting that their religious beliefs and practices be acknowledged and accommodated without any form of prejudice and discrimination. Govender & Bernard (2009: 14) bring to light a comprehensive framework which public schools in South Africa can adopt when considering or granting permission to learners for genuine claims based on their religious obligations. All decisions made by all relevant stakeholders are consistent with the Constitution. They provide public schools in South Africa with a draft set of rules which contain an exemption process which SGBs can implement and adopt in "proactively bringing their Codes of Conduct in line with the demands of the law." (Govender & Bernard 2009:1). They highlight that the procedure of the exemption process from a school's code of conduct or uniform policy must aim at:

- Celebrating the diversities that exist in a school with regards to different Religion and cultures.
- Inculcating a deep respect for the various religious practices and diversity of all learners.
- Maintaining an environment that is characterised by strong discipline - one which undertakes to improve and maintain the quality of the learning process” (Govender and Bernard, 2009:14).

Amongst others, Govender and Bernard (2009:14) propose that learners who request exemptions from compliance with the school’s uniform policy or code of conduct must put forward representations to the school principal and SGB, clearly indicating the exemption requested. They must provide evidence regarding the importance of the exemption and the sincere motive and purpose for such an exemption being granted. All relevant documentation supporting such a request must be submitted by the learner and parents. The SGB and principal have to determine whether such religious or cultural practice is voluntary in nature or mandatory in nature and whether the practice genuinely deserves the exemption from school rules. They need to be sure that it is a sincerely held practice pertaining to the relevant religion and culture. They should also establish what impact this request would have on the discipline of the school and the maintenance of quality of teaching and learning.

It is recommended that prior to rendering a decision based on the exemption; the SGB must undertake to consult with relevant religious bodies or persons (Govender and Bernard 2009:15). If a learner or parent is dissatisfied with the decision which the SGB has made, an appeal process should be incorporated. Such an appeal would be forwarded to the Head of Department for further deliberations.

Schools that accommodate an internal appeal structure to address and deal with applications for exemptions relating to religious symbols and attire will ease the unnecessary burdens on themselves .When looking at the Pillay case, such a case was an extensive trial at three different courts, and included eleven judges who adjudicated the matter within the Constitutional Court. This must have been an expensive procedure, involving all parties. Govender and Bernard (2009:9) state that reasonable accommodation obliges schools to adopt positive measures, even if such measures require incurring expense or if such allowance

results in inconvenience, thus inevitably allowing all learners to enjoy their rights equally. This would mean that schools would be obliged to provide sanitation facilities in toilets to accommodate Muslim learners' religious and cultural practices, even though they constitute a minority and irrespective of the cost implications. Thus, in essence, schools are placed under an obligation to reach out and accommodate all of its learners. One area in which such accommodation can be exercised is in the wearing of religious symbols and attire as part and parcel of the school uniform.

2.7 Summary:

In this chapter, an analysis of the literature relating to the management of religious diversity was conducted. There is a clear distinction between the concepts: Religious observances, Religious instruction and Religion Education. SGBs are called upon to develop a religious observances policy that equitably caters for all religious groups of the school community. Often institutions like public schools do not respect the diversity of religions and cultures within their immediate milieus and this is evident in the schools' code of conduct for learners.

School principals and their SGBs are sometimes found guilty of imposing the values of a majority of religious and cultural groups on the entire school community, often dismissing the accommodation and sincerely held practices and beliefs of minority groups. Such an approach infringes on learner's rights to dignity and ultimately contributes to an environment characterised by hostility. Principals need to surrender their own prejudices when it comes to respecting the different religious groups within their respective schools. Principals and their SGBs are called upon to uphold the fundamental rights of learners which are enshrined in the Constitution and the Schools Act.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY:

3.1 Introduction:

As mentioned in Chapter One, a qualitative approach was adopted for this study. The researcher made use of a case study in multiple sites to answer the following research questions. These questions were formulated to determine the nature and essence of religious diversity and the perceptions of school principals and SGBs regarding the management of religious diversity from a legal perspective. These questions read as follows: How do school principals manage the religious diversity of learners within their schools?; What is the nature and essence of religious diversity in public schools?; What are the perceptions of school principals and SGBs regarding the management of religious diversity? What are the challenges that school principals and SGBs experience in managing religious diversity effectively in their schools?

As stated in Chapter One the aim of this research is to investigate and explore how public school principals manage the diversity of religions, which exists in their respective milieus. The reason why such research was embarked upon is that the researcher became intensely interested in the schools within the researcher's immediate environment, as well as the nature and essence of religious diversity and the perceptions of school principals and SGBs regarding the management of such diversity.

The researcher made use of a case study, Cohen, Manion and Morrison (2007:253) utilising multiple sites to obtain data. In essence this particular research is based on finding out how principals in public schools in South Africa manage the diversity of religions in their respective school environments and in this chapter the researcher elucidates upon the manner in which the participants for this particular study were selected, the applicable research methods and the individual data-gathering instruments that were utilised in this study. The researcher aims to describe more broadly the research design and method in this chapter which will be applied within this framework. Lastly, the chapter reflects on the ethical considerations whilst conducting the research.

3.2 Research Paradigm:

The researcher selected “an anti-positivist or subjectivist interpretive paradigm (Cohen et al, 2007:8) since the understanding of the subjective world of experiences of participants was paramount” (Cohen et al, 2007:8). The researcher depended upon the subjective experiences of the participants and their understanding of the social world in which they engage. Cohen postulates that: “the interpretive paradigm has the concern for the individuals to understand the integrity”(Cohen et al, 2007:9) which led the researcher to explore how the participants understand their roles and function from within their context by extracting their common experiences. In essence the researcher wanted to understand how participants make sense of their experiences regarding the management of religious diversity in public schools in South Africa. The study therefore aims to establish how the participants made sense of a specific phenomenon (the management of religious diversity) within their own social context (school) analysed from a legal perspective. An interpretive paradigm was thus employed with the objective of accomplishing an in-depth understanding of the research topic.

According to Henning, Rensburg and Smith (2004:26) an interpretive paradigm is knowledge which is constructed from people’s intentions, beliefs, values and reasons, meanings and self-understanding. An interpretive paradigm (Nieuwenhuis, 2007:100) was utilised where the experiences of school principals and their respective school governing body’s role was probed and investigated. Taking cognisance of this, the researcher utilised the interpretive paradigm to capture the original experiences of the participants (principals). The researcher remained cognisant of the point that the ontology and epistemology (Tumwine, 2014:60) which underlined this particular research was based on multiple realities, as each participant perceived reality as it represented the environment in which it was socially constructed. The researcher engaged in gaining access to the reality of the participants by engaging with each and every individual subject. Once that was completed, the researcher employed a subjective interpretation of each participant’s reality. According to Bush (2003:113) (cited in Tumwine, 2014:60) “a subjective model focuses on individuals within an organisation rather than the whole organisation”. The participants of each school shared their personal experience in managing religious diversity within their schools. The researcher was sensitised to multiple interpretations on the management of religious diversity.

3.3. The Methodology:

A broad outline of the methodology of the research is discussed below.

3.3.1 Qualitative Approach:

As described in Chapter One, the approach of the study was that of qualitative research. The researcher employed qualitative research methodology to gain insight into how school principals and their SGBs manage the diversity of religions in their respective schools. The objective was to gain an in-depth understanding and exploration of the perceptions of the selected participants, thus a qualitative research approach was considered as the appropriate research method. Creswell (2005:39) defines “qualitative research as research whereby the researcher depends on the participant’s opinions and views”. McMillan and Schumacher (2001:395) align themselves with such a view, stating that research which is of a qualitative nature lends itself to an inquiry in which researchers collect data in a face-to-face situation and undertake to select persons within a particular setting, thus interacting with such persons.

This view is strengthened by Creswell (2008:46) who states that “a qualitative research approach involves relatively small scale studies for in-depth investigations with the aim of understanding a social phenomenon from the participants’ perceptions and is based on asking broad, general questions; the collection of data consisting largely of words from participants; description and analysis of these words for themes; and conduction of inquiry in a subjective, biased manner”. Thus, the qualitative research approach was suitable and applicable to this study as the intention of the researcher was to collect the “true feelings, beliefs and ideals, experiences, thoughts and the participants actions” (Mc Millan and Schumacher, 2006:373). The researcher’s aim was to achieve this by asking broad as well as general questions and by assisting in collecting data which consists of words (text) directly from participants. Lastly, the researcher analyses and describes words (text) for relevant themes, applying the enquiry in a content and data analysis method, by making use of Tesch’s eight step method in analysing the raw data (Tesch, 1990:45). Maree (2007:50) posits that a qualitative research design “is suitable and very useful during the data analysis, thus devising inference on how study subjects view and understand the world, how they construct the meaning out of their experiences, and how the information gained can be applied”. It is therefore the aim of the researcher to explore and understand the principals and SGBs experience of the process of

managing religious diversity in public schools in South Africa. This approach was suitable for the researcher who is a practicing principal of a public school in South Africa with over 24 years' experience.

In conclusion, the objective of utilising a qualitative approach was not to generalise the findings to a population, but was rather employed to develop an in-depth exploration of the central phenomenon. Thus to understand the phenomenon, qualitative research afforded the researcher with the opportunity of purposefully and intentionally selecting individuals and sights which assisted the researcher in understanding the essence and nature of religious diversity and to determine the perceptions of principals and SGBs regarding the management of religious diversity.

3.4 Research Design:

The researcher aims to explore the use of a case study as the strength of such a design lies in addressing authentic real life problems.

The researcher selected a case study design as this seeks to address a real life problem by collecting data through, semi structured interviews and by analysing secondary data from existing documents. This approach is based on the interpretive paradigm, Nisbet and Watt in Cohen et al (2002:181-182) define a case study as “a specific instance that is frequently designed to illustrate a more general principle.....”, and Alderman in the same text calls it “the study of an instance in action”. He then continues to say that the “single instance” is of “a bounded system, for example a child, a clique, a class, a school (or a) community”, which in this case means a school. In this particular study the researcher applied the “bounded system” to that of the school and the actual case encompassed the nature and essence of religious diversity as well as the perceptions of school principals and SGBs regarding the management of religious diversity.

A case study provides a glimpse of real people or real institutions such as a school in real situations, and strives to indicate “what it is like” to be in a certain situation or part of a certain institution (Cohen, Manion and Morrison, 2002:181-182). The objective of a case study is not to represent the world, but to represent the case (Yin, 1984:23) and this is what the researcher

aimed to do. By utilising a case study, the intention of the researcher was to portray, analyse and interpret the uniqueness of real individuals and situations through accessible accounts and to present and represent reality. The case study assisted the researcher to obtain a multiple perspective analysis in which the views of other people, groups or actors and their interactions were taken into consideration, thus avoiding the perspectives and voices of individuals. In essence, the researcher relied on analytical data rather than statistical data (Strauss & Corbin, 1998:10-11). Cohen et al (2002:184) maintain that this affords the researcher the opportunity to utilise “theories from other researchers”, enabling the researcher to understand the phenomenon of understanding the nature and essence of religious diversity in schools as well as determining the perceptions of school principals and SGBs regarding the management of religious diversity in public schools.

The four schools that were selected presented different research sites and the researcher selected a case study that Creswell (2008:477) characterises as a study in which multiple cases are described and compared to provide insights into an issue.

Furthermore, the strengths and the weaknesses of a case study were also taken into consideration, by the researcher himself. According to Alderman et al (1980) (cited in Cohen et al, 2007:256), one such prominent strength is that “a case study is strong in reality because it is down to earth in nature, it recognises the existence and divergence of social truth within each individual system, ensuring that the data is rich in nature and that this is enough in assisting the researcher when data interpretation is undertaken.” These recommendations or descriptions were taken into consideration to ensure that this functions as a “step-in-action” for policy makers (Tumwine, 2014:62).

Whilst carrying out the research, the researcher was cognisant of the weaknesses to which case studies are prone. Nisbet and Watts (1984) (in Cohen et al, 2007:256) elucidate on a number of weaknesses to which such studies are prone. They state that case studies are susceptible to research bias and are not open to cross-checking which could lead to selective, personal and subjective checking (Nisbet and Watts (1984) cited in Cohen et al, 2007:256). They go on to highlight the fact that case studies consume a substantial amount of time and produce data that is large in volume and which can contribute to confusing the

researcher in the data analysis stage. Cohen et al (2007:256) are concerned that the collection of data can be jeopardised by the researcher experiencing difficulty in gaining access to the research site and failing to set suitable boundaries within the applicable sites. Furthermore Cohen et al (2007:256) entrench this concern further by stating that the quality of the research can be compromised by the researcher deliberately changing the research site to accommodate and suit the stated aims of the research. They go on to say that special preparations which might be embraced by participants who wish to impress the researcher, should be taken cognisance of.

The researcher took heed of the above weaknesses by carrying out four case studies in four different but similar public schools, within the same province, region and town. Furthermore, the interview schedule was planned in advance and forwarded to the researcher's supervisor for purposes of standardization and validation. In eliminating any form of special preparation or that of window dressing, the researcher engaged with the four selected participants and their respective chairpersons in their individual settings. Individual interviews were carried out at the participant's schools which assisted the researcher in gathering the true feelings, experiences, thought processes, actions and beliefs of individual participants. This method assisted the researcher in confirming the data by triangulation by utilising applicable and relevant documents that were applicable to the research.

3.5 Selecting participants:

For the purpose of this particular research, non-probability sampling methods were utilised. Cohen, et al (2002:102) state that the selectivity that is built into a non-probability sample originates from the researcher aiming at a particular group, taking into consideration that such a selection will represent itself and not the wider population. They go on to say that this is a common feature in small scale research. Typical examples are those groups that represent one or two schools, two or three groups of students or a particular group of teachers. Furthermore, the attempt to generalise is not sought after. This approach is frequently utilised in a single case study (Cohen et al, 2002: 102). Based on this, the researcher selected non-probability sampling methods because the researcher felt that the advantages far outweighed other sampling methods and that the sampling method of purposive sampling was unique and applicable to this particular research. Cohen et al (2002:102) reflect on some of the

advantages when utilising non probability sampling methods. Such advantages are that non-probability sampling methods are less complicated to set up, are considerably less expensive, and can prove perfectly adequate where researchers do not intend to generalise their findings beyond the sample in question, or where they are simply piloting a questionnaire as a prelude to the main study. Neuman (2000) goes on to state that the objective of such sampling is not one of generalising the findings to the greater population, but rather aims at obtaining a deeper understanding of the phenomenon as it occurs in its natural setting.

For this specific research the researcher utilised purposive sampling methods to select the participants, purposively and intentionally, which in turn answered the researcher's questions. Purposive sampling assisted the researcher in selecting a case as it "illustrated some feature in which the researcher was interested and in terms of its relevance to the study" (Creswell, 2008:214). The participants for this particular study were four school principals and four school governing body chairpersons. The selection method of participants was intentionally undertaken because the selected participants reflect the experience of a lack of understanding of the nature, essence and perception of managing religious diversity in schools. This method selected individuals and sites that are prone to experiencing problems relating to the management of religious diversity within their respective schools.

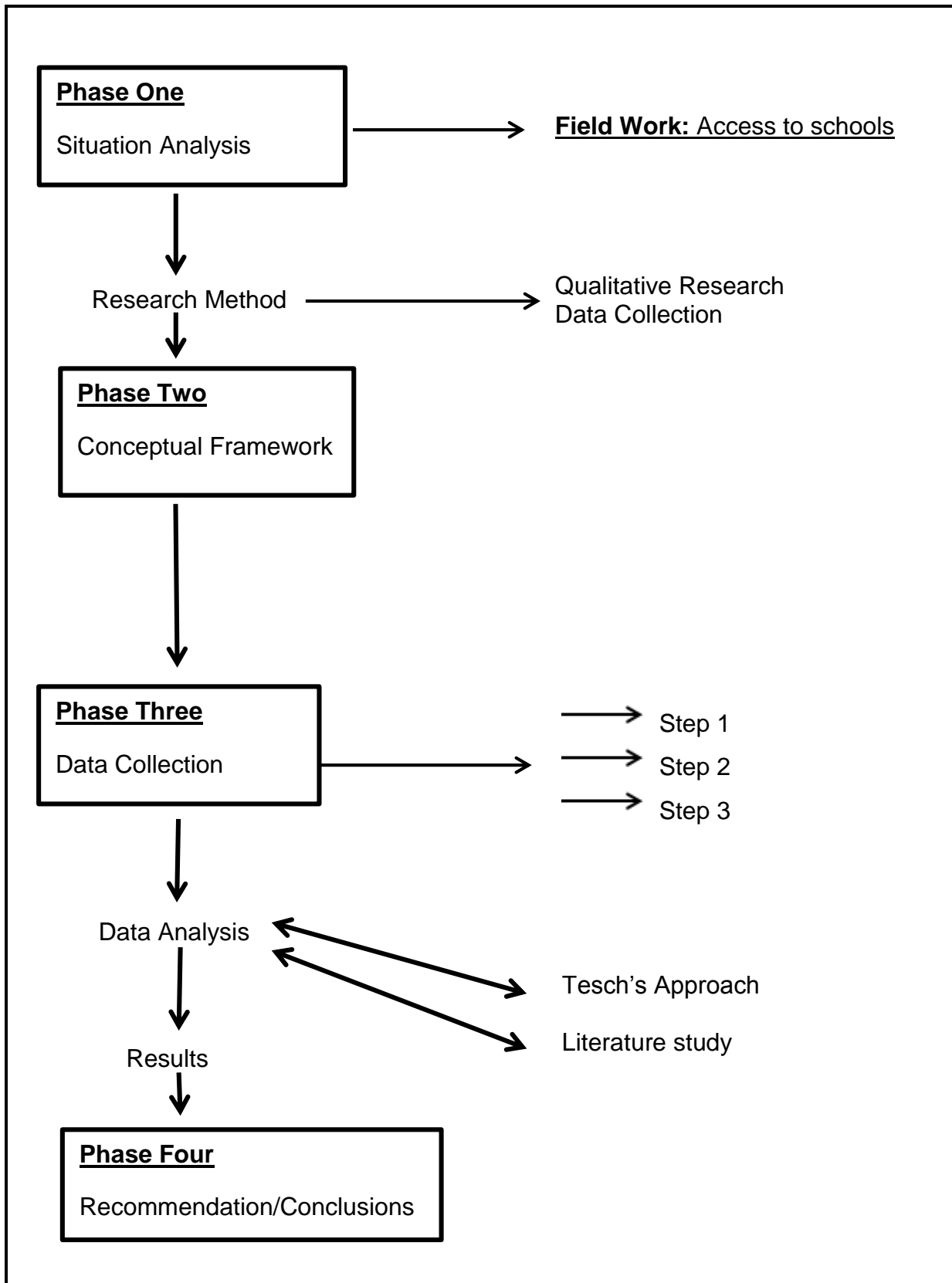
The researcher applied the following criteria for the selection of the participants:

- Participants were school principals with ten years' experience.
- Participants were also chairpersons of SGBs at the same school where the principals were selected.
- The schools that were selected were primary schools.

