

CHAPTER 6

EMPIRICAL RESEARCH

6.1 INTRODUCTION

In this chapter the contents of the questionnaire as well as the findings from the questionnaires returned by principals and the chairmen of governing bodies of English-medium and Afrikaans-medium secondary schools will be discussed. The necessary interpretation of the findings on the legal responsibilities of the governing body of the state-aided school will also be dealt with.

6.2 RESEARCH DESIGN

6.2.1 The questionnaire as measuring instrument

Van der Westhuizen (1992:45-46) and De Wet et.al. (1981:163) distinguish between two types of questionnaires, namely:

- * the open or unstructured questionnaire where the respondent is given a free choice of answers and opportunities to give his opinions in response to the questions.
- * the closed or structured questionnaire which consists of questions to which alternative answers are provided and from which the respondent must choose an answer. It is possible to include some open questions in the structured questionnaire.
- * This research has made use of a structured questionnaire which was posted to principals and chairmen of governing bodies of secondary schools.

6.2.1.1 Advantages of the posted (mailed) questionnaire

Van der Westhuizen (1992:45) lists the following advantages of the questionnaire which is posted to respondents, namely:

- * A large group of people (e.g. principals) can be reached.
- * The questionnaire is a more reliable measuring instrument than an interview, for example.
- * The respondents can remain anonymous.
- * Responses are more objective since personal contact is eliminated.
- * Instructions are usually standardised so that respondents will know what is expected of them.
- * Less time is required than would be the case in an interview.
- * Costs are less than would be the case with interviews.

- * Analysing and tabulating the responses is made easier.
- * Questionnaires are easier to complete and the respondent can devote his attention to the subject.

6.2.1.2 Disadvantages of the posted (mailed) questionnaire

According to Van der Westhuizen (1992:45) there are certain disadvantages attached to the posted questionnaire, namely:

- Respondents can give different interpretations to questions.
- It is difficult to determine the accuracy of answers.
- Answering the questionnaire can occur haphazardly or can be delegated to someone else to do.
- Respondents are not always willing to spend time and effort on completing questionnaires and it is difficult to get their co-operation, resulting in poor returns.

- Respondents are limited in choice to the set alternative answers that are given.

6.2.2 Construction of the questionnaire

6.2.2.1 Language medium

In view of the fact that English-medium and Afrikaans-medium secondary schools were to be used in the research, the questionnaire was first compiled in English and thereafter translated into Afrikaans (see Appendix 1).

6.2.2.2 Sections of the questionnaire

The questionnaire (see Appendix 1) was constructed so as to consist of six sections, namely:

- * Section A (questions 1.1 to 7.6) - biographical data
- * Section B (questions 8.1 to 10.3) - demographic data
- * Section C (questions 11.1 to 12.6) - assessment by the respondents of the governing body's knowledge of certain relevant Acts and its understanding of some of the legal implications of the Act (70/1988) and the Regulations. Respondents were asked to choose one answer ranging from: "none; superficial; relevant; and thorough" knowledge and understanding of each example given.
- * Section D (questions 13.1 to 18.5) - assessment of the extent to which the governing body has made a study of or consulted certain relevant documents in given situations and what its knowledge is of who the decision-makers would be in certain situations. Respondents were asked to select one answer from: "yes; no; uncertain" to each of the questions.
- * Section E (questions 19.1 to 19.16) - assessment

of what key documents, as listed, the governing body has got, or by implication, are to be found in the school. Respondents were asked to select one answer from "yes; no; uncertain" to each of the questions.

- * Section F (questions 20 to 49) - assessment of the degree to which the respondents agree with certain statements relating to situations provided for in the Act or the Regulations. Respondents were asked to select one answer from a choice of: "disagree, partially agree, agree to a greater extent; agree wholeheartedly" to each of the statements.

6.2.3 Administrative procedures (Transvaal Education Department)

A letter was addressed to the Executive Director of Education in the Transvaal, requesting permission to conduct the research among selected English-medium and Afrikaans-medium secondary schools in the Transvaal. Permission to proceed with the distribution of the questionnaire was granted by the Education Research Bureau (see Appendix 2).

Each principal and chairman of the governing body as determined by a random sample selection (para. 6.2.4) received a copy of the letter of consent from the Education Research Bureau as well as a letter from the researcher wherein particulars of the research were sent out (see Appendix 3).

6.2.4 Population and random sample

The population was determined as being the principals and chairmen of governing bodies of English-medium and Afrikaans-medium secondary schools in the Transvaal.

The number of such schools is:

Afrikaans-medium schools	- 146
English-medium schools	- 80
Total	- 226

The following formula was used to determine the size of the population sample:

$$N = \frac{N}{1 + \frac{N(d^2)}{10\,000}}$$

* n = size of the sample

* N = the population

* d = 5 (for 5 % accuracy of calculating the percentages with a 95 % probability)

(Statistiese Konsultasiediens, 1991:273)

Based on a population of 226, the sample was calculated to be : n = 141.