3.6 Data Collection:

The data collection process was broken down into four phases, and made use of a case study, as well as a qualitative approach underpinned by a conceptual framework. These phases will now be discussed as they are outlined in the diagram below.

Figure 1.1 Data Collection and Data Analysis procedure.



3.6.1 Phase One: Situation Analysis:

As mentioned above, this study focussed on four public primary schools which are situated on the East Rand in Boksburg in the province of Gauteng. Two of the schools that were selected for this study were perceived to experience problems in managing religious diversity within their immediate environment. These particular schools were selected on the basis that these schools were allegedly accused of violating learner's rights to freedom of religion in the local newspaper. School C was selected based on the fact that this school followed a particular religion and was found to be set in its ways. This particular school allegedly refused to accommodate other religions as this would compromise its status. School D is a well-known school in the area and was perceived as a school that embraced various religions and that its practices appeared to be in line with that of the Constitution (Republic of South Africa, 1996a) and the South African Schools Act (Republic of South Africa, 1996b). The study contained phenomenological characteristics, as the researcher wanted to understand the perceptions as well as the individual perspectives of the sampled participants when it came to managing religious diversity within their environment.

3.6.2 Phase Two: Conceptual Framework:

Here the researcher made use of a conceptual framework, as discussed in Chapter One. This conceptual framework was selected to underpin and guide the study. Miles and Huberman (1994:18) define a conceptual framework as a "visual or written product, one that explains, either graphically or in narrative form, the main things to be studied – the key factors, concepts, or variables and the presumed relationships among them".

3.6.3 Phase Three: Data collection:

The researcher, upon gaining access to the research site, undertook to explain the entire research study to all the participants who were selected for this particular research. An in-depth explanation regarding the aim, objective, and purpose, as well as the scope of the research study, was explained to each participant. A detailed explanation of how the data would be collected was highlighted. All participants agreed to participate in the study and granted such permission by filling in and signing the attached consent form. The researcher utilised a semi-structured interview protocol as well as document analysis for the sole purpose of data collection. (Copies of the interview schedule are attached to the research report,

marked as appendix C and D). The actual data collection process took place in the two steps detailed below.

3.6.1.1 Step 1: Introductory meeting:

The first step in the data collection process was to convene a meeting with each of the principals and the SGB chairpersons of the respective sampled schools. This was arranged so that the topic of the study could be introduced and explained. This meeting assisted the researcher in judging the willingness of the identified participants in terms of their commitment to and participation in the study. The objective of this introductory meeting was for the researcher to explain the purpose, aim and scope of the study. A detailed account of the data collection methods pertaining to the study was explained to all participants. At the conclusion of this meeting, the four principals and their respective SGB Chairperson and chairladies indicated their willingness to participate in the study. This commitment to the research was confirmed in that all participants agreed to sign the informed consent forms.

3.6.1.2 Step 2: Interviews:

The first data collection method for the case study took place by using a semi-structured interview with each of the four school principals as well as their SGB chairpersons. The following methods were applied in collecting the data.

3.6.1.3 Semi-Structured Interviews:

According to Bernard (2002:36) (cited in Patton, 2002), semi-structured interviews will utilise a list of written questions which need to be covered in a particular order. The aim of a semi-structured interview allowed the researcher to ask questions about the thoughts, understanding and the experiences of the participants, regarding the topic under investigation. These semi-structured interviews, revolved around a few central questions, which guided information and enabled assessments amongst interviewees (Leedy and Omrod, 2005:29). Semi-structured interviews were utilised, where a face-to-face interview took place with each participant. All interviews were taped and transcribed. Cicourel (as quoted in Cohen et al, 2007:267) lists four unavoidably problematic features which the researcher took cognisance of when conducting the interviews with the selected participants. These were that:

- The researcher remained cognisant that each interview was unique in nature and that each interview would differ because certain factors would be exhibited. Factors that were taken into consideration were that of trust which will differ from one interview to the next. Whilst other factors like those pertaining to social distance as well as control were taken heed of.
- The researcher remained aware of the fact that respondents may feel uncomfortable and avoid questions which are sensitive in nature and too personal to answer.
- The researcher also took into consideration that the interpretation of concepts and phrases, as well as certain words, might be interpreted or even misinterpreted by individuals.

Before the interview was conducted the researcher prepared each interviewee thoroughly. This was done with the objective of alleviating any fears and anxiety which the interviewee could experience whilst answering the questions. An interview schedule was provided for each participant, as well as the date on which the interview would be conducted. It was brought to the attention of each individual participant that they were at liberty to ask for further clarification of words, concepts or questions which they felt were not clear or which they did not understand or any with which they were not familiar. For the purpose of this particular study, the researcher engaged in employing semi- structured interviews with the objective of collecting the relevant data. Cohen et al (2007: 271) are of the view that semi-structured interviews as opposed to open interviews “increase the comprehensiveness of the data”. The researcher utilised an interview schedule which outlined the topic and questions that related to the management of religious diversity in schools. The schedule was made available to each participant (interviewee) before the date of the actual interview. This contributed to eradicating fears pertaining to the research process which the interviewees might be facing. The interviews were conducted at a time that was convenient for the participants. All interviews were carried out in the offices of the principals at their particular schools. The researcher recorded the interviews and obtained such permission to record from all relevant participants. A copy of the recorded interview was provided to each participant with the objective of establishing the accuracy of the recording. This method enhanced the integrity of the entire process. At the conclusion of the interview, the researcher took the recorded data and transcribed each interview with

the aim of providing an accurate record of the interview, as well as facilitating a comprehensive and uncomplicated way of analysing and coding the data.

In conclusion a copy of the interview schedule is affixed to this research report as appendix C and D. The conceptual framework as well as the clauses pertaining to the management of religions in the South African Schools Act (Republic of South Africa, 1996b), the Constitution (Republic of South Africa, 1996a) and the National Policy on Religion and Education (2003) was used as a guideline for setting up questions pertaining to the management of religious diversities in schools. These relevant documents and guidelines were utilised as a guide in designing the topic, issues and questions for the semi- structured interview.

3.6.4 Document analysis:

Creswell (2008:223) states that documents are valuable sources of information, especially in the qualitative domain. There are a number of advantages in utilising document analysis and amongst these is the fact that documents can be accessed at any time that is convenient for the researcher. This assisted the researcher to “obtain a language and word used when participants were answering interview questions” (Creswell, 2008:231). He goes on to say that these documents consist of public and private records and can include minutes of meetings, letters and policies. For the purpose of this research, the researcher utilised documents like the religious policies, schools’ codes of conduct as well as dress code policies of the particular school in which the research was undertaken. Johnson (1990:23) asserts that document analysis can be viewed as a source of data that is extremely valuable. Official documents like that of the Constitution (Republic of South Africa, 1996a) the South African Schools Act (Republic of South Africa, 1996b) and the National Policy on Religion and Education (2003) were an integral part of this particular research. Furthermore, documents such as letters from parents requesting permission for learners to be accommodated for their religious attire was also analysed. Document collection enabled the researcher to understand the lived experiences of the participants and their context in the selected schools. By analysing selected documents, the researcher was given an internal perspective of how the school as an organisation managed the diversity of religions in its immediate environment. The authenticity of the documents was evaluated by the researcher by comparing them to other documents as well as by interviewing the principals and chairpersons of the selected schools. Document

analysis assisted the researcher in the triangulating and validating of the data that was obtained through interviews.

3.6.4.1 Data Interpretation and analysis:

Data analysis in qualitative research relies on the interpretive philosophy with the objective of analysing content which is significant and symbolic in nature (Niewenhuis, cited in Maree (2007:99) with the key process being interpretation. Gay and Airisian (2003:22) state that “qualitative research goes through a series of steps and interaction”. Merriam (1998:159-160) defines the process of data analysis, within qualitative research, as grounded on content analysis which involves an analytical inductive study. In terms of capturing data, most qualitative data analysis utilises information gathered from the initial interviews accompanied by field notes as well as documents employed in the process of data capturing. According to Vanderstoep and Johnston (2009:190-191), qualitative methodology is cyclical in nature. This means that data analysis is undertaken post the first collection of data. The cyclical process permits the data collection process and the analysis process to occur at the same time. Data analysis involves segmenting data into themes, patterns and trends which are easily managed (Mouton, 2001:108-109). This process is utilised when employing qualitative research methods.

The analysis of data and its interpretation is also viewed as a continual process in which reflection is undertaken on an ongoing process. This involves the researcher posing analytical questions and noting the findings throughout the research (Rossman and Rallis, 1998, as cited in Creswell, 2009:184). The collection of open-ended data is based on the use of general questions as well as an analysis from the evidence which is given by all participants. Subject to the type of strategy used, qualitative enquiries will make use of a procedure which is general in nature and outlines, within the proposal, the action to be employed in the data analysis. Some authors maintain that data analysis is time-consuming due to the fact that apart from it involving in-depth analysis, data is not presented in an organised manner from the original recording (Gay and Airisian, 2003:228). In conclusion, data analysis in qualitative research is not left until such time that the process of data collection is complete. However, data analysis is undertaken during the interview process from the primary interaction with all participants and is a continual interaction throughout the research.

For the purposes of this research, data collection and analysis interact simultaneously allowing the researcher's thoughts to become the focal point for the next data collection period. Data was analysed immediately, before the researcher proceeded to the next research site. Once the second school was visited and the data analysed, the first set of data was revisited for further analytical purposes. A number of authors such as Lincoln and Guba (1985), Miles and Huberman (1994), Morse and Fields (1996), Marshall and Rossman (1999) and Tesch (1990) proclaim that there is no set specific way to analyse data within qualitative research, rather various methods are highlighted. The researcher in this study made use of Tesch's method cited in De Vos (1998:340) for the purpose of open coding in identifying themes as well as categories.

Tesch's eight steps in data analysis were employed for the purposes of this research:

- The researcher undertook to read all the relevant transcripts from the interviews and to note pertinent ideas. Transcripts from the first interview were read carefully prior to moving on the next interview.
- The researcher then engaged in selecting an interview which met the criteria of being the most interesting. The selected transcript was read and a number of questions were probed in this regard.
- In the third step, the researcher completed reading the transcripts of a number of respondents and this afforded the researcher a platform for compiling a list of topics clustered together and organised into major topics and sub-categories.
- Fourthly, the researcher consolidated the compiled list with the data which resulted in the emergence of new categories and codes. During the continual process of data revision, new categories and codes were identified.
- Reduction of categories took place in the fifth stage and all related topics were grouped together.
- Decisions were finalised in the sixth stage based on the categories selected in the prior stage.
- Data analysis took place on a preliminary basis.
- Lastly the data that had been collected was placed into categories and subjected to the reduction process and then coded and recorded.

Within this research, three stages of data analysis were evident and were implemented in conjunction with Tesch's approach. For example, in the fifth step of Tesch's approach, data reduction was evident and therefore the abbreviation of categories and codes was undertaken and the data which was relevant was recorded in the last two steps.

After applying Tesch's model, the researcher drew conclusions. This was made easier by data being presented in an organised and compressed manner. Drawing a conclusion strengthened by evidence, is a process that required the researcher to apply meaning and insight to the research. At this point, the researcher began to notice patterns, reasoning, possible structures and propositions.

In this research, features relating to qualitative data and qualitative analysis were prominent. All data assembled through interviews exhibited features that were rich in nature and signified the natural setting of how principals and their SGB's managed the diversity of religions within their schools. One of the most prominent features that surfaced in this study was that the participants shared their experiences on managing religious diversity in their schools.

3.6.4.2 Trustworthiness:

Nieuwenhuis in Maree (2007:133) posits that the very acid test of data analysis is that of assessing trustworthiness. This involves procedures directed at gaining stability that will enhance the trustworthiness of the research and strengthen the credibility of the researcher. Validity and reliability cannot be omitted should trustworthiness be maintained. The relation of the findings to reality is a test for the validity of the research. Simultaneously, the reliability of results ensures that the phenomenon being studied by the researcher would produce similar results in the same setting conducted by a different researcher. Although the researcher is the prime vehicle for collecting data, a neutral stance was maintained to guarantee that no bias was embraced and thus trustworthiness was ascertained. The following strategies were employed by the researcher to ensure the trustworthiness of this study:

The researcher ensured that his research responded to the research questions that stood as the definite criteria against which the trustworthiness of his study could be measured and evaluated (Marshall & Rosmann, 1999:143). The researcher applied and examined the

following questions as outlined by Marshall and Rosmann (1999:143-145) to ensure the trustworthiness of his study:

How credible are the findings of this particular study?

How applicable and transferable are the findings to another group of people?

How can we be guaranteed that the findings would be replicated should this particular research be conducted within the same context with similar participants?

How can the researcher be confident that the findings would reflect on the inquiry itself and its participants, and avoid the researcher's personal prejudices and ultimately the researcher's biases?

To establish the validity and reliability of this research, the researcher employed Lincoln and Guba's proposals (1985) as (cited in De Vos, 2006:346). These are credibility, transferability, dependability and conformability. Validity and reliability were further employed to enhance the authenticity of this study. Bless and Higson-Smith (1995:157) defines validity as the degree to which a study will measure what it intends to measure, whereas reliability refers directly to the consistency of the data. This brings to light a pertinent question of whether the researcher would produce or even yield similar results if such research of a similar nature was undertaken and conducted by a different researcher at a different time and in a different place (De Vos, 2006:331).

3.6.4.3 Validity:

Validity from a qualitative perspective will ask questions about whether the researcher is investigating what he intends to investigate by utilising a number of methods (Henning et al., 2004:147; McMillan & Schumacher, 2006:324). Mc Millan and Schumacher (2006:324) assert that "claims of validity will rest upon data collection and techniques relating to analysis."

In promoting confidence in the researcher's ability to record the phenomena with accuracy (credibility), the researcher enhanced such confidence by prolonged engagement in the research field, employed methods of triangulation and engaged in peer debriefing as well as member checks. The researcher undertook to contact each participant telephonically with the objective of establishing a relationship of trust, between himself and the participants. The

researcher undertook to invite all participants to a meeting at his school where the aims and objective of the research was explained.

At the meeting participants were afforded the opportunity to withdraw from the research. This was done to ensure that the data collection sessions involved those participants who were genuinely willing to participate in this study (Creswell, 2009:89; McMillan & Schumacher, 2006:334; Mouton, 2001:244). In this research, interviews as well as documents were utilised to underpin themes that emerged from the research. To ensure the accuracy of the data which was collected and transcribed by the researcher, regular checks were carried out with all participants with the objective of allowing the participants to verify their answers (member checks). In other words, the transcription of all interviews was provided to each of the participants so that the recorded and transcribed data could be verified (McMillan & Schumacher, 2006:324). To refine and strengthen the research, colleagues as well as peers were afforded the opportunity to comment on the study.

Transferability is a term that is utilised to judge to what extent the findings of the research can be applied to other contexts. By utilising purposive sampling and thick rich explanations, the reader could gain a comprehensive understanding of the phenomenon (managing religious diversity) under investigation. This was a suitable strategy in achieving transferability. The researcher undertook to provide a detailed description and recorded the participant's words verbatim (actual words of the participants). This afforded the readers the opportunity to compare instances of the phenomenon detailed in the research report with similar instances that have materialised in their situation (Shenton, 2004:70).

3.6.4.4 Reliability:

Guba and Lincoln (1985) cited in Henning et al. (2004:148) define reliability as the extent that a researcher's findings can be replicated. Thus reliability in qualitative research is indicative of the dependability as well as the consistency of the researcher's findings. In this particular research the establishment of reliability was undertaken by the researcher probing for precise answers that were directly related to the study. The researcher took it upon himself to rephrase and repeat questions which were not understood by the participants. All data that was obtained

from the interviews was compared to the data that emerged from the analysis of the required documents.

3.6.4.5 Credibility:

De Vos (2006:332) asserts that the establishment of credibility is based upon whether the context, settings as well as the participants are interpreted and presented truthfully and accurately. The researcher in this study undertook to reassure the participating school principals and the respective chairpersons of their SGBs that they were not placed under any form of judgement regarding how they managed the diversity of religions within their environments, rather that we were collaborating together on how different religions should be managed from a legal perspective. At all times participants were made to feel valued about their input and responses.

3.6.4.6 Transferability:

According to Foster (2005), transferability is viewed as the extent to which the findings from one research study might be taken and applied to another situation. Transferability is evident when results that are obtained can be repeated and identified in other settings. Lincoln and Guba (1995) (cited in De Vos, 2006:346) posit that transferability can be enhanced through the triangulation of a number of sources of data. In this research, triangulation was achieved through semi-structured interviews and document analysis and this enabled the researcher to validate and cross-check the findings (De Vos et al., 2006:346).

3.6.4.7 Dependability:

De Vos et al. (2006:346) posits that dependability is achieved by the researcher by taking into account the conditions which might change within the phenomenon of the selected study, as well as changes in the actual design of the study created by an increasingly refined understanding of the setting. Merriam (1998:10) postulates that the very nature of qualitative research design is established by comprehending the experiences of the participants. The qualitative research design is evolving and flexible. This has implications in that the research design might need to be changed as new discoveries develop during the data collection process. The dependability of this research was enhanced by including descriptions which

were detailed in nature, regarding the context of the study, the actual circumstances and the process that was followed.

3.6.4.8 Confirmability:

Foster (2005) views confirmability as the extent to which the findings of the research can be corroborated and confirmed by others. In this study the following strategies for enhancing confirmability were employed. A data audit brought to light potential areas of bias, so as to document the limitations of this research. (Foster, 2005). The researcher made the following available for scrutiny- original transcripts of interviews, anecdotes, observation notes as well as journal entries. Although the researcher served in the capacity of a school principal and was an ex officio member of the SGB which afforded him the opportunity to observe how principals and SGBs manage the diversity of religions in schools, the researcher undertook to ensure that he remained objective in the data gathering process and the data analysis process. All participants were reassured that the researcher was cognisant of researcher bias and thus the researcher undertook to make sure that he reflected solely on what the participants stated in the interview and at no time did he recall or even mention his own experiences of managing his school (Fraenkel & Wallen 2003:453).

3.6.4.9 Limitations of the study:

The researcher experienced difficulty in trying to establish suitable times for the interviews as principals stated that they were busy. Thus certain interviews were rescheduled as they clashed with unexpected meetings, sporting events, unannounced district and parent visits. Some schools were writing their Annual National Assessment tests which required intensive supervision from the participating principals. Some of the participants were reluctant to answer sensitive questions, fearing that confidential information could leak out and place their schools in jeopardy. Another important limitation which the researcher took cognisance of is that many of the participants felt uncomfortable that they were being recorded and wanted continual reassurance that the recordings would be retained in a safe place. Other participants were very reluctant to provide the researcher with their religious policy, in fear of the department obtaining information which they felt was confidential regarding the religious outlook of the school.