The ratio between the number of English-medium and the number of Afrikaans-medium schools to be involved in the research was calculated as follows:

$$\begin{aligned} \text{English-medium} &= \frac{80}{226} \times \frac{141}{1} \\ &= 49,911 \\ &= 50 \text{ out of } 80 \end{aligned}$$

$$\begin{aligned} \text{Afrikaans-medium} &= \frac{146}{226} \times \frac{141}{1} \\ &= 91,088 \\ &= 91 \text{ out of } 146 \end{aligned}$$

As a result of the above calculations a random sample selection was done of the secondary schools concerned, and identical questionnaires were sent to the principal and to the chairman of the governing body of each school selected.

6.2.5 Questionnaires sent out and returned

The following tables show the number of questionnaires which were sent out and the number which were returned:

TABLE 6.1 NUMBER OF QUESTIONNAIRES SENT TO AND RETURNED BY PRINCIPALS

Principals	Sent		Returned	
	f	%	f	%
Afrikaans	91	100	68	74,7
English	50	100	37	74,0
Total	141	100	105	74,4

TABLE 6.2 NUMBERS OF QUESTIONNAIRES SENT TO AND RETURNED BY CHAIRMEN OF GOVERNING BODIES

Chairmen	Sent		Returned	
	f	%	f	%
Afrikaans	91	100	38	41,7
English	50	100	21	42,0
Total	141	100	59	41,8

Of the 141 questionnaires sent to the principals of secondary schools, 105 were returned. The number of questionnaires returned represent 74,4 % of those which were sent to principals.

Of the 141 questionnaires sent to the chairmen of governing bodies of secondary schools, 59 were returned. The number of questionnaires returned represent 41,8 % of those which were sent to chairmen.

According to Landman (1980:112), reliable and valid conclusions can only be made if there is at least a 70 % response.

From the figures shown in tables 6.1 and 6.2 it can be concluded that the response from the chairmen of governing bodies (41,8%) was inadequate, while the response from the principals of schools (74,4 %) was sufficiently adequate for a meaningful analysis to be done of the empirical data.

This research therefore has been based exclusively on the information contained in the questionnaires returned by the principals in their capacity as executive members of the governing body of the state-aided schools concerned.

6.2.6 Statistical techniques

The results of the research were processed with the assistance of the main-frame computer of the statistical consultative services of the Potchefstroom University for Christian Higher Education.

The Statistical Analysis System (SAS) computer programme package was used (SAS Institute Inc., 1985:403).

A frequency analysis was done with the assistance of a FREC - procedure of SAS, on principals alone and on each section of the questionnaire (Appendix 1) in order to obtain an idea of the extent of the knowledge, understanding and interpretive skills of the governing body with regard to their legal responsibilities. The results reflect the frequencies and percentages of responses to each question item.

On section F (Annexure 1) an average was calculated through a MEANS procedure of SAS. A one-way Analysis of Variance was done between the years of experience of the respondents (Annexure 1, question 4) and the extent of their knowledge with regard to certain other questions, but no meaningful differences were identified.

6.3 INTERPRETING THE DATA

Conclusions reached in this research apply only to state-aided secondary schools under the control of the Transvaal Education Department, and not to secondary schools in the rest of the R.S.A.

6.3.1 SECTION A: BIOGRAPHICAL DATA

(see Section A, questions 1 to 7 of Appendix 1)

TABLE 6.3 BIOGRAPHICAL DATA OF SCHOOL PRINCIPALS

Biographical Data of Principals	f	%
1. Age		
Younger than 30	0	0
30 - 35	2	1,9
36 - 40	9	8,6
41 - 45	34	32,4
46 - 50	33	31,4
Older than 51	27	25,7
TOTAL	105	100
2. Sex		
Male	100	95,2
Female	5	4,8
TOTAL	105	100
3. Position		
Chairman	0	0
Principal	93	88,6
Acting Principal	12	11,4
TOTAL	105	100

4. Years of experience		
0 - 3	41	39,0
4 - 7	20	19,0
8 - 11	16	15,3
12 - 15	13	12,4
16 - 20	6	5,7
More than 21	9	8,6
TOTAL	105	100
5. Highest academic qualification		
None	0	0
Bachelor's degree	21	20
Honours degree	16	15,1
Post graduate degree	40	38,1
Masters degree	22	21,0
Doctorate	1	1,0
Other	5	4,8
TOTAL	105	100
6. Professional qualifications		
No response	2	1,9
H.E.D.	28	26,7
T.H.E.D.	57	54,3
Other	18	17,1
TOTAL	105	100
7. Training in Education Law		
7.1 Subject at university		
No response	43	41,0
Yes	17	16,2
No	45	42,8
TOTAL	105	100
7.2 Subject at S.A.C.F.T.		
No response	51	48,6
Yes	12	11,4
No	42	40,0
TOTAL	105	100
7.3 Departmental symposium		
No response	46	43,8
Yes	19	18,1
No	40	38,1
TOTAL	105	100

7.4 Education law seminar		
No response	46	43,8
Yes	22	21,0
No	37	35,2
TOTAL	105	100
7.5 Course in education law		
No response	49	46,7
Yes	14	13,3
No	42	40,0
TOTAL	105	100
7.6 None		
No response	49	46,6
Yes	28	26,7
No	28	26,7
TOTAL	105	100

6.3.1.1 Age of respondents

The purpose of this question (see Appendix 1, question 1) is to determine into what age groups the principals fall (see Table 6.3)

The majority of respondents (67) are in the age group 41 - 50, which represents 63,8 % of the total. Approximately one quarter of the respondents are older than 51 years while only 11 are between 30 and 40 years old. None of the respondents are younger than 30 years old. This suggests that the respondents are mature persons who have an experience of life.