3.6.4.10 Ethical considerations:

Brink (2006:38) posits that ethical considerations entail the researcher carrying out the research with competence, managing the resources with honesty, acknowledging those who contribute fairly, communicating the findings accurately and taking into consideration the consequences of such research for society as a whole. The following ethical issues were taken into consideration by the researcher whilst conducting the research and this approach underpinned the researcher's ethical stance. The researcher aligned himself with the University of Pretoria's ethical procedures.

3.6.4.11 Permission to conduct research:

Permission to conduct research was firstly obtained from the Gauteng Department of Education. School principals and the respective chairpersons of the SGBs granted permission to be interviewed. All participants agreed to be recorded, prior to the interviews. The researcher strengthened this process further by obtaining the consent of all participants by requesting that each individual participant sign and return the consent form before any data was collected. The researcher explained the aim, purpose and the significance of the research. Assurance was conveyed to each participant that they were at liberty to withdraw at any time whilst the research was taking place. This assurance was also strengthened by assuring all participants that they were under no obligation to answer questions which made them feel uncomfortable. (Please find attached appendices marked as Appendix A).

3.6.4.12 Anonymity and confidentiality:

Anonymity implies that the researcher should do everything in his power to protect the identity of all the participants. This is further strengthened when the researcher himself is unable to identify any subjects or participants from the information provided. Bailey (1987:69) maintains that researchers must at all times inform those in a study that the research is anonymous, confidential or neither. Kvale and Brickman (2009:72) proclaim that confidentiality has direct implications in that all private data that could possibly identify participants must not be revealed as this is directly related to a participant's constitutional right to privacy. To uphold the confidentiality of all participants, the researcher eliminated the recording of names, addresses of SGB members, schools' names were not recorded and the principals' names of the particular schools were not mentioned in the research report at all. All documents that were

accessed were kept in a lock up safe and all names relating to the identification of schools was obliterated, so that no person / persons could identify any of the sampled schools. The participating schools were also reassured that all information and documents would be securely locked away in the researcher's safe. Participants were further guaranteed the safety of the collected information in that only the researcher had direct access to the explanations and the phenomena matching the realities of the world (McMillan & Schumacher 1993: 391).

3.6.5. Phase Four: Recommendations:

The researcher will make recommendations, firstly to the principals and secondly to the SGB members on how to manage religious diversity in schools and clarify the nature and essence of such diversity and lastly will address the challenges which principals experience regarding the managing of religious diversity in schools.

4. Conclusion:

This chapter commenced with a detailed discussion of the aims and research questions of the research study. The research approach which was undertaken for this particular research was qualitative in nature and the pertinent reasons for selecting such an approach were highlighted, discussed and strongly motivated. In addition to this, a case study design was employed for this study and the motivation for its usage was strongly motivated. Data collection methods which consisted of semi-structured interviews and document analysis were employed to elicit the necessary information and to enhance the triangulation of data. An in-depth elaboration of the sampling method, namely that of purposeful sampling, was selected with the objective of obtaining the relevant information for this study and Tesch's eight steps of analysis were further employed in coding and analysing the data. The following chapter will highlight and focus on the research findings.

CHAPTER 4

RESEARCH FINDINGS

4.1 INTRODUCTION

Chapter Four focuses on the presentation and discussion of the data which was obtained. The main purpose of this study was to explore how school principals in public schools in South Africa manage the diversity of religions within their immediate environments. This study was undertaken from a legal perspective. To provide answers to the above research question, the researcher utilised semi-structured interviews and document analysis. The researcher used the data that was obtained during the document analysis to assist in confirming the theory that was generated from the semi-structured interviews. In linking the research findings, the researcher made use of a literature study.

4.2 DATA ANALYSIS

As mentioned in Chapter One, a qualitative study was undertaken for this particular study. McMillan and Schumacher (2006:315) lay claim to the fact that “qualitative research is an inquiry in which researchers collect data in a face-to-face situation by interacting with selected persons in their settings”. To collect and compile the data in this study, the researcher utilised a case study which was undertaken in multiple sites. Nisbet and Cohen et al (2002:181) define a case as a “specific instance that is frequently designed to illustrate a more instance in action”. Whilst Alderman (cited in Nisbet and Cohen et al, 2002:81) elucidates further by stating that the single instance is of a bounded system.

The bounded system in this study pertains to that of the sampled schools. The research was undertaken in four primary schools, in in Boksburg in the province of Gauteng. The aim of the research was to investigate and explore how public school principals and their respective school’s governing bodies manage the diversity of religions in their schools and the manner in which they implement their religious policies.

The researcher exercised extra caution in protecting the confidentiality of all selected schools and participants by referring to them as: School A, School B, School C, School D. These names were assigned to the schools according to the order in which the field work was

undertaken. Data was collected by means of semi-structured interviews, which was conducted with each individual school principal and the respective school's SGB chairperson of the sampled schools. According to Bernard (2002:23) (cited in Patton, 2002) semi-structured interviews utilise a list of predetermined written questions and topics that need to be addressed and which need to take place in a particular order. Semi-structured interviews thus afforded the researcher with the opportunity to ask questions about thoughts, understandings as well as the experiences of the selected participants regarding the problem under investigation. The researcher employed semi-structured interviews as well as document analysis to determine how school principals manage the human right of religious freedom and how the SGB assists in monitoring and supporting the principal. A copy of the interview schedule is appended to this research report as appendix B. The interview schedule was provided to each interviewee; this afforded the interviewees with enough time to prepare for the interviews and also assisted in alleviating fears regarding the research process and procedure.

The data analysis in this study involved a process of analysing, coding and interpreting the data (McMillan and Schumacher, 1997:111). The researcher made use of Tesch's (1990:12) eight steps in the analysis of the data. This was employed with the purpose of open coding in identifying relevant categories as well a sub-category. These categories and sub-categories are elucidated upon in the table on pages 78 and 79 (Figure1:1). Further information was obtained by analysing relevant documents. These documents were those of the religious policies of the sampled schools, codes of conduct as well as uniform and jewellery policies. Data that was obtained was first transcribed and thoroughly checked for errors and completeness.

The data from each of these schools will be presented under the applicable categories and sub-categories. The researcher remained vigilant that a comparative study was not undertaken, in that the findings were not compared, but rather discussed under the applicable categories.

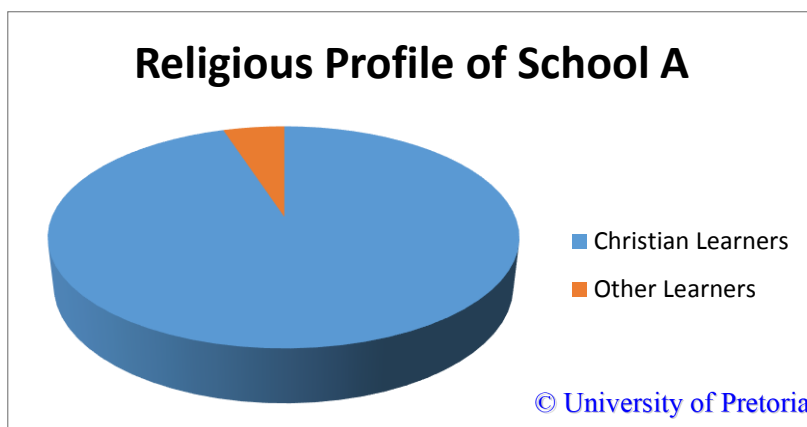
4.3 DISCUSSION AND CONTEXTUALISATION OF THE DATA OBTAINED THROUGH THE SEMI-STRUCTURED INTERVIEWS AND DOCUMENT ANALYSIS

As stated in chapter one, although the majority of school principals and SGBs would qualify for direct participation in this study, it would not be possible to include all. For the purpose of this study, the researcher made use of non-probability sampling methods. Purposive sampling was the most suitable sampling method and applicable for this study. The selected schools represented typical government schools which were, Quintile 5 schools and who were representatives of the former apartheid institutions. Schools that were selected were Primary Schools and although all four schools had predominantly Christian learners, within each school there appeared to be a small representation of various religions within their immediate environment (see pie graph below which demonstrates the religious profile of each school).

The researcher intentionally and purposefully selected the four schools and their principals who were in a position of management with at least ten years' experience. To further validate the selection of research participants, the researcher undertook to select those principals from the previous dispensation and who previously trained in managing their schools within the parameters and confines of Christian National Education.

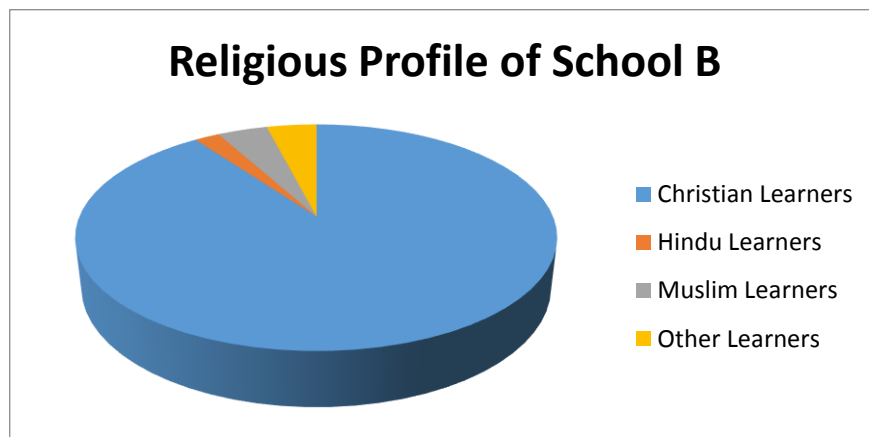
Biographical Data: School A

Name of school	School A
Type of school	Primary School
Quintile	5
Geographical Location	Boksburg, Gauteng
Number of learners	1015
Principal's years of experience	17
Religious profile of school	See Pie Chart Below



Biographical Data: School B

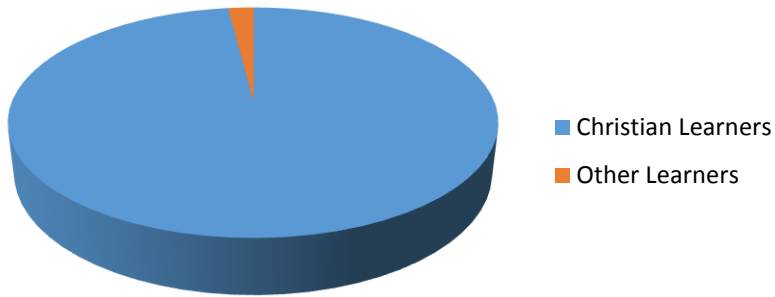
Name of school	School B
Type of school	Primary School
Quintile	5
Geographical Location	Boksburg, Gauteng
Number of learners	968
Principal's years of experience	15
Religious profile of school	See Pie Chart Below



Biographical Data: School C

Name of school	School C
Type of school	Primary School
Quintile	4
Geographical Location	Boksburg, Gauteng
Number of learners	964
Principal's years of experience	24
Religious profile of school	See Pie Chart Below

Religious Profile of School C



Biographical Data: School D

Name of school	School D
Type of school	Primary School
Quintile	4
Geographical Location	Boksburg, Gauteng
Number of learners	1256
Principal's years of experience	11
Religious profile of school	See Pie Chart Below

Religious Profile of School D

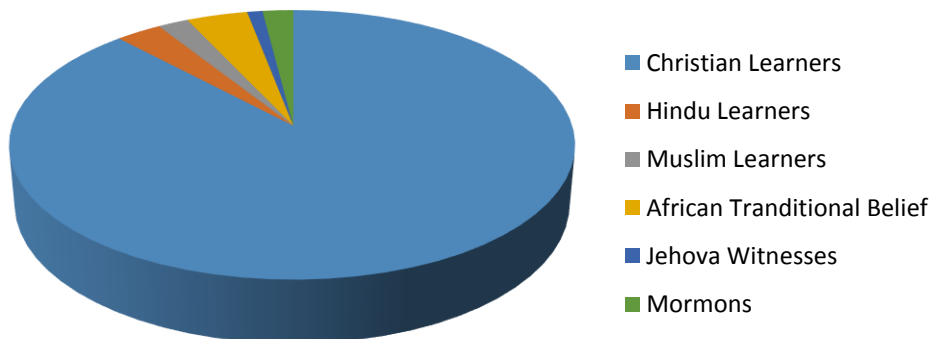


Table 4.3.1 RESULTS FROM THE SEMI-STRUCTURED INTERVIEWS AND DOCUMENT ANALYSIS.

After completing the data analysis the following two main categories and their respective sub-categories emerged (see table below). A detailed discussion of the categories and sub-categories will follow. It should be noted that the Religion Observance Policy only addresses the religious observance practices in public schools and not religion in general.

Figure 1:1.

CATEGORY	SUB CATEGORY
1. The understanding of School Governing Body of their role in the formalising, implementing, monitoring and evaluation of the school's Religious Observance Policy.	a. A lack of understanding from the SGB of their role in policy formulation and implementation.
	b. School Governing Bodies have insufficient knowledge of legislative framework guiding the formulation and implementation of Religious Observance Policies in schools.
	c. School Governing Bodies express low levels of accountability when confronted with factors involving their response to conflict arising as a result of school management implementing the Religious Observance Policy.
2. Principals and School Management Teams' interpretations and implementation of the school's Religious Observance Policy.	a. School Principals experienced different interpretations of the Religious Observance Policy from various District officials which impacted on the effective implementation of the Religious Observance Policy.

2. Principals and School Management Teams' interpretations and implementation of the school's Religious Observance Policy.	b. Staff is not sufficiently trained to interpret and implement the school's Religious Observance Policy.
	c. School Management Teams lack confidence in communicating the implementation of the Religious Observance Policy with clarity and certainty to parents and learners.
	d. School Principals' interpretation and implementation of the school's Religious Observance Policy is guided and directed by their own religious beliefs and preferences.
	e. Principals approach managing religious observances in their respective schools in a different way.
	f. Accommodation of religious symbols, attire and hairstyles.

The researcher will further discuss the categories and sub-categories using references from literature as well as direct quotations from the semi-structured interviews with school principals and questionnaires from SGB Chairpersons.

CATEGORY ONE

The understanding of the School Governing Body of its role in the formalising, implementing, monitoring and evaluation of the School's Religious Observance Policy.

Section 15(1) of the Constitution (Republic of South Africa, 1996a) states that “Everyone has the right to freedom of conscience, religion, thought, belief and opinion” and emphasises that religious observances may be conducted at state or state-aided institutions, provided that such observances follow the rules made by the appropriate public authorities, that they are conducted on an equitable basis, and that attendance at them is free and voluntary. This right is further entrenched in section 7 of the South African Schools Act (Republic of South Africa, 1996b) which empowers all SGBs to draw up a religious observance policy for their respective school. However, the following criteria must be applied when such observances are conducted: *observances must be carried out on an equitable basis; and the attendance of such observances by members of staff and learners is firstly free and secondly voluntary. (Section 7 of the South African Schools Act (Republic of South Africa, 1996b)).*

It should be noted that for the purpose of this particular study, the focus is not on religion education per se. Religion Education is a curricular programme which contains clear educational aims and objectives for the teaching and learning about religious diversity in South Africa and the world (DoE, 2003: par17). Religion education is an educational programme and is housed in the Life Orientation subject. SGBs have no authority over the content that is taught with regards to Religious Education, and this remains the responsibility of the principal and SMT. The SGB may determine the mission statement of the school (section 20 of the South African Schools Act) (Republic of South Africa, 1996b). Such a mission statement can be directly related to providing education within a specific value system which could be derived from a particular faith.

(a) A lack of understanding of the SGB of their role in policy formulation and implementation.

It remains clear that the respective Chairperson that were interviewed struggled to formulate a Religious Observance Policy for their particular schools, and to ensure that the implementation phase and the evaluation of such were correctly undertaken. Squelch (2000:22) asserts that amongst one of the most important functions which SGBs need to undertake and embrace is that of policy formulation. This is not receiving the required understanding and implementation process that it ought to.

This is especially evident in SGBs formulating and drawing up the religious policies pertaining to their particular schools. This is the very reason why Joubert and Bray (2007:40) bring to light the fact that the functions of school governing bodies are those which relate to managerial tasks, citing in particular those related to policy making, organising and motivation.

This is confirmed by the following chairperson's response to their role in developing school policies when stating:

"We consulted documents from FEDSAS, guidelines provided by the department and using some common sense" and another "As a SGB we did not draw up the Religion Observance Policy of the school, we undertook in placing such a task directly into the hands of the school principal and his school management team". (SGB Chairperson, School A)

In addition to this, it is found that there is a strong reliance on the principals of schools to give guidance regarding the content of the school's Religion Observance Policy as they are perceived to be the most knowledgeable on the context and culture of their schools as stated:

"The Principal was tasked in formulating and implementing this specific policy, as he is at the forefront of managing the school and he should know the learners and their religious backgrounds". (SGB Chairperson, School B)

Policies and the drafting thereof play an imperative role in any educational institution like that of a school. For a policy to achieve an objective requires the participation, understanding and knowledge of all stakeholders. This is highlighted by Van Wyk and Marumoloa (2012:102-104) who suggest the following pertinent steps that schools should consider in developing a policy: The first step is that of consultation. In this phase the entire school community should be informed and consulted as widely as possible in drawing up policies. The second step is that of accountability. Within this phase a person or body or committee who is responsible for drafting the policy must be held accountable for their actions. The third step is that of transparency and in this phase all aspects of the school policy should be clearly understood by all stakeholders.

The final step would be that of fairness. It is important that within this phase the policy should be applied in a just and fair manner, avoiding any form of discrimination and favouritism.

(b) School Governing Bodies have insufficient knowledge of the legislative framework guiding the formulation and implementation of Religious Observance Policies in schools.

Documents that are utilised by schools in developing and implementing their policy regarding religion would include the Constitution, the South African Schools Act and the National Policy on Religion and Education (DoE, 2003). Van Vollenhoven, Beckman and Blignaut (2006:130) posit that South African school principals and their SGBs are at times eager to manage their schools and learners according to prescribed legislation; however they easily forget the values that underpin the Constitution, since these are vague principles. However, this is not transpiring, as research indicates that some SGBs lack the necessary knowledge and skills in drawing up policies and are faced with the inability to work out practical solutions to problems (Mestry, 2004:126).

Such lack of knowledge and lack of skills in drawing up a comprehensive Religion Observance Policy is confirmed by the following Chairperson's views:

"As the SGB is representative of the community it would really be pointless to form another committee to draft such a policy or to consult wider for community involvement. We consulted legal documents and guidelines provided via FEDSAS and once again common sense to draft these documents." (SGB Chairperson, School A)

"The SMT and the school principal are totally responsible in doing this, as governors we are not legal experts in drawing up the Religion Observance Policy for our school, but we did read the policy and we were happy with what the school principal and his SMT did." (SGB Chairperson, School B)

"I am not too familiar with this section of the SASA; however the Department of Education should train SGBs more often on these matters so that we are able to assist our schools correctly in implementing the correct legislation." (SGB Chairperson, School C)

(c) School Governing Bodies express low levels of accountability when confronted with factors involving their response to conflict arising as a result of school management implementing the Religion Observance Policy.