6.3.1.2 Sex

The purpose of this question (see Appendix 1, question 2) is to establish from the respondents, the number of male principals in relation to their female colleagues (see Table 6.3).

The vast majority of the respondents (100) are males, which represents 95,2 % of the total. Only 4,8 % (5) of the principals are female, which, when compared with question 10.2 (Table 6.4) where 2 (1,9 %) of the schools in the response are "girls only" schools, may suggest that 3 (2,8 %) schools other than "girls only" schools have female principals.

6.3.1.3 Position

The purpose of this question (see Appendix 1, question 3) is to establish who completed the questionnaire (see Table 6.3).

Of the total number of respondents, 93 (88,6 %) are appointed principals and 12 (11,4 %) responded in an acting-principal or other capacity.

6.3.1.4 Years of experience

The purpose of this question (see Appendix 1 question 4) is to establish how experienced the respondents are (see Table 6.3).

It is significant that the majority of the respondents (41 or 39 %) have an experience in the post of principal of only 0 - 3 years. It is however possible that the majority of the 12 persons who at the time of completion of the questionnaire were in an acting capacity as reflected in question 3.3 (see Table 6.3), are included in the category 0 - 3 years experience. A further 20 respondents (19 %) have 4 -

7 years experience, with a total of 29 respondents (27,6 %) having between 8 and 15 years experience. Only 15 respondents (14,3 %) have 16 and more years experience, of which 9 (8,6 %) have more than 21 years experience.

If this information is compared to the results of question 1 (see Table 6.3), there does not appear to be any correlation between youth and limited experience as principal, because the majority of respondents (67 and 63,8 %) are of ages between 41 and 50 years old.

Significantly, the largest group (58,0 %) have a limited experience of between 0 and 7 years due to what appears to be fairly recent appointment in the position.

6.3.1.5 Highest academic qualification

The purpose of this question (see Appendix 1 Question 5) is to establish the highest extent to which respondents are academically qualified (see Table 6.3).

The majority of respondents 79 (75,2 %) are in possession of post graduate qualifications. Of these 22 respondents have got a masters degree and 1 a doctorate. These figures suggest that most of the respondents are well qualified for the positions they hold.

6.3.1.6 Highest professional qualification

The purpose of this question (see Appendix 1, question 6) was to confirm the respondents' professional training (see Table 6.3)

Two respondents failed to complete this question which left 103 (98,1 %) who have a professional teaching qualification either from the Transvaal or from the other provinces.

6.3.1.7 Training in education law

The purpose of this question (see Appendix 1, question 7) was, in the context of this study, to establish what qualifications or training respondents have obtained in the specific area of education law (see Table 6.3).

From the information in Table 6.3 the following is indicated:

- * Only 17 respondents have got education law as a university level subject which could possibly suggest that education law has only recently been introduced as a subject in university courses. An equally small number (12) have done the diploma course in education law at the South African College for Further Training.

- * Fifty five (52,5 %), or more than half of the respondents have attended some form of in-service training symposium, seminar or course in education

law, some of whom could have done so in addition to having studied education law as a tertiary subject.

- * As many as 28 (26,7 %) responded that they have had no training in education law.

- * The majority of governing bodies consulted the Education Affairs Act (70,5 %) and the Regulations (71,4 %), and many (85,6 %) consulted the manual for State-aided Schools. Departmental circulars are also used to a large extent by 81,9 % of the respondents.

- * Although 73,3 % of governing bodies did consult the parents on their admissions policy, it is significant that as many as 27 (25,5 %) were uncertain, or did not consult the parents. This figure, a quarter of the respondents, would seem to suggest that some governing bodies are not aware of the right of greater participation by the parents of pupils in the state-aided school in determining policy matters.

From the above it can be concluded that the majority of the respondents have either studied and/or had some training in education law.

This information, when compared to the results from question 5 (see Table 6.3), would further suggest that education law is being included in tertiary studies as represented by the number of the respondents who indicate advanced qualifications in the subject. There are also symposiums, seminars and courses being arranged as was indicated by 52,4 % of the respondents.

6.3.1.8 Profile of respondents

It would appear as if the majority of respondents are middle-aged and older males, but that they have less than eight years experience as principals; that the vast majority have obtained post-graduate qualifications and that they have some background in education law.

6.3.2 SECTION B: DEMOGRAPHIC DATA

(see section B: questions 8 to 10 of Appendix 1)

TABLE 6.4 DEMOGRAPHIC DATA OF SCHOOLS

Demographic Data of Schools	f	%
8. Medium of Instruction		
English	37	35,2
Afrikaans	62	59,1
Dual Medium	6	5,7
TOTAL	105	100
9. Grading of schools		
S I	58	55,3
S II	12	11,4
G.S.	35	33,3
TOTAL	105	100
10. Composition of schools		
Mixed (Boys and Girls)	98	93,3
Girls only	2	1,9
Boys only	5	4,8
TOTAL	105	100

6.3.2.1 Medium of instruction

The purpose of this question (see Appendix 1, question 8) is to identify the medium of instruction of the schools represented by the respondents (see Table 6.4).

Of the respondents 62 (59,1 %) represented Afrikaans medium schools; 37 (35 %), English medium schools; and 6 (5,7 %) indicated that their schools are classified as dual medium, with Afrikaans and English being the mediums of instruction.

6.3.2.2 Grading of schools

The purpose of this question (see Appendix 1, question 9) was to determine the degree of complexity and size of the schools concerned (see Table 6.4).

The majority of the schools (58 or 55,3 %) are graded as smaller SI secondary schools. A significantly large number of schools (35 or 33,3 %) are graded as large G.S. or Complex Schools while the remainder (12 or 11,4 %) are medium-sized SII secondary schools.

6.3.2.3 Composition of schools

The purpose of this question (see Appendix 1, question 10) was to determine the gender composition of the schools concerned (see Table 6.4).

The majority of the schools are of mixed gender (98 or 93,3%) being schools accommodating boys and girls. The remainder of the respondents represent girls-only schools (2 or 1,9 %) and boys-only schools (5 or 4,8 %).

6.3.2.4 Conclusions

The majority of schools falling within the ambit of the study are Afrikaans medium schools and are mixed, (boys and girls) schools. Most of the schools in the sample are graded as SI secondary schools with a significant number of schools being graded as complex in nature. The figures obtained from Table 6.4 can be regarded as being representative of the distribution of state-aided secondary schools in the Transvaal according to language medium of instruction, size and complexity and type according to gender.

6.3.3 SECTION C: ASSESSMENT BY THE HEADMASTER OF THE GOVERNING BODY'S AWARENESS AND UNDERSTANDING OF RELEVANT LEGAL DOCUMENTS AND OF ITS AUTHORITY/RESPONSIBILITY (see section C, questions 11 and 12 of Appendix 1)

TABLE 6.5A THE EXTENT OF THE GOVERNING BODY'S KNOWLEDGE OF CERTAIN LEGAL DOCUMENTS

Knowledge of certain documents	f	%
11.1 The National Policy Act for General Educational Matters (76/1988)		
No knowledge	19	18,1
Superficial knowledge	58	55,2
Relevant knowledge	26	24,8
Thorough knowledge	2	1,9
TOTAL	105	100
11.2 The Education Policy Act (39/1967)		
No response	1	1,0
No knowledge	23	21,9
Superficial knowledge	54	51,4
Relevant knowledge	23	21,9
Thorough knowledge	4	3,8
TOTAL	105	100

11.3 The Education Affairs Act (House of Assembly) (70/1988)		
No response	1	1,0
No knowledge	11	10,5
Superficial knowledge	47	44,8
Relevant knowledge	39	37,1
Thorough knowledge	7	6,6
TOTAL	105	100
11.4 The Machinery and Occupational Safety Act (6 of 1983)		
No knowledge	11	10,5
Superficial knowledge	41	39,0
Relevant knowledge	43	41,0
Thorough knowledge	10	9,5
TOTAL	105	100
11.5 The Fund Raising Act (107/1978)		
No response	1	1,0
No knowledge	21	20,0
Superficial knowledge	48	45,7
Relevant knowledge	33	31,4
Thorough knowledge	2	1,9
TOTAL	105	100
11.6 The Income Tax Act (58/1962)		
No response	1	1,0
No knowledge	10	9,5
Superficial knowledge	39	37,1
Relevant knowledge	48	45,7
Thorough knowledge	7	6,7
TOTAL	105	100
11.7 The Public Accountants and Auditor's Act (51 of 1951)		
No response	1	1,0
No knowledge	24	22,8
Superficial knowledge	38	36,2
Relevant knowledge	30	28,6
Thorough knowledge	12	11,4
TOTAL	105	100

11.8 The Companies Act (61/1973)		
No response	1	1,0
No knowledge	24	22,8
Superficial knowledge	37	35,2
Relevant knowledge	32	30,5
Thorough knowledge	11	10,5
TOTAL	105	100
11.9 The Regulations made in terms of the Education Affairs Act (70/1988)		
No response	1	1,0
No knowledge	11	10,5
Superficial knowledge	51	48,6
Relevant knowledge	37	35,1
Thorough knowledge	5	4,8
TOTAL	105	100
11.10 The Workmen's Compensation Act (30/1941)		
No response	3	2,8
No knowledge	11	10,5
Superficial knowledge	44	41,9
Relevant knowledge	40	38,1
Thorough knowledge	7	6,7
TOTAL	105	100

6.3.3.1 Interpretation

In the literature study it was noted that the Manual for State-aided Schools (1992:1) makes reference to several Acts which are relevant to education. For the purposes of this study, the following should be noted;

- * It is essential that governing bodies have a thorough knowledge of the Education Affairs Act (House of Assembly) 70 of 1988 and the Regulations made in terms of the Act (70/1988) (see Table 6,5A, questions 11.3 and 11.9). It is from these two documents that the governing body

is vested with legal authority and responsibility.

- * With regard to the other Acts listed in question 11 (see Table 6.5A) it is necessary that governing bodies are aware of these Acts and that they have at least relevant knowledge of the sections which apply to the functions of the governing body.