Van Wyk (2004:51) indicates that SGBs sometimes misinterpret their duties and lack confidence in executing their duties. The reasons as to why SGBs do not fulfil their mandated duties are attributed to a number of factors. Maile (2002:239) contends that illiteracy amongst some SGB members may contribute directly to inefficiency and this hampers the accessing as well as the understanding of relevant legislation. This is evident in the following response by one of the SGB members:

“No standing rules exist in terms of how we as an SGB would deal with issues relating to conflict regarding our Religion Observance Policy , issues would be handled on an ad hoc basis”. (SGB Chairperson, School C)

Van Wyk (2004:50) points out that some SGB members do not possess the required skills and experience to carry out their powers and responsibilities which could ultimately hamper the efficiency of governance. Such concerns could indirectly contribute to school principals and SGBs in mismanaging the diversity of religions in their immediate milieus. The following statements bear testimony to this dilemma.

“We will tolerate other religions, but at the end of the day only the predominant religion of the school will play an important role. It is the principal’s managerial function to address problems relating to religious differences”. (SGB Chairperson, School A)

Anderson & Lumby (2005:172) assert that most SGBs fail to fulfil their roles when it comes to policy making, but tend to rather rely on the SMT as well as the school principal. According to Tsipane (1999:4) the ineffectiveness of SGBs in not fulfilling their policy making roles is due to a number of reasons, which he believes boils down to a lack of knowledge and competency.

“This is not really our domain, the SGB relies on the principal and his SMT to implement the policy and deal professionally with any crisis that might arise .We might step in, should the school really require us to”. (SGB Chairperson, School B)

Such a concern is reaffirmed by Naidu, Joubert, Mestry, Masego and Ngcobo(2008:161) who claim that vast differences of capabilities exist between school principals and their SGBs which often contributes directly to challenges in maintaining sound working relationships.

To address the lack of competency amongst some SGBs, it remains essential that SGBs are well informed of their duties through the provision of training. Mestry (2004:129) points out that the Head of Department of Education is obliged to provide training for SGBs with the objective of enabling them to carry out their functions. Furthermore, according to section 19 of the South African Schools Act (Republic of South Africa, 1996b) SGBs should be provided with training on a continual basis, thus capacitating SGBs in executing their functions correctly.

CATEGORY TWO

Principals and School Management Teams' interpretations and the implementation of the school's Religion Observance Policy.

Under this category the researcher found that three of the four schools that were interviewed failed to work together to establish the individual religious observance policies for their schools. The establishment of religious observance policies was undertaken solely by the principals themselves and not much collaboration was sought after nor undertaken by three of the particular schools. The word collaboration is often used with reference to meanings such as working jointly together on a specific undertaking or activity, which is undergirded by teamwork or group activity.

Anderson-Butcher and Ashton (2004:40) define collaboration as literally meaning "working together and sharing responsibility for results". Naidu, Joubert, Mestry, Mosoge and, Ngcobo (2008:130) state that collaboration implies providing support, facilitation, assistance and criticism.

The researcher found that the last school (School D) worked jointly on establishing its Religion Observance Policy, and found that this particular school embraced an approach of collaboratively working together when developing their Religion Observance Policy dealing with religious observances. Such an approach proved to be a fruitful exercise. This approach

was based on a collaborative approach and an approach which could assist all school principals in drafting religious policies for their respective schools. This approach is evident in the following statement:

“How we went about this, because this is one of the most difficult policies to draw up. We first engaged in a meeting and that was only with the SGB and the SMT and me (principal). We had the meeting on a Saturday morning and for a long time, I must say. We went through all the relevant legislation like that of the Constitution, the South African Schools Act, as well as The National Policy on Religion and Education was consulted. We sat for hours reading all the relevant legislation and discussing its meaning, this took many hours.” (Principal, School D)

Elaborates further:

“I (principal) found that our SGB and the SMT worked collaboratively together. They respected each other ideas, comments and opinions. I must say that a lot of credit goes to the Chairperson of our current board, Mr X as he encourages a very consultative and a strong collaborative approach when any policy relating to our school is drawn up. He invites all members to participate in any discussion relating to important school issues. I must admit that there are a lot of benefits in implementing a collaborative approach. People feel valued that their input and their opinions are taken into consideration and are utilised. When you collaborate and work together as one team for the benefit of the school and its learners, you find that this approach produces much fruit.” (Principal, School D)

The researcher is of the opinion that collaboration is a vital strategy and a strategy which can be applied to the successful management of religious diversity in public schools. Fullan & Hargreaves as cited in Peterson (1994:3) assert that research which is ongoing about school culture is more likely to be successful than when individuals in schools work independently from one another. Govindsamy (2009:40) views collaboration as an approach which enables SGBs and principals to interact with each other more confidently and will ultimately pool the collective knowledge of both parties together, whereby they are able to learn from each other.

In contrast to the above approach based on collaboration, it was evidenced that the following approaches in drawing up the Religion Observance Policy for their respective schools should be avoided at all costs.

“Well the Religion Observance Policy has its own existence, way back before the changes came after 1994, so the practise of the Christian faith is our religion way back then. Well, we were a school founded in 1902, it comes over a long period of time, so when the SMT and I (principal) had a look at our Religion Observance Policy, our starting point was, that the policy was in fact done over the last 150 years. That was our base, so it was just mainly a matter of, confirming that, yes; we still feel that we represent a Christian majority which was confirmed by our data in our admission system. So, we could see from those percentages that we are still very much predominantly Christian. So that would then confirm that we are on the right track with the Christian religion ethos of the school. So our Christian policy is traditionally passed down and that is how we implement our Religion Observance Policy”. (Principal, School A)

“Ag, you know man, I am aware of these laws and do respect them, however as I have said to you this is a predominantly a Christian school and the Religion Observance Policy of the school was basically drawn up by myself and the minister of my church. We respect the different religions in our school, but to be honest we only cater for one specific religion that being Christianity”. (Principal, School C)

And yet another concerning practice in establishing a Religion Observance Policy is confirmed by principal B:

“Well it really boiled down to me drawing up the policy. The SGB don’t possess the legal knowledge when it comes to the drawing up of policies in general and they leave it to me (principal) and my SMT. Once the policy had been drawn up by the SMT and me (principal) I then gave it to the governing body. I must say this and you can say it in your report that the Department of Education are not my favourite people, after what happened to us, I don’t trust them; I just don’t trust them! We sent our Religion Observance Policy in for approval and they never had the decency to come back to us, stating that it was not correctly compiled. When the parent wanted to take us to the Human Rights Commission, the Department of Education

turned their back on us and threatened to suspend me, because they felt that the policy was discriminatory. Until this day I don't have any confidence nor trust in the Department. If everything goes well, everything goes their way they are supportive, but if you put them on a spot and it might reflect something that they had done wrong, like verifying your policies then they change their story and don't stand by you. They have got new political and racial agendas of their own". (Principal, School B)

Today school principals in South African public schools are called upon to consult all stakeholders in developing relevant policies for the effective management of schools, Naidu, et al. (2008:131) bring to light the fact that stakeholder participation emerged from the battle against the apartheid government in the pre-1994 era, and as a new culture shaping the nature of governance in the country. According to Fleisch (2002:65-66) this was an important undertaking, considering that institutions and complex societies are composed of competing groups, each with their own set of interests that need to be served in collective decisions. In essence the value of such an approach is that all voices can be heard and respected.

(a) School Principals experienced different interpretations of the Religious Observance Policy from various District officials which impacted on the effective implementation of the Religious Observance Policy.

The training of school principals and SGBs by the Department of Basic Education is intended to improve the performance of the SGB functions, enabling them to take up additional functions (Potgieter et al, 1997:30). The Head of Department is required to provide continual training to both principals and SGB members to enhance their capacities, like those pertaining to policy formulation. The researcher has found that this is not the case in the schools that were included in the study:

"First of all its about knowledge, I don't think school principals have the knowledge of all the different religions and if something happens in your school, you will immediately and obviously make sure that you know what's going on, regarding for example a sheepskin or the beads of the Africans that they wear for religious purposes, I mean we as principals lack knowledge about the various religions and their practices, with all due respect, you see that's the whole problem. That's exactly what happened in our school, the person that dealt with the case at

head office didn't even have the knowledge of all these different religions and how religious policies are supposed to be drawn up and what legislation such policies should contain..."
(Principal, School B)

Maluleka (2008:70) asserts that the Department of Education is failing to provide adequate training to school principals and SGBs. He believes that such inadequate training leaves schools ill-equipped to tackle the challenges and their functions. One of the principals attested to the fact that they experienced a lack of response by the department of education when interacting with them on matters of policy design:

"All our policies, well not all our policies but some of our policies are sent to our district office, and they verify the policy however, they never come back to a person to say that the policy is fine or if there are problems with it. And then after a while you assume its fine, because you don't hear anything. That's where the department was lacking in this whole case of ours. They never said to us that your policy is wrong. To this day I am still waiting for constructive feedback on our Religion Observance Policy." (Principal, School B)

The following principal concurs with the above principal's view that the officials representing the department do not support principals in the formulation of Religious Observance Policies: The principal of this school states the following:

"The district officials have never undertaken any programme in training us as managers of schools with regards to how a religious observance policy should be drawn up, what exact legislation should be consulted. Instead we are told to develop our policies based on the community and what it represents. When this is undertaken and something occurs which is contrary to policy the officials takes no responsibility in the fact that they approved your Religious Observance Policy". (Principal, School C)

And yet another principal confirms mixed messages received from the Department of Education when it comes to verifying policies:

"Training on how to manage religious diversities in schools has never been addressed by the department of education. The department has failed school managers in providing us with

sufficient knowledge on how to manage such requests. They tell you that you must draw up a code of conduct for your school, and when the schools code of conduct and its uniform policy does not make provision for religious jewellery to be worn or religious garments, the department tells you that your policy is discriminatory. One must remember that this is after your code of conduct has been approved by the majority of parents.” (Principal, School A)

It is vital that school principals establish open channels of communication with the department of education and that they hold the policy planning unit of the department responsible for feedback regarding their policies. The researcher is of the opinion that no policy should be implemented at a school level without the department’s final approval. By embracing such an approach, school principals would be protecting themselves and their schools from unnecessary hardships.

(b) Staff are not sufficiently trained to interpret and implement the school’s Religion Observance Policy.

School principals are by virtue of their position empowered to train and develop staff regarding the implementation of policies. Naidu, et al (2008:44) posit that principals are appointed to their positions on the basis of their professional and managerial expertise and broad knowledge of the educational field. It became evident that staff members within the sampled schools failed to implement the Religion Observance Policy of their schools correctly. This failure can be attributed to the fact that principals of the sampled schools felt that they too were not equipped, nor trained in empowering their educators in implementing the Religion Observance Policy correctly.

The following bears testimony to such a concern:

“How are we expected as principals to train our educators regarding the Religion Observance Policy of our schools when firstly the department of education has never bothered in investing anytime, nor effort in training us. No wonder when we do implement our religious policies, our educators misinterpret these policies and land in hot water”. (Principal, School B)

Tomalin's (2007:622) point of view is that this could possibly contribute to educators unknowingly discriminating against learners on religious grounds. Principals indicated that they too have never received training on the National policy on Religion and education. The following bears testimony to this concern:

"In all honesty, I really do not have the time, nor the inclination to train staff members on the policies in our school, my workload is far too heavy. What I do is that all staff members are provided with a copy of the various policies in our school, like that pertaining to religion. I encourage them to read through the policy and to implement it according to what the policy states. I also encourage them to come and see me, if they require any further clarity regarding the policy itself". (Principal, School C)

The following principal applied a collegial model when it came to the training of his staff regarding the Religion Observance Policy of their particular school:

"After presenting our Religion Observance Policy to our parents, I undertook in training our staff with regards to the actual implementation of the policy itself. This was accomplished by adopting a collegial model which is supported by participation as well as an extensive consultative process in which all stakeholders can discuss the policy in great lengths and can clear any misunderstanding in applying the policy itself, in practice". (Principal, School D)

Collegial models are suitable in organisations like those of schools where expertise is distributed widely within the organisation itself. The researcher aligns himself to the view that a collegial model undertakes to support the principles of collaborative leadership, shared decision-making, and encourages strong principles of participation amongst all members within any given organisation. Thurlow, Bush and Coleman (2003:51) elucidate upon three advantages of collegiality. Firstly, they believe that collegiality promotes all stakeholders in participating openly in the overall management of the school. Secondly, by allowing open participation the quality of decision making is stronger as all stakeholders can participate directly in this process. Thirdly, the implementation phase is undertaken more effectively as all stakeholders have been involved and issues which require clarity have been addressed.

(c) School Management Teams lack confidence in communicating the implementation of the Religion Observance Policy with clarity and certainty to parents and learners.

Boaduo (2010:75) posits that recent changes in the education system of South Africa have placed new external pressures on school management teams. Ndou (2008:32) elaborates further by stating that school management teams are compelled to demonstrate to the communities which they serve, that schools are not adrift, and school management teams should be empowered to become conversant enough with the qualities of transformed leadership and the roles thereof.

According to Ornstein and Hunkins (1993:287), school management teams must commit themselves to being visionary leaders, and leaders who embrace clear visions with regards to the mission of their institutions, undergirded by strong beliefs in sound norms and values. Such leaders must undertake to align themselves to cope with change as well as make a sound contribution to the effective implementation of policies. In the research it became evident that school management teams lack the confidence to communicate the Religion Observance Policy with clarity and certainty to parents, educators and learners.

“You can train your SMT on all the policies that have to be implemented and policies that they assisted you with in drawing-up, but let me tell you when the department failed to support us, I noticed that the SMT began to question the policy and lose confidence its application”.

(Principal, School B)

(d) School Principal’s interpretation and implementation of the school’s Religion Observance Policy is guided and directed by their own religious beliefs and preferences.

It became apparent when analysing the data according to the principal’s interpretation and implementation of the school’s Religion Observance Policy that the principals of the sampled schools remained committed to holding on to the exclusivity of one particular faith, namely that of Christianity, and undertook to keep the experience of other religions out of sight of the learners who shared this particular faith. This approach was a cause for concern as many of the principals which the researcher interviewed were cognisant of the fact that their schools had a variety of different religions in their immediate environment:

“In our Religion Observance Policy we state, that the school will recognise if there are learners from other religions, but they need to indicate to us that they do not follow the Christian religion. We would then make arrangements for those learners to be excused from any Christian activities that might take place at the school. I would like to read you the “Voorwoord” of our Religion Observance Policy – (he reads the policy as follows)”Die doel met die godsdienstebeleid is om uitvoering te gee aan Laerskool X se Visie en Missie, dat Laerskool X se godsdienstebeleid op n enkele godsdienst, naamlik die Christelike geloof, gegrond is. Die Visie en Missie is saamgestel vanuit die oortuiging dat die meerderheid ouers, leerlinge en personeel die Christelike geloof aanhang. Die Bybel, wat die riglyne daarstel, word dus deur die opvoeders aan die leerders oorgedra en toeganklik gemaak”. (Principal, School A)

It appeared that these different religions were simply assimilated into the predominant religion of the day. These practices confirm research which was undertaken by Ferguson and Roux (2004) and Govindsamy (2012:23) who stated that current practices in terms of managing religious diversity in public schools in South Africa is of great concern. Such concerns emanate from such practices relating to managing religious diversity in public schools based solely on practices that were conducted during the apartheid regime. Van der Walt (2011:1) concludes that a visit to a number of public schools in South Africa ‘shows that it is business as usual as many of these schools market themselves as having a Christian ethos and others confessional or sectarian Christian religious education is still being offered’. Such practices are not in line with the provisions as contained in Section 15(1) of the Constitution which ultimately guarantees learners the freedom of religion and conscience.

“Well as I have said before, we are a proud Christian school, with a predominantly Christian community. This fits in with my spiritual outlook as the manager of this school. Our assemblies take place on a Monday morning and during this time we will invite the Pastors of the surrounding Christian churches to come and do a Bible reading with learners and we sing some Christian hymns and from there on we do our general announcements. Then all the other mornings our prefects read the Bible like a “klein versie” from the Holy Book and we all say the Lord’s Prayer together as a school”. (Principal, School C)

And another principal confirms that:

“According to our Religion Observance Policy as well as the code of conduct of our school, we follow the Christian values and a predominant Christian ethos in our school, because that’s the majority religion of the school and that is what the general community embraces. That’s the only thing that I don’t understand when it comes to a community and religion. The department keeps on saying that your school is run by the community and that you should involve the community in all aspects related to the school. My community and the people that we as the school serve are predominantly Christian and that’s why we follow those values”. (Principal, School B)

Today South African school principals must be prepared to build an ever inclusive society, irrespective of a person’s religious outlook. Modipa (2014:36) confirms this by stating that principals need to prepare their school community for living in a multi-cultural, multi-faith, pluralistic, open-minded democracy.

(e) Principals approach managing religious observances in their respective schools in a different way.

What was of pressing concern was that most of the principals tended to manage their religious observance policy within the confines of one specific religion. This jolted the researcher in questioning whether all religions were being treated equally. The following principal’s styles in managing the religious observances for their schools are evidenced by stating the following:

What we do and as I say, all of this is based on voluntarily basis, if a kid does not want to attend or if the parents do not want the kid to attend, they just need to indicate it to us. The normal activities entails; assembly on Mondays, where we start assembly with scripture reading and prayer and singing of religious songs. That is normally a very short part of the assembly procedure and then we carry on with the normal activities in assembly like handing out of certificates, practical arrangements for the day. The same on Wednesday, where they go to the hall for assembly, where they sing religious songs, which is also a small portion of the period, the rest of the period is then usually used for administrative purposes. For instance on a Wednesday we give opportunity for kids that have performed in some activities outside the

school, example show jumping or swimming, karate or activities that is not part of school activities. They can then bring all there certificates or whatever they get from their outside activities. We will then hand it over to them. Here it states from our policy, I will read it to you; “Aangesien die oorgrote meerderheid van die leerders, ouers en personeel in Laerskool x aan die Christelike geloof behoort, word die saalbyeenkomste so ingerig dat die godsdiensdeel van die byeenkoms n Christelike byeenkoms is. Die beoefening van godsdiens kan ook insluit: die opening van die skooldag d.m.v. Skriflesing en gebed, die sing van gewyde liedere, die opening en afsluiting van die skool se aktiwiteite d.m.v. Skriflesing en gebed, en die nooi van geestelike leiers om binne skoolverband die leerders toe te spreek oor godsdienstige aangeleenthede”. (Principal, School A)

Section 7 of the South African Schools Act empowers the SGB to draw up a religious observance policy for its respective school (ref). Furthermore, this section of the Act also empowers SGBs to determine rules to conduct religious observances at public schools. The following criteria must be applied when such observances are conducted:

- (1) observances must be carried out on an equitable basis; and*
- (2) the attendance of such observances by members of staff and learners is firstly free and secondly voluntary.*

Beckmann (cited in Lauwers and de Groof, 2012:44) believes that a well drafted religious observance policy which is developed and sanctioned by the SGB is a constructive way of managing religion in public schools. He maintains that such a policy must be developed within the framework of supporting a democratic culture of respect for the country’s cultural and religious traditions. The DoE (2002: par 2) states that managing diversity contributes a great deal to encouraging a culture of respect and requires a consultative as well as a participatory approach to school leadership and management. The policy should embrace the constitutional values mandated in the Constitution and clearly spell out the policy on religious observances.