6.3.3.2 The Headmasters' assessment of the governing body's awareness of certain Acts

The purpose of this question (see Appendix 1, question 11) is to establish the extent of the awareness of the governing body according to the interpretation set out above.

An analysis of the information obtained in response to question 11, (see Table 6.5A) reveals the following:

- * It appears as if governing bodies have only a superficial awareness of the various Acts listed in question 11 (see Table 6.5A) - for example:
 - the National Policy Act for General Educational Matters (76/1988) - (55,2 %);
 - the Education Policy Act (39/1967) - (51,4 %)
 - the Fund Raising Act (107/1978) - (45,7 %).

- * Of the Acts that governing bodies claim relevant to thorough awareness, only the:
 - Machinery and Occupational Safety Act (6/1983) - (50,5 %) and the;
 - Income Tax Act (58/1962) - (52,4 %) stand out as significant examples.

- * An alarmingly high percentage of governing bodies do not appear to have any awareness of several of the Acts listed, as can be seen from Table 6.5A.

- * Of greatest concern however are the respondents assessment of the following (see Table 6.5A, question 11.3):
 - Only 7 (6,6 %) respondents regarded the governing body as being thoroughly aware of the Education Affairs Act (70/1988);
 - Eleven (10,5 %) of the respondents said that the governing body has no awareness of the provisions of the Act (70/1988);
 - Equally disturbing was the fact that only 5 respondents (4,8 %) regarded the governing body as being thoroughly aware of the Regulations made in terms of the Act (70/1988) (see Table 6,5A question 11.9), while 11 (10,5 %) of the respondents assessed the governing body as being unaware of the Regulations. From these poor responses it would appear as if many Headmasters assess their governing bodies as either not being aware of the importance of these pieces of legislation, or that they have not yet associated their legal responsibilities with the provisions

of the law, and have therefore not made a thorough study of the law.

TABLE 6.5B THE GOVERNING BODY'S UNDERSTANDING OF THE LEGAL IMPLICATIONS OF THE ACT AND REGULATIONS

Understanding of legal implications	f	%
12.1 Legal responsibilities vested in the governing body		
No understanding	1	1,0
Superficial understanding	36	34,2
Relevant understanding	63	60,0
Thorough understanding	5	4,8
TOTAL	105	100
12.2 Governing Body's legal responsibility and liability		
No understanding	1	1,0
Superficial understanding	22	21,0
Relevant understanding	64	61,0
Thorough understanding	18	17,0
TOTAL	105	100
12.3 Involvement of other role players in decision making		
No understanding	0	0
Superficial understanding	23	21,9
Relevant understanding	62	59,1
Thorough understanding	20	19,0
TOTAL	105	100
12.4 The term "juristic person"		
No understanding	2	1,9
Superficial understanding	21	20,0
Relevant understanding	61	58,1
Thorough understanding	21	20,0
TOTAL	105	100
12.5 Legal authority of governing body in terms of the Act (70/1988)		
No understanding	0	0
Superficial understanding	23	21,9
Relevant understanding	63	60,0
Thorough understanding	19	18,1
TOTAL	105	100
12.6 Legal authority of governing body in terms of the Regulations		
No understanding	0	0
Superficial understanding	28	26,7
Relevant understanding	61	58,1
Thorough understanding	16	15,2
TOTAL	105	100

6.3.3.3 Interpretation

Question 12 (see Appendix 1) sets out questions concerning sources of the legal authority and legal responsibility of the governing body and other role players. It is necessary, as seen from the literature study (see chapter 2) that governing bodies should have a "relevant to thorough" understanding of their responsibilities, the extent of their authority, and of taking other role players into account.

6.3.3.4 The Headmasters' assessment of the governing body's understanding of its responsibilities

The purpose of this question (see Appendix 1, question 12) is to establish from the Headmasters of state-aided schools if governing bodies know what their authority and responsibility is, as determined by the Education Affairs Act (House of Assembly) 70 of 1988 and as described in the Regulations made in terms of the Act (70/1988) (see Table 6.5B).

According to the responses to question 12 (see Table 6.5B) it appears as if many governing bodies have a "relevant to thorough" understanding of their legal authority and responsibility. For example responses range from:

- 68 (64,8 %) who indicate a "relevant to thorough" understanding of their legal responsibilities (see Table 6.5B, question 12,1) to;
- 82 (78,1 %) with a similar understanding of each of the cases concerning the involvement of other role players, the term "juristic person", and the

legal authority of the governing body (see Table 6.5B, questions 12.3; 12,4, 12,5).

When comparing the figures elicited by question 12 with the responses to questions 11.3 and 11,9 in particular (see Table 6.5A), it is difficult to reconcile the apparent lack of awareness of governing bodies of the Act and Regulations, with their much clearer understanding of their legal authority, responsibility and liability.

The above apparent anomaly could possibly be explained from the point of view that governing bodies have not necessarily made a thorough study of the Act and Regulations, but that they have become aware of their responsibilities via other documentation as well as information meetings, seminars and courses arranged at local level (see Table 6.3, question 7). Having such information could possibly be interpreted as having an "understanding" of the legal implications of the law.