The following principal elaborates on how his school conducts their religious observances:

“Well as I have said before we are a proud Christian school, with a predominantly Christian community. Our assemblies take place on a Monday morning and during this time we will invite

the Pastors of the surrounding Christian churches to come and do a Bible reading with learners and we sing some hymns and from there we do our general announcements, then all the other mornings our prefects read the Bible. Learners from other religions are accommodated in a separate venue.” (Principal, School B)

To confirm that such practices are occurring, the following principal stated that:

“The rules are that all learners are to report to the hall for an assembly, and during this time we action our weekly announcements, like fundraising projects, our sport announcements as well as our sporting and cultural announcement, we then request that all our children from their various faiths to go to their classrooms where their faith leaders will meet them and take them through their religious observances. The majority of our learners are Christian’s, so because there is such a large volume of learners of this following they get to stay in the hall and the local pastors and ministers come and address the Christian children, by reading out the Bible and they sing a song, sometimes I take the Christian assemblies because as you know that my religious following is that of Christianity.” (Principal, School D)

(f) Accommodation of religious symbols, attire and hairstyles.

Bilchitz (2011:67) states that during the apartheid era the unequal treatment of the diversity of religions that existed during this era, is indicative that the apartheid government lacked a genuine respect for the diversity of South Africa’s people. In terms of section 15(1) of the South African Constitution (Republic of South Africa, 1996a), it states that “Everyone has the right to freedom of conscience, religion, thought, belief and opinion”. Learners may not be forced to surrender their religious rights upon entering the school premises since it remains their fundamental human right to exercise their freedom to worship or not to worship at all. It is not unusual to find that today’s South African public schools are confronted with requests from parents and learners to have their religious attire, hairstyles and jewellery accommodated as part and parcel of their religious expression.

Section 16 of the South African Constitution (Republic of South Africa, 1996a) addresses the right to freedom of expression. This right is pertinent to managing religious diversity in schools. According to Vollenhoven and Blignaut (2007:25), the right to religious freedom of expression

can be a thorny and contentious issue. In a study by Vollenhoven (2005:4), he found a tendency among learners to absolutism claiming that, under the right to freedom of expression, they were allowed to “pray anywhere and at any time”. The right to express religion is associated with the right to express religion through traditional attire.

Many South African public schools, which were predominantly Christian in nature, have found and experienced their own individual problems in embracing the policy, let alone other religions. Within a new multi-religious context, it is reasonable to anticipate that educators, school principals and school governing bodies would feel threatened and insecure in implementing new policies and legislation regarding the management of the diversity of religions within their schools. This very problem became evident in the data that was collected and analysed.

Principals were found to be unaccommodating when it came to learners requesting that their religious symbols and clothing be accommodated as a form of their religious expression. This is evident in the following responses from principals:

“At this stage I must say, we probably won’t, accommodate the religious dresses of other faiths, uhm, correctly or incorrectly because it’s, then you are talking about exemption of the dress code of the school, so it would firstly be, a deviation from the dress code and not necessarily for religious purposes”. (Principal, School A)

And yet another principal states:

“Our schools code of conduct only accommodates the wearing of our school uniform, as we take great pride in our uniform and when parents enrolled their children at our school they are provided with a copy of the code of conduct which is a very strict code of conduct and only allows the school uniform to be worn and also explains to parents the hairstyle, and jewellery to be worn to school. We are very conservative about these rules”. (Principal, School C)

And yet another states that:

“The SGB and my SMT drew up the schools code of conduct. We are proud of our heritage and take great pride in our school uniform; we do not and will not deviate from our schools uniform policy, the schools code of conduct. So what I am stating is that we will not be

prepared to accommodate a learners request to accommodate their religious dress, jewellery or their hairstyles. Parents have to sign the code of conduct upon enrolling their children into our school, which is a binding document that they and their children agree to abide by the stipulations which is stated in the code of conduct. So to answer your question, No! X Primary School will not be willing to compromise its standards and code of conduct". (Principal, School B)

A very sound practice in approaching the accommodation of religious symbols, attire and hairstyles was evident is school D's approach:

"Yes, I have stated that the Religion Observance Policy and our schools dress code accommodates learners who wish to wear their religious garments to school, the only criteria is that the parents of that learner must put the request in to writing, addressing it to the SGB and the SGB will look at the request and determine whether it is a sincerely held religious dress/practice, usually our SGB also consults with the religious leaders to find out if indeed the religious garment or jewellery is part of the religion". (Principal, School D)

Today, South African school principals find themselves operating in a diverse religious society in which learners claim allegiance to one or more religions like that of Christianity, African Religions, Hinduism, Judaism, Islam, Buddhism and a plethora of world views. These individual religions embrace a diversity encompassing many different interpretations, as well as applications. Since 2007 South African courts have ruled that schools are called upon to accommodate the sincerely held religious beliefs of learners (De Waal *et al*, 2011:112). SGBs and Principals must undertake to build into their codes of conduct, as well as their religious policies, an exemption process, whereby parents and learners can feel secure in requesting that their religious beliefs and practices be acknowledged and accommodated without any form of prejudice and discrimination.

4.4 Document analysis:

Document collection enabled the researcher to understand the lived experiences of the participants and their context in the selected schools. By analysing selected documents, the researcher was afforded an internal perspective of how the selected schools managed the diversity of religions in their immediate environment.

Creswell (2005:223) states that documents are valuable sources of information, especially in the qualitative domain. "There are a number of advantages in utilising document analysis, including the fact that documents can be accessed at any time convenient for the researcher

and can assist the researcher to obtain a language and word used when participants were answering interview questions” (Creswell, 2008:231). He goes on to say that, such documents consists of public and private records and can include minutes of meetings, letters and policies. For the purpose of this research, the researcher utilised documents like those of religious policies, schools codes of conduct as well as dress code policies of the particular school in which the research was undertaken. Johnson (1990:23) asserts that document analysis can be viewed as a source of data that is extremely valuable. Official documents like that of the Constitution (Republic of South Africa, 1996a) the South African Schools Act (Republic of South Africa, 1996b) and the National Policy on Religion and Education (2003) were an integral part of this particular research and were utilised in analysing the religious policies of the sampled schools. The reason for utilising these legal documents was to ascertain whether the policies of the sampled school were aligned to the provisions of the Constitution as well as the stipulations in the SASA.

Analysis of the Religion Observance Policy of sampled schools:

When analysing the religious policies of the sampled schools, the researcher undertook to analyse the policies according to a predetermined criteria. The criterion that was utilised was as follows:

- Did the Religion Observance Policy of the school align itself to the provisions as contained in the Constitution?
- Did the Religion Observance Policy of the school take the stipulations of the Schools Act into consideration?
- Did the Religion Observance Policy of the school uphold the equitable treatment of all religions and how was this managed?
- Did the Religion Observance Policy accommodate individual learner’s religious attire and religious jewellery requirements?
- Is an exemption clause evident in the Religion Observance Policy?

Did the Religion Observance Policy of the school align itself to the provisions as contained in the Constitution?

School A, B and C's Religion Observance Policies appear to be similar in content as well as comprehensive and well structured. All policies were presented in a very attractive cover which contains the school's emblem. School A's policy contained the Gauteng Department of Education's crest which gave the researcher the impression that the policy had been endorsed by the Gauteng Department of Education.

School A's Religion Observance Policy is divided into three sections dealing with the preamble (Inleiding) to the policy. The preamble of the policy explains the religious stance of the school which accommodates one particular religion. In school A's Religion Observance Policy no reference is made to the provisions as contained in the Constitution (Republic of South Africa, 1996a) and the stipulations that are contained in the South African Schools Act, (1996b) are also not mentioned. Within the policies of schools B and C, reference is made to section 15(1) of the Constitution (Republic of South Africa 1996a) as well as the SASA (South African Schools Act, 1996b). No mention is made of any other religion in the preamble in the Religious Observance Policy of school A. In the preamble (Inleiding) of the Religion Observance Policy of this specific school, it states quite clearly and unequivocally that "*Ons as 'n skool is trots daarop om Christenskap te bevorder en daarom sal ons as 'n skool slegs Christenskap akkommodeer as 'n geloofs stelsel, wat alleenlik gebasseer is op die woord van GOD. Die skool neem baie trots in die implementering van Christelike norms en waardes.*"

Did the Religion Observance Policy of the school uphold the equitable treatment of all religions and how was this managed?

No mention is made of any other religion in the preamble in the Religious Observance Policy of school A. In the preamble (Inleiding) of the Religion Observance Policy of this specific school it states quite clearly and unequivocally that "*Ons as 'n skool is trots daarop om Christenskap te bevorder en daarom sal ons as n skool slegs Christenskap akkommodeer as n geloofs stelsel, wat alleenlik gebasseer is op die woord van GOD. Die skool neem baie trots in die implementering van Christelike norms en waardes.*" The second part of the Religion Observance Policy of school A is demarcated with a heading entitled "Religious Observances" and under this heading the following appears in point form:

- Religious Observances is a compulsory activity and attendance is compulsory.
- Religious Observances take place during the official school hours and are integrated with the assembly period that takes place weekly.
- An appointed minister will be requested from time to time to come and deliver the Christian message from the Bible.
- During the religious observance period, learners will be requested to sing religious songs pertaining to the Christian faith.
- At the start of each day the school prefects will read a Bible verse from the Bible and a Christian prayer will be prayed, officially opening the day.

A third sub heading appears in the policy which states: “Curriculum” and under this heading the following paragraph appears: *“Bible education is a compulsory subject and will be taught outside the official curriculum times. The school takes great pride in instilling in all of its learners the values of Christianity. Every Friday morning the school timetable will accommodate Bible Education as part of its curriculum study and all learners are to participate”*.

In analysing the Religion Observance Policy of school A, it remains clear that such a policy has not aligned itself to the provisions contained in the Constitution. In fact no mention was made of the provisions as contained in the Constitution and this policy violated the stipulations contained in the SASA, especially in the light of the stipulation that the religious observance period remained compulsory for all learners to attend.

Similar practices were evident in the religious policies of schools B and C. What was more disturbing in these policies was that learners from other religions were automatically assimilated into the predominant religion of the school. No mention was made within any of the sampled schools’ Religious Observance Policies as to how other religions would be accommodated and treated equitably. This is evidenced in School B’s Religious Observance Policy where it states that: *“Our religious observances are Christian based and serve the needs of the greater community. Learners who are from other faiths are not forced to attend the observance period, and may attend homework classes whilst the religious observance period is in session”*.

A policy that was noteworthy and which accommodated the diversity of religions in its immediate environment was the Religion Observance Policy of school D. What was commendable about this specific policy was the acknowledgement and the respect which this school promotes in upholding the learners' rights to freedom of religion. The Preamble of the Religion Observance Policy of school D contains the following wording "School X bases its approach to religion on the basic principle of freedom of conscience, religion, thought, belief and opinion as laid down in the South African Constitution". This statement is strengthened in the policy's approach to dealing with the religious observance periods which are carried out by the school. The following clauses in the policy bear testimony of such good practice: "we as a school will endeavour to accommodate each learner's religious belief system where it is practically possible. As a school we separate our learners according to their religion, whereby the religious leader of that specific faith will be afforded the opportunity in teaching learners according to that particular religion".

Does the Religion Observance Policy accommodate individual learner's religious attire and religious jewellery requirements?

Within the Religious Observance Policy of school A, B and C no mention was made of an exemption procedure or clause whereby parents or guardians of learners could approach the particular school and request that their child's religious symbols and attire be accommodated. In fact it was of great concern to the researcher that within the Uniform Policy of these particular schools, clauses pertaining to the wearing of uniforms failed to make suitable provisions for the wearing of religious attire, but were cemented in prescriptive statements where they were only willing to recognise the wearing of the school uniform. In the other extreme, school D's Religious Observance Policy contained an exemption procedure and stated that "should learners wish to have their religious garments, attire or religious symbols accommodated, they are to place such a request in writing to the SGB."

Today South African school principals and their SGBs operate in a religiously diverse society in which learners have entered educational institutions, not abandoning nor willing to relinquish their religious beliefs and practices. Schools are called upon to uphold the provisions as contained in the Constitution and to develop policies that uphold and respect a learner's right

to freedom of religion belief and conscience. But the pertinent question remains as to how this can be achieved? The researcher believes that one way in which this can be achieved is by establishing policies that sincerely accommodate and respect learners' rights pertaining to freedom of religion, and for all stakeholders to work collaboratively.

Conclusion:

From the fieldwork it became clear that SGBs and school principals are finding it difficult to change from a once mono-religious environment where one particular religion was accommodated to that of a multi-religious environment, in which learners of different religious backgrounds have the right to freedom of religion and expression. From the data that was gathered and analysed, it became evident that SGBs and school principals are struggling to manage the diversity of religions within their immediate milieus. School principals and their SGBs require training and assistance in developing comprehensive religious policies for their schools which are aligned to the provisions as contained in the Constitution (Republic of South Africa, 1996a), the stipulations that are mentioned in the South African Schools Act (Republic of South Africa, 1996b) and in developing comprehensive religious policies within the framework of the National Policy on Religion and Education.

CHAPTER 5

SUMMARY - CONCLUSIONS AND RECOMMENDATIONS

1. Introduction:

In the previous chapter the researcher focused on the presentation and discussion of the data which was obtained through semi-structured interviews and document analysis. A detailed overview of the process involving the analysis of the data was discussed and various themes and categories emerged during this process. Chapter Five will elucidate on the findings which originated from the themes and categories, and based on the findings of this research study recommendations will be made, particularly as they pertain to the management of religious diversity from a legal perspective.

The purpose of this study was to explore how school principals and their school governing bodies manage religious diversities in their respective schools from a legal perspective. This study was conducted in four primary schools situated in the Boksburg area, in the province of Gauteng, South Africa.

A qualitative research approach was employed, which afforded the researcher an in-depth understanding of the phenomenon. In an attempt to obtain in-depth information as well as a deeper understanding of the problem, the researcher utilised semi-structured interviews, which were conducted with four individual school principals and the respective SGB chairpersons of the relevant sampled schools.

Inclusive in the data gathering process was document analysis. Here the researcher studied and analysed the Religious Observance Policies, and the codes of conduct and school uniform policies of all the sampled schools. Such an analysis was undertaken to establish whether such policies were in line and in compliance with the relevant legislation.

This study attempted to answer the primary questions that were formulated in Chapter One. In an attempt to attain the above-mentioned primary aim, the following objectives were pursued:

- To determine the nature and essence of religious diversity in public schools;
- To determine the perceptions of school principals and SGBs regarding the management of religious diversity; and

- To provide guidelines to school managers and SGBs on how to manage religious diversity effectively in schools.

From data obtained through using semi-structured interviews with school principals and the chairpersons of the SGBs, as well as an analysis of each school's Religious Observance Policy and code of conduct the following themes and categories emerged from the data analysis. These were:

CATEGORY ONE

The understanding of the members of the School Governing Body of their role in the formalising, implementing, monitoring and evaluation of the School's Religious Observance Policy.

- (a) A lack of understanding of the members of the SGB of their role in policy formulation and implementation.
- (b) SGBs have insufficient knowledge of the legislative framework guiding the formulation and implementation of Religious Observance Policies in schools.
- (c) SGBs express low levels of accountability when confronted with factors involving their response to conflict arising from the implementation of the Religious Observance Policy by school management.

CATEGORY TWO

Principals and SMTs interpretation and implementation of the school's Religious Observance Policy.

- (a) The role of the Policy and Planning Unit in the implementation of the Religious Observance Policy.
- (b) The staff is not sufficiently trained to interpret and implement the school's Religious Observance Policy.

- (c) SMTs lack confidence in communicating the Religious Observance Policy with clarity and certainty to parents and learners.
- (d) Principals' interpretation and implementation of the school's Religious Observance Policy is guided and directed by their own religious beliefs and preferences.
- (e) The differences in the way principals implement and manage the Religious Observance Policy in their respective schools.
- (f) The differences in the way principals manage religious observances in their respective schools.

The following were concluded from the data analysis:

5.1.1 It would appear that principals experienced different interpretations of the Religious Observance Policy from various District officials which impacted on the effective implementation of the Religious Observance Policy.

Although section 16 (2)(f) of the SASA stipulates that the principal must inform the governing body about policy and legislation, principals found extreme difficulty in interpreting legislation and advising governing bodies of the said legislation. This would imply that principals must become acquainted with the relevant legislation and ensure that their interpretation of the law is in fact correct. Furthermore, one of the functions of the district office is to ensure that policies are implemented according to legislation and they are called upon to provide the necessary support and guidance to principals.

From the analysis of the data it can also be concluded that the principals who were interviewed felt that there was a lack of support and guidance from the officials of the district regarding the implementation of the Religious Observance Policy. Both principals and SGB members felt that there was no direct feedback from the district policy and planning unit regarding whether the Religious Observance Policies of their schools were in line with the current legislation. Principals found that when their Religious Observance Policies came into conflict with parents' requests, there was a lack of support from their respective district.

It is evident from the findings that principals and SGBs are in dire need of support when it comes to the formulation of Religious Observance Policies. In-service training seminars or

workshops to assist school principals and SGBs in drawing up Religious Observance Policies for their schools are needed. It would be progressive if feedback was provided on policies submitted to the district policy and planning unit. This will enable principals to confidently implement the policies which have been submitted to the department.

It is essential that all stakeholders be guided by the Constitution, the SASA and NPPE (DoE, 2003) as to the values to be shared in handling issues pertaining to religion (Modipa, 2014:21). Freedom of religious belief and expression is one of the constitutional values underpinning the National Policy on Religion and Education. As a result, policy informs practice with regard to religion and education in schools and provides a comprehensive framework in which to develop a Religious Observance Policy for schools.

5.1.2 School Governing Bodies have insufficient knowledge of the legislative framework guiding the formulation and implementation of Religious Policies in schools.

It was found from the interviews that principals and chairpersons of the respective SGBs lacked sufficient knowledge of the SASA, the Constitution and the National Policy on Religion and Education, especially when it came to learners' rights regarding freedom of religion. There were chairpersons who stated that it was neither their role nor responsibility to draw up a Religious Observance Policy for their respective schools as this, they felt, was the responsibility of the school principal. However, according to the SASA the responsibility of determining a school policy is given to the SGB. It was evident that chairpersons and principals failed to link what the SASA stipulated with what they practised in their schools. This contributed to a lack of collaboration between the SGBs, Principals and the SMT because there appeared to be a lack of clarity regarding the respective stakeholder's responsibilities. The fact that SGBs draw up policies for their schools implies that they will be held accountable for policy formulation and to some extent the implementation thereof. However, the actual implementation of policy is the responsibility of the school principal and the SMT, because they are at chalk level attending to the day-to-day activities of the school. It is incumbent on SGBs to ensure that they effectively implement policies which they have formulated. It can be argued that the principal and some members of the SMT are also members of the SGB. Thus SGBs indirectly ensure the implementation of policy. In the case of a Religious Observance Policy,

parents will approach SGBs as their representatives to deal with sensitive issues regarding the implementation of the Religious Observance Policy.