From another point of view, it could possibly be the case that legal matters do not regularly form a topic of discussion within the governing body at its meetings.

6.3.4 SECTION D: THE ACTIONS AND DECISIONS OF THE GOVERNING BODY REGARDING CERTAIN PRACTICAL SITUATIONS

(See Section D, questions 13, 14, 15, 16, 17, 18 of Appendix 1)

TABLE 6.6A: DOCUMENTS CONSULTED REGARDING THE ADMISSION OF PUPILS

13. Which documents consulted?	f	%
13.1 The Education Affairs Act (70/1988)		
No response	1	1,0
Yes	74	70,5
No	16	15,2
Uncertain	14	13,3
TOTAL	105	100
13.2 The Regulations made in terms of the Act		
No response	1	1,0
Yes	75	71,4
No	13	12,4
Uncertain	16	15,2
TOTAL	105	100
13.3 The Manual for State-aided schools		
No response	1	1,0
Yes	90	85,6
No	7	6,7
Uncertain	7	6,7
TOTAL	105	100
13.4 The Parent Community		
No response	1	1,0
Yes	77	73,3
No	18	17,1
Uncertain	9	8,6
TOTAL	105	100
13.5 Departmental Circulars		
Yes	86	81,9
No	11	10,5
Uncertain	8	7,6
TOTAL	105	100
13.6 Other sources		
No response	73	69,5
Yes	11	10,5
No	12	11,4
Uncertain	9	8,6
TOTAL	105	100

6.3.4.1 Admission of pupils

The purpose of this question (see Appendix 1, question 13) was to establish if governing bodies had, when

drawing up an admissions policy, consulted the documents which set out the requirements for admitting pupils to the state-aided school (see Table 6.6A).

From the literature study (para. 4.1) it can be seen that, apart from the statutory provisions governing the admission of pupils, the governing body is obliged to consult the parent community when determining its admission policy. From Table 6.6A, it can be seen that:

- * the majority of governing bodies consulted the Education Affairs Act (70,5 %) and the Regulations (71,4 %), and many (85,6 %) consulted the Manual for State-aided Schools. Departmental circulars are also used to a large extent by 81,9 % of the respondents.

- * Although 73,3 % of governing bodies did consult the parents on the schools' admissions policy, it is significant that as many as 27 (25,6 %) were uncertain, or did not consult the parents. This figure, a quarter of the respondents, would seem to suggest that some governing bodies are not aware of the juridically based right of greater participation by the parents of pupils in the state-aided school in determining policy matters.

TABLE 6.6B STUDY MADE OF CERTAIN SITUATIONS

14. Study made of situation?	f	%
14.1 Suspension and expulsion of pupils		
Yes	46	43,8
No	45	42,9
Uncertain	14	13,3
TOTAL	105	100
14.2 Conditions of service of teachers		
Yes	53	50,5
No	41	39,0
Uncertain	11	10,5
TOTAL	105	100
14.3 Injury to teachers while on duty		
No response	1	1,0
Yes	29	27,6
No	51	48,6
Uncertain	24	22,8
TOTAL	105	100
14.4 Conditions of service of non-teachers		
Yes	41	39,0
No	45	42,9
Uncertain	19	18,1
TOTAL	105	100
14.5 State subsidies to schools		
No response	1	1,0
Yes	81	77,1
No	14	13,3
Uncertain	9	8,6
TOTAL	105	100
14.6 Regulations relating to governing bodies		
No response	1	1,0
Yes	93	88,5
No	3	2,9
Uncertain	8	7,6
TOTAL	105	100
14.7 Charge of inefficiency against a teacher		
No response	1	1,0
Yes	52	49,5
No	33	31,4
Uncertain	19	18,1
TOTAL	105	100

14.8 Casual vacancies on governing body		
No response	1	1,0
Yes	89	84,7
No	6	5,7
Uncertain	9	8,6
TOTAL	105	100
14.9 Administering corporal punishment		
No response	1	1,0
Yes	56	53,3
No	33	31,4
Uncertain	15	14,3
TOTAL	105	100
14.10 Teachers engaged in remunerative outside work		
No response	1	1,0
Yes	42	40,0
No	43	40,9
Uncertain	19	18,1
TOTAL	105	100
14.11 Labour relations concerning general assistants		
No response	1	1,0
Yes	34	32,4
No	43	41,0
Uncertain	27	25,6
TOTAL	105	100
14.12 Employing teachers in non-subsidized posts		
Yes	71	67,6
No	24	22,9
Uncertain	10	9,5
TOTAL	105	100
14.13 Rights concerning immovable property		
Yes	87	82,8
No	7	6,7
Uncertain	11	10,5
TOTAL	105	100
14.14 Reversion of property to the state		
No response	1	1,0
Yes	70	66,6
No	15	14,3
Uncertain	19	18,1
TOTAL	105	100

6.3.4.2 Specific study made of certain situations

The purpose of this question (see Appendix 1, question 14) was to establish if governing bodies had made a

specific study of certain conditions and procedures relating to situations and which are of practical relevance to the governing body in its management task (see Table 6.6B).