There were comments from some SGB members which pointed to the perception that principals excluded them and dismissed their input regarding the development of the policy relating to the Religious Observance Policy. However, the SGB has no jurisdiction over the SMTs, whose primary responsibility is curriculum management. The principal being a member of the SGB is mandated to carry out decisions made at SGB meetings.

To promote and encourage a relationship of partnership between principals and SGBs, collaboration needs to be embraced. A collaborative approach requires all stakeholders to develop close relationships, as the successful governance is its ultimate goal and the best interest of the child and the institution is pivotal. In a collaborative environment, people exchange ideas and learn from each other's points of view. Cresse & Early (1998:8) concur with Section 16A of the SASA and emphasise that effective SGBs will embrace the following features; a sound working relationship with the school principal, knowledge of the school; knowledge of legislation, conducting meetings that are effective and training and developing all stakeholders of the school. Govindsamy (2009:36) reinforces this by stating that it is essential that the SGB work as a team to achieve the common goal of the school, especially in the formation of policies.

5.1.3 SGBs express low levels of accountability when confronted with factors involving their response to conflict arising from schools implementing the Religious Observance Policy.

It was of concern from the data that was analysed that principals expressed a view that the SGB, even though they were party to the formulation of the Religious Observance Policy, failed to support them in the implementation of the Religious Observance Policy of their school and that when problems arose they simply took a back seat and did not endeavour to support the principal. Principals felt isolated when it came to implementing the policy which, in their opinion, had been endorsed by the SGB. Principals felt that SGBs contradicted the policy when parents were insistent on having jewellery items accommodated as part of the school dress code. One of the principals stated that when parents went to certain members of the SGB to

request that their children wear religious jewellery, the SGB member went above the principal of the school and endorsed the jewellery accommodation. This took place without consulting the principal.

SGBs need to be encouraged to embrace high levels of accountability especially with regards to the development of policies which are aligned to relevant legislation, regulations and provincial department of education circulars. It is essential that SGBs and SMTs collaborate and draw up policies that are in line with the relevant legislation so that principals and SMTs can implement these with confidence. Relevant stakeholders such as the SMT and persons from the broader community, who have knowledge and perhaps experience, need to work in collaboration when designing policies such as the Religious Observance Policy. There should be no clause in the policy that is vague and could be open to misinterpretation.

Section 16 of the South African Schools Act states “the governance of every public school is vested in its governing body and may perform only such functions as prescribed by the Act”. Modipa (2014:21) posits that “with the establishment of democratically elected governing bodies, the political structure and nature of decision making and accountability has changed”. SGBs are regarded as important mechanisms in changing the shape of post-apartheid schools. Dieltiens (2008:287) maintains that the SGBs oversee a range of policy related functions which include the policy on Religious Observance Policies in schools. Through a collaborative approach, all members of the SGB will be provided with the opportunity to assert their religious need and ultimately approve the policy by placing their rubber stamp of approval on it (Modipa, 2014:22).

5.1.4 The role of the Policy and Planning Unit in the implementation of the Religious Observance Policy.

According to the SASA the SGB is mandated to formulate the Religious Observance Policy and the district office has no jurisdiction over the formulation of said policy. However, one of the functions of the district office is to provide the necessary support and guidance in the effective governance of schools.

The four principals that were selected and interviewed concurred that the policy and planning unit of the district requested that they submit copies of various policies including the Religious Observance Policy. It would appear that this exercise was merely for filing purposes rather than the district providing feedback and approving the said policies. During this research it became evident that school principals felt that the district failed to provide sufficient feedback regarding their policies and were uncertain as to whether or not the policies formulated were in fact correct in all respects. Principals were found to be trapped in a vacuum of uncertainty as to whether their religious policies were correct in terms of the legislation. Feelings of uncertainty were further entrenched in that principals experienced inadequate support from the department relating to the interpretation of legislation. When controversial issues like that pertaining to jewellery and hairstyles which were not permissible under their school's code of conduct and jewellery policy, principals felt disempowered by the department's approach. Such an approach lacked consultation with the principal and the SGB. Principals felt insecure in that the department failed them in supporting them in developing policies. Principals also felt that the department always took the side of parents, irrespective of their children who were found guilty of contravening the school's code of conduct, jewellery and hairstyle policy.

It is imperative that the district department provides constructive feedback regarding the school's policy on religion. Where there is a breach in legislation, both the department and the Principal and SGB should rectify contradictory practices and align them to the prescribed legislation. Adopting such an approach of working together and ironing out any misinterpretations of legislation would possibly contribute to the department, SGB and principals implementing a policy that is consistently applied. Heystek (2004:311) remains concerned that the Department of Basic Education fails to provide training other than the limited initial training which SGBs are exposed to after they have been elected. Coombe and Godden (1996:22) elaborate further by stating that it is timeous in training SGBs and it takes a lot of time in capacitating SGBs in sustaining them to apply correct policy matters. Maluleka (2008:42) stands firmly on the fact that the training of SGBs is imperative and that continuous training will capacitate SGB members to fulfil their roles responsibly.

5.1.5 Staff is not sufficiently trained to interpret and implement the school's Religious Observance Policy.

Principals indicated that with the demands related to their profession, the training of staff members to implement the policy relating to religion and education in the life orientation curriculum was somewhat lacking. The staff did not make a paradigm shift in their life orientation classes. Instead of dealing with different religions of the world, and in particular, South Africa, educators continue emphasising a particular religion which they practice and of which they have knowledge. Also, by incorrectly implementing the religious observance policies of schools, educators were found to infringe on learners' rights to freedom of religion by removing symbols from them or scolding learners for violating policy. This approach placed principals in precarious situations in trying to explain to educators the importance of implementing the Religious Observance Policy or of teaching all religions according to the prescribed Life Orientation Curriculum.

School principals, by virtue of their positions, are mandated to do in-service training regarding policy implementation. School principals need to find adequate time to train all staff members in the implementation process of the Religious Observance Policy. Formal training by school principals will afford and provide educators with the opportunity to ask questions regarding the policy and to clear up any misconceptions. Training should be ongoing as this will ensure consistency.

5.1.6 School Management Teams lack confidence in communicating the Religious Observance Policy with clarity and certainty to parents and learners.

It became quite clear from the data analysis that some principals as SGB members felt that the SMTs failed to assist them when communicating the Religious Observance Policy of the school with clarity and certainty to parents and learners. Other principals were of the opinion that the SMT members, who assisted them, usually misinterpreted the contents and clauses contained in the religious policies of the schools and that this method of cascading insufficient information resulted in uncertainty being communicated to parents and learners. Thus, principals feel that the implementation of the Religious Observance Policy was only their responsibility.

Thus it becomes imperative for principals to train staff at all levels for the effective implementation of policy. When utilising the SMT to impart knowledge regarding the content of policies it is essential that school principals train the SMTs in the correct interpretation of relevant policies such as the Religious Observance Policy which deals with religious observances, and the learner code of conduct which addresses issues of dress code. This procedure will provide the SMT with first-hand knowledge regarding the policy and will also provide SMT members with the opportunity to discuss any matters requiring clarity. This approach will assist in the correct content being provided to educators and will aid the implementation process of the policy. The Personal Administration Document states that under the heading “Personnel” Subsection (II) the principal is responsible for the development of staff training programmes. This would imply that principals need to be responsible in ensuring that they are familiar with legislation and policies and are well equipped to disseminate the correct information to staff.

5.1.7 School Principal’s interpretation and implementation of the school’s Religious Observance Policy is guided and directed by their religious beliefs and preferences.

A very concerning point which became evident in the research is that principals admitted drawing up the religious policies of their respective school according to their own belief system or that the Religious Observance Policy was based on the predominant religion of the community. This approach was also carried across to the implementation phase where it was expected that other minority religions would be assimilated into the dominant religion of the school. Religious policies were found to accommodate one religion only and that the equitable treatment of other religions was non-existent in most of the sampled schools.

It is fundamentally important to understand that religion cannot be seen as distinct from culture and belief but rather as interwoven. This was clearly demonstrated in the Pillay case discussed in chapter two.

Failing to uphold a learner’s right to freedom of religion could result in litigation. It was clearly stated by Judge Langa that there should be no blanket distinction between religion and culture (Pillay, par 114) Furthermore, O’Regan stated that by including religion in section 31, the Constitution makes it plain that when a group of people share a religious belief, that group may

also share associative practices, therefore, it seems that religion and culture should be treated similarly. In the case of an associative practice, the individual is drawing meaning and identity from the shared or common practices of a group. The basis for these practices may be a shared religion, a shared language or a shared history. Associative practices, which might well be related to shared religious beliefs, are treated differently by the Constitution because of their associative, not personal, character.

5.1.8 Differences in the way that principals manage religious observances in their respective schools.

In the SASA it is stated that religious observances must be conducted on an equitable basis (RSA, 1996, sec 7). This would mean that all religions should receive equal treatment and that no religion be degraded in any way. In terms of managing religious diversities in the sampled schools it was evident that most of the schools failed to treat the various religions equitably. This was evident in the various approaches which principals used. This included accommodating the predominant religion of the school by placing learners of different religions in different venues to complete reading activities or play computer games, or by an expectation from learners from different religions to be assimilated into the dominant religion of the school. Some principals were of the opinion that the predominant religion of the school community fashioned the Religious Observance Policy of the school and the overall approach to religion in the school.

It is essential that school principals treat all religions with respect, irrespective of their personal belief systems. To build a cohesive and united community, principals must allow learners and their families to embrace their individual belief systems. In treating the different religions equitably, schools will find solidarity and a community that is close. The following measures can be put into place to enhance the equitable treatment of religions: These measures are taken from the National Policy on Religion and Education (DoE, 2003: par 62).

Appropriate and equitable means of acknowledging the multi-religious nature of a school community may include the following: “The separation of learners according to religion, where the observance takes place outside of the context of a school assembly, and with equitably supported opportunities for observance by all faiths, and appropriate use of the time for those

holding secular or humanist beliefs; Rotation of opportunities for observance, in proportion to the representation of different religions in the school; Selected readings from various texts emanating from different religions; The use of universal prayer; or a period of silence”. “Where the segregation of learners is contemplated, a school must consider and mitigate the impact of peer pressure on children, and its negative influence on the willingness of children to be identified as “different” (DoE, 2003: par 62).

A school assembly has the potential to affirm and celebrate unity in diversity, and should be used for this purpose (DoE, 2003: par 63). Public schools may not violate the religious freedom of learners and educators by imposing religious uniformity on a religiously diverse school population in school assemblies (DoE, 2003: par 63). Where a religious observance is included in a school assembly, learners may be excused on grounds of conscience from attending a religious observance component, and equitable arrangements must be made for these learners (DoE, 2003: par 63).

(f) Differences in the way principals manage religious observances in their respective schools.

According to section 15(1) of the Constitution (Republic of South Africa, 1996a) “Everyone has the right to freedom of conscience, religion, thought, belief and opinion” and section 16(1) states that “Everyone has the right to freedom of expression”. Some religious belief systems require the wearing of religious symbols and attire which is directly associated with that particular religious system. In the data that was analysed, it was found that three of the principals were reluctant and non-accommodative in permitting learners from various religions to wear their religious symbols to school. Principals were found to be set in their ways and stated that such requests contravened their school’s jewellery policies and uniform policy. In analysing the documents of these three particular schools, it was found that no accommodation or exemption clause was evident to allow parents the opportunity to have their children’s religious attire acknowledged.

The danger of such an approach is that the religious rights pertaining to learners are not being upheld and their constitutional right to freedom of expression is being violated. A sound practice that was conducted in terms of the accommodation of religious attire and symbols was

evident in the Religious Observance Policy of school D. Within the Religious Observance Policy of this particular school, an exemption or accommodation clause was inserted in the Religious Observance Policy, whereby parents were afforded the opportunity of making a request in writing to the SGB regarding the accommodation of their child's religious symbols and attire.

Govender and Bernard (2009:14-15) propose a very sound approach when, learners who request exemptions from compliance with the school's uniform policy or, code of conduct must put forward representations to the school principal and SGB clearly indicating the exemption requested. They must provide evidence for the importance of the exemption, and the sincere motive and purpose for such exemption being granted. All relevant documentation supporting such a request must be submitted by the learner and parents. The SGB and principal may determine whether such religious or, cultural practice is voluntary in nature or mandatory in nature and, whether the practice genuinely deserves the exemption from school rules as well as whether or not it is a sincerely held practice pertaining to the religion and culture

It is recommended that prior to making a decision on the request for exemption, the SGB must undertake to consult with relevant religious bodies or persons (Govender and Bernard 2009:15). If a learner or parent is dissatisfied with the outcome which the SGB has made, an appeal process should be incorporated.

5.2 Recommendations for further research:

There is a strong recommendation that further study be conducted on the effect of in-service training programmes for school governing bodies and, principals regarding the successful performance of their responsibilities relating to governance but, most importantly with regards to policy development and implementation. Of paramount importance is the role which the school principal plays in the implementation of the Religious Observance Policy which, should endeavour to allow freedom to observe multiple religions.

5.3 Limitations of the study:

The study undertook to examine the management of religious diversity from a legal perspective. This study of the way in which school principals manage the religious diversity in

their schools from a legal perspective was limited to four primary schools in the Boksburg area of the province of Gauteng. These schools all fall within the jurisdiction of the Gauteng South District (D6) of the Gauteng Department of Education and all sampled schools are located to the east of Johannesburg. This study was qualitative in nature and thus the objective of the study was not to generalise the findings. Another limitation was that of a single case study which was conducted utilising the four selected schools, which in turn limited it from being used to refer to the greater population.

5.4 Conclusion:

Chapter five provided a comprehensive overview of the study. The research study undertook to explore how school principals and their SGBs manage the diversity of religions from a legal perspective. This particular study suggests that there are compelling reasons for concern regarding the management of religious diversities in public schools in South Africa. There remains a need to empower principals and SGBs with skills and legislative knowledge in the arena of managing religious diversities in schools. It is crucial that the Department of Education provide in-service training seminars to assist schools in developing policies that align themselves to the provisions as contained in the Constitution, the stipulations in the SASA and undertake to encourage public schools to utilise the National Policy on Religion and Education as a suitable framework in which to develop a Religious Observance Policy for their respective schools.

References:

Alston, K.G. van Staden, J.G. & Pretorius, J.L. 2003. *The constitutional right to freedom of expression: How enforceable are school dress codes?* South African Journal of Education, 23(3):163-167.

Alston, K.G. 2006. *Freedom of Expression and School Dress Codes: South African and International Perspectives.* South African Journal of Education, 11:83-84.

Anderson–Butcher, D. & Ashton, D. 2004. Innovative models of collaboration to serve children, youths, families and communities. *Children and schools.* 26(1):39-53.

Anderson, L & Lumby, J. 2005. *Managing finance and external relations in South African schools.* London: Commonwealth Secretariat.

Ayres, J.L., 2012. *Investigating the Management of Diversity in the Staffroom of Former Model C Schools in Gauteng.* Unpublished MEd dissertation. Johannesburg: University of Johannesburg.

Bagarette, N. 2011. Power Relations in School Governing Bodies: Implications for Effective School Governance. *Journal Social Science,* 29(3):223-236.

Bailey, K.D. 1987. *Methods of Social Research.* London: Collier MacMillan

Beaman, L. 2010. *Religious Diversity and its Limits.* Moving Beyond Tolerance and Accommodation. Vancouver: UBC Press.

Beaman, L.G. 2012. *Reasonable Accommodation Managing Religious Diversity.* Vancouver: UBC Press.

Beckmann, J.L., Foster, W.F. & Smith, W.J. 1997. *An analysis of the South African Schools Act, 1996.* Johannesburg: CSAEP.

Beckmann, J.L., Schoole, M.J. 2004. Education law and policy. Pretoria: *Department of Telematic learning and Education Innovations, University of Pretoria, in collaboration with Didactical Design SA (DIDACS)*.

Beckmann, J. 2006. Engaging the law and education in a transforming society: *A critical chronicle of the South African Education Law and Policy Association (SAELPA) (2):683-1211*. Pretoria: South African Education Law Association.

Beckmann, J.L. 2012. *Religion in Education and Respect for Parental Convictions in Education* in Lauwers, G and De Groof, J. 2012. The Proceedings of the Workshop On: *Religious and Parental Convictions in Education*. 2nd World Conference On The Rights To Education. Brussels. (ELA).

Bernard, H.R. 2002. In Patton, M. Q. *Qualitative Research & Evaluation methods*. London: Sage Publishers.

Bilchitz, D. 2011. The Tension Between Freedom of Religion and Equality in Liberal Constitutionalism. The Problem of Freedom and Equality. *The Journal of the Helen Suuzman Foundation*, 11-19.

Bless, C. & Higson-Smith, C.H. 1995. *Fundamentals of social research methods*. Kenwyn. Juta & Co.

Boadua, N.A. 2010. School-Based Continuing Professional Teacher Development: A Study of Alternative Teacher Development Initiative In The Eastern Cape: The African Symposium: *African Educational Research Network*: 10(2): 75-83.

Brink, H. 2006. *Fundamentals of research methodology for health care professionals*. Cape Town: Landsdowne.

Bush, T., Creighton, T., Dembowski, F., Echols, C., Glass, T., Hoyle, J. and Kelehear, Z. 1999. *Educational Administration: The Roles of Leadership and Management*. Houston: Rice University.

Carr, W. and Kemmis, S. 1986. In Merriam, S.B. 1998 *Qualitative research and case study application in education*. Revised and expanded from case study research in education. San Francisco: Jossey Bass.

Carnevale, C. & Stone, S. 1995. *The diversity advantage*. New York: Lexington Books.

Chidester, D. 2006. Religion education and the transformational state in South Africa. *Social Analysis*, 50(3):29-35.

Choma, H. 2013. Cultural Symbols and Schools Act: A South African Case Study. *International Journal of Humanities and Social Science*, 3(1): 203-207.

Clarke A. 2007. *The Handbook of Management*. Cape Town: Kate McCallum.

Cohen, L. Manion, L. & Morrison, K. 2002. *Research Methods in Education*, 5th Edition. London: Routledge Falmer.

Cohen, L., Manion, L. & Morrison, K. 2007. *Research Methods in Education*, 6th Edition. London: Routledge Falmer.

Coombe, C. and Godden, J. 1996: *Local / District Governance in Education: Lessons For South Africa*. Centre for Education Policy Development, Pretoria: University of Pretoria.

Creese, M. & Early 1998. *School governing bodies: rationale, role and reassessment*. *Viewpoint* No.8. London: Institute of Education.

Creswell, J.W. 1994. Research design. *Qualitative and quantitative approaches*. London: Sage Publishers.

Creswell, J.W. 1998. *Qualitative Enquiry and Design: Choosing among five traditions*. New Delhi: Sage Publishers.

- Creswell, J.W. 2005 Educational research: *Planning, conducting, and evaluating quantitative and qualitative research* (2nd ed.). Upper Saddle River, N.J.: Pearson Merrill Prentice Hall.
- Creswell, J.W. 2008. Educational Research: *planning, conducting, and evaluating quantitative and qualitative research* (3rd Edition). Upper Saddle River, N.J.: Pearson Merrill Prentice Hall.
- Creswell, J.W. 2009. Research design. *Qualitative, quantitative, and mixed methods approaches*. 3rd edition. California: SAGE Publications.
- Dean, J. 1971. *Religious education for children*. Ward Lock Educational. London: England.
- Department of Education, 1995. *White Paper on Education and Training (Notice 196 of 1995)*. Cape Town: Government Printer.
- Department of Education, 1998. *Norms and Standards for Educators*. Pretoria: Government Printer.
- Department of Education, 2001. *Manifesto on Values, Education and Democracy*. Pretoria: Government Printer.
- Department of Education, 2002. *Revised National Curriculum Statement Grades R-9 Policy*. Pretoria: Government Printer.
- Department of Education, 2003. *National Policy on Religion and Education*. *Government Gazette*, 12 September 2003, No. 25459, Pretoria: Government Printer.
- Department of Education, 2006. *National Guidelines on School Uniforms*. *Government Gazette*, 23 February 2006, No. 28538, Pretoria: Government Printer.
- De Vos, A.S. 1998. *Research at grass roots. A premier for the caring profession*. Pretoria: Van Schaik.

De Vos, A.S. 2006. *Research at grass roots: for the social sciences and human service professions*. Pretoria: Van Schaik.

De Vos, A.S., Strydom, H. Fouche, C.B. & Delpont, C.S.L. 2006. *Research at Grass Roots: For the social sciences and human service professions*. 3rd edition. Pretoria: Van Schaik Publishers.

De Waal, E & Cambron Mc Cabe, N. 2013. Learners' religious – cultural rights: A delicate balancing act. *De Jure*, 1(32): 93-113.

De Waal, E., Mestry, R.E., & Russo, C.J. 2011. Religious and cultural dress at school: A comparative perspective. *Potchefstroom Electronic Law Journal*, (6): 62-95.

Dieltiens, V. 2008. Democratic Intent and Democratic Practice: Tensions in South African governance. *In Educational change in South Africa*. Johannesburg: Sense Publishers.

Dreyer, J.S. 2007. The national policy on religion and education in South Africa: reflections from a public Practical Theology. *Practical Theology in South Africa*, 22(2):40-50.

Educators need to be Educated. 1998, October. *The Leader*:6.

Erasmus, L.J. 2007. *The management of workforce diversity and the implications for leadership at Financial Asset Services*. Minor dissertation (unpublished). Johannesburg: University of Johannesburg.

Ferguson, R. & Roux, C.D. 2004. Teaching and learning about religions in schools. Responses from a participation action research project. *Journal for the study of Religion*, 17:5-23.

Figueroa, P. 1993. Education for cultural diversity: *The challenge for a new era*. Routledge: London.

Fleisch, B.D. 2002. Managing Educational Change: *The State and School Reform in South Africa*. Sandown: Heinemann.

Foster, A.E. 2005. *A non-linear model of seeking behaviour*. Information research, 10(2) from <http://InformationR.net/ir/10-2/paper 222.html>] Accessed on 22 April 2009.

Fourie, P. 2003. The S.A. Constitution and religious freedom: perverter or preserver of religions contribution to the public debate on morality? *Scriptura* 82:94-107.

Fraenkel, J.R. & Wallen N.E. 2003. *How to design and evaluate research in education*. New York: McGraw Hill.

Fuo, O.N. 2011. *The significance of the constitutional values of human dignity, equality and freedom in the realisation of the right to social protection in South Africa*. Paper presented to session of the ANCL Working Group on Social and Economic Rights in Africa, Morocco.

Gay, L.R. and Airisian, P. 2003. (7th edition). *Educational Research- Competencies for Analysis and Applications*. New Jersey: Merrill Prentice Hall.

Gokulsing, K.M. 2006. Without prejudice: an exploration of religious diversity, secularism and citizenship in England with particular reference to the state funding of Muslim faith schools and multiculturalism. *Journal of Education Policy*, 21(4):459-470.

Goolam, N.M.I. 1997. "The Interim Constitution, the working drafts and South Africa's new Constitution – some observations." 1997 *SA Public Law* 186.

Govender, K. & Bernard, R. 2009. To Exempt or Not to Exempt – *Some lessons for educators and administrators*. University of KwaZulu-Natal, Havard College, Obiter 1-16.

Govindsamy, V. 2009. Collaboration Between principal and School Governing Body in The Management of Financial Resources In Public Schools. Unpublished Med dissertation: Johannesburg: University of Johannesburg.

Govindsamy, L. 2012. *An Analysis of the Discourse of Religious Observances in Public Schools to Establish the Hegemonic Influence of Colonial Religious Observances and their Effect on School Populations*. Durban: University of Technology, South Africa.

Hayles, V.R. 1996. *Diversity training and development. The ASTD training and development handbook*. New York: McGraw Hill.

Henning, E., Van Rensburg, W. Smit, B. 2004. *Finding your way in qualitative research*. Pretoria: Van Schaik.

Henning, E. 2004. *Finding your way in qualitative research*. Pretoria: Van Schaik.

Herman, C. 2008. The Jewish community in the post-apartheid era: same narrative, different meaning. *In Educational Change in South Africa*. Johannesburg: Sense Publishers.

Heystek, J. 2004. School Governing Bodies: The principal's Burden or The Light of his life, *South African Journal of Education*, 20:308-332.

Hopfe, L.M. 1983. *Religions of the world*. London: Collier Macmillan Publishers.

Jarvis, J. 2008. *The Voice of The Teacher In The Context Of Religious Freedom: A Kwazulu-Natal Case study*. Unpublished Med dissertation. Cape Town: University of Stellenbosch.

Jeenah, N. 2005. *Religion And Schools?* Education Rights Project, Johannesburg: WITS EPU. Johannesburg Publishers.

Johnson, S.M. 1990. *Teachers at work: Achieving success in our schools*. New York: Basic Books.

Johnson, B., & Christensen, L. 2008. Educational research: *Qualitative and quantitative approaches*. Los Angeles: Sage Publishers.

Joubert, R. & Bray, (eds) 2007. *Public School Governance*. Pretoria: CELP.

Joubert, R. & Prinsloo, S. 1999. Education Law: *Reader*. Pretoria: CELP

Joubert, R. & Prinsloo, S. 2001. Education Law – *A practical guide for educators*. Van Schaik: Pretoria.

Joubert, R. 2008. Policy-making by public governing bodies: *law and practice in Gauteng*. ACTA Academica 41(2):230-255.

Joubert, R. 2009. Education, Law and Leadership that Promotes the Best Interests of Students in South Africa. *International Journal of Law and Education*. 14(2):7-18.

Kennedy, R. 1984. *The dictionary of beliefs. An illustrated guide to world of religions and beliefs*. London: Ward Lock Educational, 252-256.

Khrais, R. 2009. Religion in public schools: Discerning the needed balance of religion in public schools. *Lethbridge Undergraduate Research journal*, 5(1):13.

Klarsfield, A. (Editor). 2010. International handbook on diversity management at work: Country Perspectives on Diversity and Equal Treatment. Cheltenham, UK: Edward Elgar.

Kleyn, D & Viljoen, F. 2007. *Beginners guide for law students* (3rd ed.). Lansdowne: Juta.

Koontz, H. & Weihrich, H. 1990. *Essentials of Management*, Fifth Edition, Auckland, New Zealand, McGraw-Hill.

Kreitner, R. 2004. *Management* (9th ed.). Boston: Houghton Mifflin.

Kunzman, R. 2006. *Imaginative engagement with religious diversity in public school classroom*. Indiana University School of Education. Bloomington, Indiana, USA. *Religious Education*, 101(4):517-531.

Kvale, S., & Brickman, S. 2009. *Interviewing in qualitative research*. Thousand Oaks, CA: Sage Publishers.

Leedy, P.D. & Omrod, J.E., 2005. *Practical research: planning and design*. 8th ed. New Yearsey: Pearson Prentice Hall.

Lekalakala, P.S. 2007. *The Role of the School Governing Body In Implementing A Code of Conduct For Learners in Secondary Schools in North West Province*. Pretoria: University of South Africa.

Lincoln, Y.S. & Guba, E.G. 1985. *Naturalistic inquiry*. Beverly Hill, CA: Sage Publishers.

Maile, S. 2002. Accountability: an essential aspect of school governance. *South African Journal of Education* , 22(4): 326-331.

Mafora, P. 2013. (In)tolerance of Diversity and School Governance: Perceptions and Experiences of Parents in Soweto Secondary Schools. *Journal of Social Sciences*. 4(4): 101-109.

Mahlangu, R. 2008. *The effective functioning of a school governing body: A case study in selected schools*. Unpublished Med dissertation. Pretoria: University of South Africa.

Malherbe, EFJ. 2003. Advancing social change: recent human rights developments in South Africa. *Tydskrif vir die Suid-Afrikaanse Reg*, (2): 432-464.

Maluleka, J.S. 2008. *The Capacity of School Governing Bodies in Rural Schools in the Moretele District of the Nkangala Region*. Unpublished Med dissertation. Pretoria: University of South-Africa.

Mandaville, P. & James, P. (2010). *Globalization and Culture*, Vol. 2: Globalizing Religions: London. Sage Publications.

Maree, K., (ed), 2007. *First steps in Research*. Pretoria: Van Schaik.

Marshall, C. & Rossman, G.B. 1999. *Designing qualitative research*, 3rd edition. Thousand Oaks: Sage Publishers.

Marishane R.N. 1999. *Partnerships in school governance: foundation for reform and restructuring*. Unpublished Med dissertation. Pretoria: University of South Africa.

Mavromaras, M. 2007. *The definition of secularism. Do people really have the right to practice their religion?* A Modest Proposal, 3(5). Kimberley Allen et al. Eugene McDermott Library.

McMillan, J.H. & Schumacher, S. 1993. *Research in Education. A conceptual introduction.* New York: Harper Collins College Publishers.

McMillan, M.S. & Schumacher, S. 1997. *Research in Education: A conceptual introduction.* 3rd edition. New York: Harper Collins College Publishers.

McMillan, J.H. & Schumacher, S. 2001. *Research in Education.* Fifth edition. Virginia Commonwealth University. New York: Wesley Longman Inc.

McMillan, J.H. & Schumacher, S. 2006. *Research in Education*, 6th Edition. Pearson Education Inc.

Merriam, S.B. 1998. *Qualitative Research and case study applications in education.* San Francisco: Jossey-Bass Publishers.

Mestry, R. 2004. Financial accountability: The principal or the school governing body? *South African Journal of Education*, 24:126-132.

Mestry, R. 2006. The Constitutional Right of freedom of Religion in South African Primary Schools. *Australia & New Zealand Journal of Law & Education*, 12(2): 57-58.

Miles, B.M. & Huberman, A.M. 1994. An expanded source book – Qualitative Data Analysis (2nd edition). London: Sage Publishers.

Mitchell, G. 1993. *Education and religious freedom.* Religious Freedom in South Africa, in Ntho-Ntho, A.M. *Religious freedom in South Africa*, 1-13, Pretoria: University of Pretoria Press. CA: Sage Publishers.

Modipa, T. I. 2014. *An analysis of the Implementation of The Policy on Religion and Education in schools.* Unpublished Med dissertation. Pretoria: University of Pretoria.

- Morse, J.M., Field, P.A. 1996. *Nursing Research: The Application of Qualitative Approaches* (2nd ed). London: Chapman and Hall.
- Mouton, J. 2001. *How to succeed in your master's and doctoral studies: A South African Guide and resource book*. Pretoria: Van Schaik.
- Naidoo, J.P. 2005. *Educational Decentralisation and school governance in South Africa: from Policy to Practice*. PhD thesis presented to the Harvard Graduate School of Education, Harvard.
- Naidu, A., Joubert, R., Mestry, R., Mosego, J. & Ngcobo, T. 2008. *Education Management and Leadership: A South-African perspective*. Cape Town: Oxford University Press.
- Ndou, N.F. 2008. *The role of the School Management Teams in Curriculum Change Management*. Unpublished Med dissertation. Pretoria: University of South Africa.
- Neuman, W.L. 2000. *Social research methods: Qualitative and quantitative approaches*, 5th edition. Boston: Allyn and Bacon.
- Nieuwenhuis, J. 2007. *Introducing qualitative research*. In K. Maree, *First Steps in Research*. Pretoria: Van Schaik.
- Ntho-Ntho, A.M., 2013. *School Principals Mediating change: The Case of Religion in Education*. Unpublished Med dissertation. Pretoria: University of Pretoria
- Ornstein, A.C. & Hunkins, F. 1993. *Curriculum Foundation Principles Theory*. 2nd Edition. Boston: Allyn & Bacon.
- Patton, M.Q. 2002. *Qualitative Research & Evaluation Methods*. London: Sage Publishers.
- Peterson, K.D. 1994. *Building collaborate cultures: Seeking ways to reshape urban schools*. Wisconsin: North Central Regional Laboratory.

- Potgieter, J.M., Visser, P.J., Van Der Bank A.J., Motala, M.S. and Squelch J.M. 1997. *Understanding the South African Schools Act. What school governors need to know?* Pretoria: Department of Education.
- Prinsloo, S. 2006. State interference in the governance of public schools. *South-African Journal of Education*. 26(3): 355-368.
- Rautenbach, I.M. & Malherbe, E.F.J. 1999. *Constitutional law*. 3rd edition. Pietermaritzburg: Interpak.
- Republic of South Africa (1996a). *The Constitution of the Republic of South Africa*, Pretoria: Government Printers.
- Republic of South Africa (1996b). *South African Schools Act No 84 of 1996*. Pretoria: Government Printers.
- Republic of South Africa (1996c) *Education White Paper 2: The organisation, governance and funding of schools*. Pretoria: Department of Education.
- Rosenbohm, C.J.M. 2011. *Perceptions and experiences of SWB students with religion and spirituality in Social work education and practice*. Case Western Reserve University. Mandel School of Applied Sciences.
- Roux, C.D. 1998. The need for a paradigm shift in teaching religion in multi-cultural schools in South Africa. *South African Journal of Education* 18(2): 84-89.
- Roux, C. 2003. Playing games with religion in education. *South African Journal of Education*, 23:130-134.
- Roux, C.D. 2005. Religion and education: Perception and practices. *Scriptura*, 89:293-306.
- Roux, C.D. 2006(a). Innovative facilitation strategies for religion education. In: De Souza *et al.* (eds). *International Handbook of the Religious, Moral and Spiritual Dimensions in Education. Part 2*. Dordrecht: Springer.

- Roux, C. 2006(b). Children's spirituality in social context: A South African example. *International journal of Children's Spirituality*, 11:151-163.
- Roux, C.D. & Du Preez, P. 2005. Religion in education: an emotive research domain. *Scriptura*, 89:273-282.
- Russo, C.J. & Osborne, A.G. 2012. *Religion in schools*. Volume 4. Sage Publications, Inc. Thousand Oaks, California.
- Russo, C.J. 2014. *International Perspectives on Education, Religion and Law*. New York, Routledge Publishers.
- Saayman, W.A. 1993. *Religious Freedom in Apartheid South Africa*, in Kilian, J. (Ed) Religious freedom in South Africa, Pretoria: University of Pretoria.
- Shenton, A.K. 2004. Strategies for ensuring trustworthiness in qualitative research projects. *Education for Information* (22):63-75.
- Shumane, L.S. (2009). *An evaluation of the role of parents in school governing bodies: A case study of selected rural public schools in the Butterworth District*. Unpublished MPA dissertation. Port Elizabeth: Nelson Mandela Metropolitan University.
- Silverman, D. 1993. *Interpreting qualitative data*. (4th ed). London: Sage Publishers.
- Slavin, R. 2007. Educational Research. *In an age of accountability*. Upper Saddle River, N.J.: Pearson Education. Inc.
- Smith. P.J. and Cronje, J. 2002. *Management Principles*. Cape Town: Creda Press.
- Strauss, A. & Corbin, J. 1998. *Basics of qualitative research*. London: Sage Publications.
- Squelch, J.M. 1999. *Governance of education in contemporary education. Global issues and trends*. Cape Town: Heineman.
- Squelch, J.M. 2000. *Discipline*. Pretoria: Centre for Education Law and Education Policy (CELP).

- Thurlow, M., Bush, T. & Coleman, M. 2003. *Leadership and strategic management in South African schools*. London: Commonwealth Secretariat.
- Tesch, R. 1990. *Qualitative Research: Analysis types and software tools*: New York, Falmer.
- Teece, G. 2010. Is it learning about and from religion, religion or religious education? And is it any wonder some teachers don't get it? *British Journal of Religious Education*, 32(2): 93-103.
- Thomas, R.R. 1992. *Managing diversity: A conceptual framework*. In: Jackson, S.E. & Associates. *Diversity in the workplace*. New York: Guilford Press.
- Thomas, D.E. 2005. *African traditional religion in the modern world*. New York City, McFarland & Company, Inc., Publishers.
- Thurlow, M., Bush, T. & Coleman, M. 2003. *Leadership and strategic management in South African schools*. London: Commonwealth Secretariat.
- Tomalin, E. 2007. Supporting cultural and religious diversity in higher education: pedagogy and beyond. University of Leeds, UK. *Teaching in Higher Education*, 12(5-6) 621-634.
- Tsipane, L. 1999. Calls for active parent participation in school governance. *Department of Education*, 1(1): 34-56.
- Tumwine, D.B. 2014. *The Role of School Managers in Managing Violence in High Schools; A Swaziland case study*: Unpublished Med dissertation. Pretoria. University of Pretoria.
- Van der Vyver, J.D. 2007 *The Contours of Religious Liberty in South Africa*. Emory International Law Review. (21): 1-110.
- Van der Walt, J.L. 2011. Understanding the anatomy of religion as basis for religion in education. *HTS Teologiese Studies/Theological Studies*, 30:1-7.
- Van der Walt, J.L. 2011. Religion in education in South Africa: was social justice served? *South African Journal of Education*, 31: 381-393.

Van der Stoep, S.W. and Johnston, D.D.2009. *Research Methods for Everyday Life-blending quantitative approaches*. San Francisco: Jossey-Bass.

Van Wyk, N. (2004). School governing bodies: the experience of South African educators. *South African Journal of Education*, 24:49-54. Pretoria: University of South Africa.