There was a 50 % and more negative or uncertain response to eight out of the fourteen situations that were listed and which indicated that governing bodies had not made a special study of those situations. For example:

- "no/uncertain" responses were given to matters relating to the injury of teachers while on duty (71,4 %);
- matters relating to labour relations (66,6 %); matters relating to the suspension and expulsion of pupils (56,2 %).

On the other hand, respondents indicated that governing bodies had made a study of:

- conditions and procedures pertaining to casual vacancies on the governing body (84,7 %);
- matters relating to immovable property (82,8 %) and;
- conditions governing state subsidies to schools (77,1 %).

An analysis of Table 6.6B reveals a possible pattern that may suggest that some governing bodies concentrate more on issues surrounding property, finances and financial implications, and on matters concerning the governing body itself (see Table 3.6A, questions 14-5, 6, 8, 12, 13, 14). Other issues such as those concerning pupils, teaching staff and non-teaching staff seem to have rated less attention by

the governing body (see Table 3.6A, questions 14-1, 2, 3, 4, 7, 9, 10, 11). A possible explanation of the above pattern is that governing bodies may leave pupil and personnel matters largely in the hands of the principal, in spite of the governing body's legal responsibility and liability concerning the people or "human resources" in school.

TABLE 6.6C PERMISSION REQUIRED FOR BUILDING EXTENSIONS/ALTERATIONS

15. Whose permission is required?	f	%
15.1 Parent association committee		
No response	1	1,0
Yes	29	27,6
No	72	68,5
Uncertain	3	2,9
TOTAL	105	100
15.2 Circuit superintendent of education		
No response	2	1,9
Yes	15	14,3
No	86	81,9
Uncertain	2	1,9
TOTAL	105	100
15.3 School Board secretary		
No response	1	1,0
Yes	60	57,1
No	39	37,1
Uncertain	5	4,8
TOTAL	105	100
15.4 Executive Director of Education		
Yes	68	64,7
No	32	30,5
Uncertain	5	4,8
TOTAL	105	100
15.5 Minister of Education		
No response	5	4,8
Yes	23	21,9
No	67	63,8
Uncertain	10	9,5
TOTAL	105	100

6.3.4.3 Permission to extend/alter the building

The purpose of this question (see Appendix 1, question 15) was to establish who, in the opinion of the governing body, should be consulted for permission to proceed with any building operations on the property (see Table 6.6C).

This question was dealt with correctly by the majority of respondents who identified the Executive Director of Education (64,7 %) as the person from whom final permission must be obtained. The secretary of the school board was identified by 57,1 % of the respondents as being a role player, probably in the sense that such procedures continue to be channelled through the school board to the department.

It is perhaps significant that 72 respondents (68,5 %) did not consider the parents association to be an important role player in spite of this being a matter of choice.

The response to question 15 would appear to confirm the pattern noted in question 14 (see Table 6.6B) where governing bodies seem to be knowledgeable in the area of property management.

TABLE 6.6D COMMITTEE INVESTIGATING CHARGE OF MISCONDUCT

16. Who are members of committee	f	%
16.1 Circuit superintendent of education		
No response	1	1,0
Yes	78	74,3
No	22	21,0
Uncertain	4	3,7
TOTAL	105	100
16.2 Regional Director of Education		
No response	3	2,9
Yes	31	29,5
No	59	56,2
Uncertain	12	11,4
TOTAL	105	100
16.3 Head of Department at the school		
No response	3	2,9
Yes	43	41,0
No	50	47,5
Uncertain	9	8,6
TOTAL	105	100
16.4 Another teacher at the school		
No response	4	3,8
Yes	8	7,6
No	81	77,2
Uncertain	12	11,4
TOTAL	105	100
16.5 The Principal		
Yes	99	94,3
No	4	3,8
Uncertain	2	1,9
TOTAL	105	100
16.6 The Chairman of governing body		
No response	1	1,0
Yes	94	89,5
No	8	7,6
Uncertain	2	1,9
TOTAL	105	100

6.3.4.4 A committee of investigation on a charge of misconduct against a teacher

The purpose of this question (see Appendix 1, question 16) is to establish if governing bodies know which

role players should be involved on a committee of investigation into a charge of misconduct against a teacher (see Table 6.6D).

Respondents identified that:

- the principal (94,3 %), the chairman of the governing body (89,5 %) and;
 - the circuit superintendent of education (74,3 %);
- should be involved in the preliminary hearings into charges of misconduct against teachers.

Only 31 respondents (29,5 %) however considered the regional director of education should be involved, while the involvement of members of the teaching staff of the school was considered unsuitable.

An analysis of Table 6.6D suggests that governing bodies have a good idea of which role players should be considered for membership of a preliminary investigation committee.

TABLE 6.6E FINAL DECISION TO DISCHARGE A TEACHER

17. Who takes final decision	f	%
17.1 Chairman of governing body		
No response	3	2,9
Yes	25	23,8
No	73	69,5
Uncertain	4	3,8
TOTAL	105	100
17.2 The Principal		
No response	6	5,7
Yes	10	9,5
No	86	81,9
Uncertain	3	2,9
TOTAL	105	100

17.3 The Executive Director of Education		
No response	1	1,0
Yes	64	61,0
No	31	29,5
Uncertain	9	8,5
TOTAL	105	100
17.4 The Minister of Education		
No response	4	3,8
Yes	60	57,1
No	30	28,6
Uncertain	11	10,5
TOTAL	105	100
17.5 Circuit superintendent of education		
No response	5	4,7
Yes	13	12,5
No	79	75,2
Uncertain	8	7,6
TOTAL	105	100

6.3.4.5 Final decision regarding the discharge of a teacher guilty of misconduct

The purpose of this question (see Appendix 1, question 17) was to establish if governing bodies are aware of the fact that only the Minister of National Education could finally decide if a teacher found guilty of misconduct should be discharged. By implication it should be known that neither the chairman of the governing body, nor any other role player has the power to discharge a teacher (see Table 6.6E).