Van Wyk, C.B Marumoloa, M.2012. The Role and Functioning of School Management Teams in Policy Formulation and Implementation at School Level. *Journal Social Science*, 32(1): 101-110.

Van Vollenhoven, W.J. 2005. *Learners' Understanding of their Right to Freedom of Expression in South Africa*. Unpublished Thesis. Pretoria: University of Pretoria.

Van Vollenhoven, W.J. and Blignaut, S. 2007. Muslim learners' religion expression through attire in culturally diverse public schools in South Africa: A cul-de-sac? *Journal of Family Ecology and Consumer Sciences*, 35: 1-8.

Van Vollenhoven, W. Beckmann, J. and Blignaut, S. 136 2006. Freedom of expression and the survival of democracy: has the death knell sounded for democracy in South African schools? *Journal of Education*, 39: 49-140.

Visser P.J. 1999. Some ideas on legal aspects of a code for learners in public school. *De Jure*, 1(32): 146-152.

Vorster, J.M. 2010. *Religious instruction in public schools in view of the fundamental right to religious freedom: A Christian ethical perspective*. Potchefstroom: University of the Northwest, 205-216.

Websters High School Dictionary 1996. New York: McDougal, Littell and Co. Trident Press International.

Wellington, J. 2000. *Educational Research: contemporary issues and practical approaches*. London & New York: Continuum.

Yin, R. K. (1984), *Case Study Research: Design and Methods*. Beverley Hills: Sage Publications.

Newspaper Articles

Hess, L. 2013. School must resolve headgear matter – dept. *news24*.

Monayi, D. 2007. Boy sick without goatskin bracelet. *The Citizen*, 16 March 2007.

Mouphumulo, S. 2007. More racism claims over pupil's red string. *IOL news*.

Nombembe, T. 2013. Rastafarian learner unlawfully suspended school. *Sowetan Live*.

Organisasie vir Godsdienste – *Onderrig en Demokrasie*, 2014: *Press Release*.

Pretorius. 1998, 20 January. 'n Geloofsaak (A matter of faith). *Beeld*: 8.

Rondganger, L, & Govender, 2004, 23 January. Wrangler over headscarf at Johannesburg School. *Star*:3.

Williams, P. 2013. "Government encourages freedom of children's religious and ethnic rights. *Media report*.

Court cases

Chaskalson v Solberg, 1997(10) BCLR 1348 (CC) Par 100.

Antonie v Governing Body, Settlers High Schools & Head Western Cape Education Department 2002 (4) SA 738(c).

MEC for Education: KwaZule-Natal v Navaneethum Pillay 2008 (1) SA 474 (CC).

S v Lawrence; S v Negal; S v Solberg 1997 (10) BCLR 1348 (CC); 1997 (4) SA 1176 (CC)



Dear Diane Bunting,

I am currently a student studying through the University of Pretoria. I am currently enrolled for my Bed (Masters) in the Faculty of Education. I have to complete a research module and one of the requirements is that I conduct research and write a research report.

The topic of my research is: The management of religious diversity in schools from a legal perspective. Many South-African school principals and their respective governing bodies are struggling in managing the various diversities of religions within their respective schools. Principals and their school governing bodies have been taken to court, as their school policies have been in contravention of the rights of learners when it comes to learners expressing their religious beliefs. The aim of the research is to investigate the managements of religious diversities and schools, from a legal perspective, and to find out why such problems relating to the management of religious diversities within schools is taking place. (Please find attached, a copy of the proposal, interview questions and applicable letters.

The duration of the interviews will be 2 hours. The interview will be audio taped and transcribed for analytical purposes. All interviews will take place on the school premises of the respective sampled schools.

Document analysis of current religious policies of the sampled schools will form part of this research. This information will only be accessed by myself and my supervisor and will be regarded as confidential and anonymous.

All participants identities will be protected at all times. Only my supervisor and I will know your real name, as a pseudonym will be used during data collection and analysis. The information which is obtained will only be used for academic purposes. In my research report and in any other academic communication, a pseudonym name will be utilised and no other identifying information will be given, in the final report.

Collected data will be in my possession or my supervisor's and will be locked up for safety and confidential purposes. After completion of the study, the material will be stored for a period of 15 years in a locked up safe, at the University of Pretoria

I humbly request permission from the Department of Education to commence my research project as soon as possible.

Your speedy co-operation and reply would be much appreciated.

Yours sincerely

Signature of student

Name of student: Brandon Schunke

Contact number for student: Parkrand Primary (0118965123)

E-mail of student: headmaster@parkrand.co.za

Student no: 04401824

Mrs. Rika Joubert (Supervisor)

012 420 5514 (Supervisor)

Rika.Joubert@up.ac.za (Supervisor)

Supervisor Signature



GAUTENG PROVINCE

Department: Education
REPUBLIC OF SOUTH AFRICA

For administrative use:
Reference no: D2014 / 352

GDE RESEARCH APPROVAL LETTER

Date:	11 February 2014
Validity of Research Approval:	11 February to 3 October 2014
Name of Researcher:	Schunke B.
Address of Researcher:	P.O. Box 8995
	Cinda Park
	1463
Telephone Number:	011 849 3543 / 072 381 8905 / 082 5568 923
Email address:	headmaster@parkrand.co.za
Research Topic:	The management of religious diversity in schools from legal perspective
Number and type of schools:	THREE Primary Schools
District/s/HO	Ekurhuleni South

Re: Approval in Respect of Request to Conduct Research

This letter serves to indicate that approval is hereby granted to the above-mentioned researcher to proceed with research in respect of the study indicated above. The onus rests with the researcher to negotiate appropriate and relevant time schedules with the school/s and/or offices involved to conduct the research. A separate copy of this letter must be presented to both the School (both Principal and SGB) and the District/Head Office Senior Manager confirming that permission has been granted for the research to be conducted.

The following conditions apply to GDE research. The researcher may proceed with the above study subject to the conditions listed below being met. Approval may be withdrawn should any of the conditions listed below be flouted:

- 2014/02/13*
1. The District/Head Office Senior Manager/s concerned must be presented with a copy of this

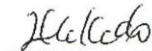
Office of the Director: Knowledge Management and Research

9th Floor, 111 Commissioner Street, Johannesburg, 2001
P.O. Box 7710, Johannesburg, 2000 Tel: (011) 355 0505
Email: David.Makhado@gauteng.gov.za
Website: www.education.gpg.gov.za

- letter that would indicate that the said researcher/s has/have been granted permission from the Gauteng Department of Education to conduct the research study.
2. The District/Head Office Senior Manager/s must be approached separately, and in writing, for permission to involve District/Head Office Officials in the project.
 3. A copy of this letter must be forwarded to the school principal and the chairperson of the School Governing Body (SGB) that would indicate that the researcher/s have been granted permission from the Gauteng Department of Education to conduct the research study.
 4. A letter / document that outlines the purpose of the research and the anticipated outcomes of such research must be made available to the principals, SGBs and District/Head Office Senior Managers of the schools and districts/offices concerned, respectively.
 5. The Researcher will make every effort obtain the goodwill and co-operation of all the GDE officials, principals, and chairpersons of the SGBs, teachers and learners involved. Persons who offer their co-operation will not receive additional remuneration from the Department while those that opt not to participate will not be penalised in any way.
 6. Research may only be conducted after school hours so that the normal school programme is not interrupted. The Principal (if at a school) and/or Director (if at a district/head office) must be consulted about an appropriate time when the researcher/s may carry out their research at the sites that they manage.
 7. Research may only commence from the second week of February and must be concluded before the beginning of the last quarter of the academic year. If incomplete, an amended Research Approval letter may be requested to conduct research in the following year.
 8. Items 6 and 7 will not apply to any research effort being undertaken on behalf of the GDE. Such research will have been commissioned and be paid for by the Gauteng Department of Education.
 9. It is the researcher's responsibility to obtain written parental consent of all learners that are expected to participate in the study.
 10. The researcher is responsible for supplying and utilising his/her own research resources, such as stationery, photocopies, transport, faxes and telephones and should not depend on the goodwill of the institutions and/or the offices visited for supplying such resources.
 11. The names of the GDE officials, schools, principals, parents, teachers and learners that participate in the study may not appear in the research report without the written consent of each of these individuals and/or organisations.
 12. On completion of the study the researcher/s must supply the Director: Knowledge Management & Research with one Hard Cover bound and an electronic copy of the research.
 13. The researcher may be expected to provide short presentations on the purpose, findings and recommendations of his/her research to both GDE officials and the schools concerned.
 14. Should the researcher have been involved with research at a school and/or a district/head office level, the Director concerned must also be supplied with a brief summary of the purpose, findings and recommendations of the research study.

The Gauteng Department of Education wishes you well in this important undertaking and looks forward to examining the findings of your research study.

Kind regards



Dr David Makhado
Director: Education Research and Knowledge Management

DATE: 2014/02/13



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Education

RESEARCH ETHICS COMMITTEE

CLEARANCE CERTIFICATE

DEGREE AND PROJECT

INVESTIGATOR(S)

DEPARTMENT

DATE CONSIDERED

DECISION OF THE COMMITTEE

CLEARANCE NUMBER :

EM 14/02/05

MEd

The management of religious diversity in schools from legal perspective

Brandon Schunke

Education Management and Policy Studies

26 June 2015

APPROVED

Please note:

For Masters applications, ethical clearance is valid for 2 years

For PhD applications, ethical clearance is valid for 3 years.

**CHAIRPERSON OF ETHICS
COMMITTEE**

Prof Liesel Ebersöhn

DATE

26 June 2015

CC

Jeannie Beukes

Liesel Ebersöhn

Prof HJ Joubert

This ethical clearance certificate is issued subject to the following condition:

1. It remains the students' responsibility to ensure that all the necessary forms for informed consent are kept for future queries.

Please quote the clearance number in all enquiries.



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Education

RESEARCH ETHICS COMMITTEE

CLEARANCE CERTIFICATE

DEGREE AND PROJECT

INVESTIGATOR(S)

DEPARTMENT

DATE CONSIDERED

DECISION OF THE COMMITTEE

CLEARANCE NUMBER :

EM 14/02/05

MEd

The management of religious diversity in schools from legal perspective

Brandon Schunke

Education Management and Policy Studies

26 June 2015

APPROVED

Please note:

For Masters applications, ethical clearance is valid for 2 years

For PhD applications, ethical clearance is valid for 3 years.

**CHAIRPERSON OF ETHICS
COMMITTEE**

Prof Liesel Ebersöhn

DATE

26 June 2015

CC

Jeannie Beukes

Liesel Ebersöhn

Prof HJ Joubert

This ethical clearance certificate is issued subject to the following condition:

1. It remains the students' responsibility to ensure that all the necessary forms for informed consent are kept for future queries.

Please quote the clearance number in all enquiries.

Appendix A

Dear Principal / Chairperson / Chairlady of the School Governing Body

I am currently a student studying through the University of Pretoria. I am currently enrolled for my Bed (Masters) in the Faculty of Education. I have to complete a research module and one of the requirements is that I conduct research and write a research report. I would like to ask you whether you will be willing to participate in this research?

The topic of my research is: The management of religious diversity in schools from a legal perspective. Many South-African school principals and their respective governing bodies are struggling in managing the various diversities of religions within their respective schools. Principals and their school governing bodies have been taken to court, as their school policies have been in contravention of the rights of learners when it comes to learners expressing their religious beliefs. The aim of the research is to investigate the management of religious diversities in schools, from a legal perspective. Furthermore, I want to find out why such problems relating to the management of religious diversities within schools is taking place.

Should you agree to participate, you will be interviewed about the above topic. The interview will take place at a venue and time that will be convenient to you and will not interfere with school activities of teaching time. The duration of the interviews will be 2 hours. The interview will be audio taped and transcribed for analytical purposes.

Document analysis of current religious policies of the sampled schools will form part of this research. This information will only be accessed by myself and my supervisor and will be regarded as confidential and anonymous.

Kindly remember that you do not have to participate in this research if you do not want to, and you will not be penalised in any way if you decide not to take part. If you decide to participate, however, change your mind later, you may withdraw your participation at any time.

Your identity will be protected at all times. Only my supervisor and I will know your real name, as a pseudonym will be used during data collection and analysis. Your school will not be identified either. The information you give will only be used for academic purposes. In my research report and in any other academic communication, a pseudonym name will be utilised and no other identifying information will be given. Collected data will be in my possession or my supervisor's and will be locked up for safety and confidential purposes. After completion of the study, the material will be stored for a period of 15 years in a locked up safe, at the University of Pretoria (Department of Educational Management, Law and Policy)

If you agree to take part in this research, please fill in the consent form provided below. If you have any questions, do not hesitate to contact my supervisor or me at the numbers given below, or via e-mail.

Name of participant: _____

Contact number for participant: _____

E-mail of participant: _____

Signature of Student

Mr. B. Schunke

011-896-5123/4 or Cell 072-381-8905

headmaster@parkrand.co.za

Supervisor Signature

Mrs. R. Joubert (Supervisor)

012-420-5514 (Supervisor)

Rika.Joubert@up.ac.za Supervisor)

Appendix B

CONSENT FORM

The management of religious diversities in schools from a legal perspective

I, _____ (your name), Principal /
Chairperson _____ agree / do not agree (delete what is
not applicable) to allow Brandon Schunke to conduct research in this school. The topic of the
research project titled:

“The management of religious diversity in schools from a legal perspective”. I
understand that I as a principal (manager) will be interviewed about this topic for approximately
two hours at a venue and time that will suit me, but that will not interfere with school activities
or teaching time. The interview will be audio taped.

I understand that my school’s religion policy be copied and analysed by the researcher.

I understand that the research subscribes to the principles of:

- *Voluntary participation* in research, implying that the participants might withdraw from the research at any time.
- *Enforced consent*, meaning that research participants must at all times be fully informed about the research process and purposes, and must give consent to their participation in the research.
- *Safety in participation*; put differently, that the human respondents should not be placed at risk or harm of any kind e.g., research with young children.
- *Privacy*, meaning that the *confidentiality* and *anonymity* of human respondents should be protected at all times.
- *Trust*, which implies that human respondents will not be exposed to any acts of deceptions or betrayal in the research process or its published outcomes.

Signature: _____

Date: _____

Appendix C

The management of religious diversities in schools from a legal perspective.

Time of interview: _____ Duration: _____

Date: _____

Place: _____

Interviewer: _____

Interviewee: _____ Pseudonym name: _____

Male / Female: _____

Principal's interview

Please remember that your answers to all of these questions will be treated in the strictest confidence and that at no time will you or your school to be identified either by name or by implication by any reader of the findings of this research.

- Please confirm the following basic biographical information about your school:
 - the quintile within which each school falls:
 - the school's geographic location (urban, rural etc.):
 - the number of learners enrolled;
 - the number of staff members employed at each school:
 - the data of the percentages of various religions at your school.

- Please confirm the following basic biographical information about yourself:
 - Years of experience in education:
 - Years of experience as a principal:

- 1) Can you briefly explain to me what you as a manager understand by religious diversity?
- 2) What legislation regarding the management of religion in public schools are you aware of?
- 3) Does your school have copies of SASA, Constitution and National Policy on Religion and Education?
- 4) Where are these documents stored?

- 5) Who or which persons have access to these documents?
- 6) Does your school have a religious policy?
- 7) What is the dominant religion of your school?
- 8) How do you know this?
- 9) What other religions are represented in your school?
- 10) Can you tell me how you drew up your religious policy for your school?
- 11) What role did the SGB play in the religious policy of your school updating it?
- 12) How did you go about planning and managing the religious observance in your school?
- 13) When you drew up the religious policy of your school, did you consult the wider community?
- 14) How did the school communicate the final copy of the religious policy to all stakeholders?
- 15) Should a parent of a learner wish to have their child's religious attire, or religious symbols accommodated at your school, does your religious policy accommodate such requests and what procedure is involved should a parent to request such?
- 16) How does your religious policy accommodate and make provision in ensuring that all the different religions in your school are treated equitably?
- 17) Does your school have a religious committee and what are their functions?
- 18) How do you manage the religious observance period / time in your school i.e. how do you plan, organise and implement the religion observance period in your school?
- 19) How do you as manager ensure that all the different religions are treated equitably in your school?
- 20) How do you conduct the training of your staff on managing different religions or religious beliefs in schools? Do you have any training or have they been exposed to anything?
- 21) As a manager, as a principal, are there any fears or concerns that you have regarding the management of the religious diversities in your school?
- 22) What role does your SGB play in assisting you in implementing the religious policy of your school?
- 23) How do they give you that support?
- 24) Would you allow / permit a Muslim learner or any other learner to wear his / her religion attire to school? Please elaborate on this.

- 25) Can you explain of any challenges that you have encountered regarding the management of religious diversity in your school?
- 26) Is there anything else you wish to share with me?

Appendix D

The management of religious diversities in schools from a legal perspective.

Time of interview: _____ Duration: _____

Date: _____

Place: _____

Interviewer: _____

Interviewee: _____ Pseudonym Name: _____

Male / Female: _____

Governing Body Chairperson / Chairladies interview

Please remember that your answers to all of these questions will be treated in the strictest confidence and that at no time will you or your school to be identified either by name or by implication by any reader of the findings of this research.

- Please confirm the following basic biographical information about yourself:
 - Years of experience as a Chairperson of the Board of Governors:

General Questions

- 1) How would you describe the power and influence of the School Governing Body in your school related to learner's rights to freedom of religion?
- 2) Explain what you understand in a school context by the right to freedom of religion?
- 3) How did you as School Governing Body go about drafting up a school's code of conduct? Explain what documents were consulted.
- 4) Explain how your schools code of conduct makes provision for learners to express their right of freedom of religion?
- 5) How often do you revise the school's code of conduct?
- 6) How did you communicate the school's code of conduct to parents and learners?
- 7) What policies did you consult (**SGB**) when drawing up the religious policy for your school and how do you go about getting the community involved in the formulation of such policies?

- 8) What is the dominant religion in your school?
- 9) Are there any other religions in your school?
- 10) As a School Governing Body how would you ensure that all religions in your school are treated equitably during religious observances periods?
- 11) How has the School Governing Body accommodated the religious observances in your school?
- 12) Has the School Governing Body been involved in any disciplinary matters regarding a learner who a) wishes to have their individual religious beliefs represented in the school and b) which inevitably went against the schools code of conduct. Explain.
- 13) Explain how the SGB assists the principal in implementing the (a) schools code of conduct and (b) the religious policy of the school.
- 14) As Chairperson of the SGB do you feel that the South African Schools Act provides enough information / or guidelines to principals and their respective SGB's on how to conduct religious observances in public schools and is enough information provided on how to treat all religions equitably? Please explain.
- 15) Do you feel that Christianity in public schools is compromised by the Constitution and the SASA? Please explain.
- 16) Are there any issues which you as the Chairperson and the SGB wish to bring to my attention (The researchers attention) regarding religion in public schools in South Africa / or any comment that you wish to make regarding the government / departments stance regarding religion in schools.

I would like to take this opportunity in thanking you most sincerely for answering the above questions