Only 60 respondents (57,1 %) correctly identified the Minister as having the final decision. The 39,1 % who said "no/uncertain" to the role of the Minister is considered to be high. The 64 respondents (61,0 %) who said that the Executive Director of Education

takes the final decision to discharge a teacher confirms an uncertainty among governing bodies as to whose responsibility this task is. It is possible that the uncertainty arises from the fact that governing bodies have not made a study of certain specific situations, or that they have not yet been confronted by such situations.

TABLE 6.6F DOCUMENTS CONSULTED WHEN APPOINTING A SPONSORING BODY

18. Which documents consulted?	f	%
18.1 The Regulations made in terms of the Act (70/1988)		
No response	2	1,9
Yes	72	68,6
No	9	8,5
Uncertain	22	21,0
TOTAL	105	100
18.2 Relevant Departmental Circulars		
No response	2	1,9
Yes	81	77,2
No	13	12,4
Uncertain	3	8,5
TOTAL	105	100
18.3 Manual for General School Organisation		
No response	3	2,9
Yes	51	48,6
No	37	35,2
Uncertain	14	13,3
TOTAL	105	100
18.4 Fund Raising Act (107/1978)		
Yes	77	73,3
No	13	12,4
Uncertain	15	14,3
TOTAL	105	100
18.5 Other sources		
No response	68	64,8
Yes	7	6,7
No	9	8,5
Uncertain	21	20,0
TOTAL	105	100

6.3.4.6 Documents relating to the appointment of sponsoring bodies

The purpose of this question (see Appendix 1, question) was to establish if governing bodies know which documents to refer to if they wished to appoint a sponsoring body (see Table 3.6F).

The response to this question was correct in the case of the majority of governing bodies. Respondents identified the Regulations (68,6 %);

- the Fund Raising Act (73,3 %) and;
- relevant departmental circulars (77,1 %)

as being the main sources of information. The only confusion that seemed to arise was the 48,6 % "yes" and 13,3 % "uncertain" answers to the Manual for General School Organisation as a source and which, in fact, does not have any reference to sponsoring bodies.

Section D (see Appendix 1 questions 13 to 18) sets out examples of certain practical situations with which the governing body may be confronted and about which it requires knowledge in order to enable it to take correct decisions (see Tables 6,6A, B, C, D, E, F). Governing bodies should have consulted documents and studied procedures as these pertain to its task of personnel, pupil, property and financial management as seen in the literature study.

6.3.4.7 Summary

The data obtained from Section D of the questionnaire (see Appendix 1) reflects that governing bodies do not appear to have specific knowledge of the provisions of the Act (70/1988) and the Regulations, but that they have at least a superficial to working knowledge of some relevant education-related laws. The responses to situational examples reflect that governing bodies are more knowledgeable about certain issues such as the admission of pupils, matters relating to property, and financial matters such as represented by the procedures for appointing sponsoring bodies. On the other hand there appears to be uncertainty with regard to pupil and personnel management, and certain disciplinary matters, such as the correct handling of charges made against teachers.

This confirms the opinion expressed in para. 6.3.4.2 that personnel management and pupil management is left largely to the principals of state-aided schools, while the governing body appears to concern itself with the management of physical facilities and finances.

6.3.5 SECTION E: ESSENTIAL DOCUMENTS IN THE POSSESSION OF
THE GOVERNING BODY/SCHOOL

(See Section E, question 19 of Appendix 1).

TABLE 6.7 ESSENTIAL DOCUMENTS IN POSSESSION OF GOVERNING
BODY/SCHOOL

19. Has governing body/school got:	f	%
19.1 Governing body constitution		
Yes	105	100
No	0	0
Uncertain	0	0
TOTAL	105	100
19.2 Admissions policy		
Yes	87	82,9
No	16	15,2
Uncertain	2	1,9
TOTAL	105	100
19.3 Register of enrolled pupils		
Yes	103	98,1
No	2	1,9
Uncertain	0	0
TOTAL	105	100
19.4 Record of corporal punishment administered		
No response	1	1,0
Yes	81	77,0
No	22	21,0
Uncertain	1	1,0
TOTAL	105	100
19.5 Record of business of governing body meetings		
No response	2	1,9
Yes	72	68,6
No	31	29,5
Uncertain	0	0
TOTAL	105	100

19.6 Standard contract between governing body and non-subsidized teacher		
Yes	104	99,0
No	1	1,0
Uncertain	0	0
TOTAL	105	100
19.7 Policy on handling and contract of school money		
No response	9	8,6
Yes	68	64,7
No	24	22,9
Uncertain	4	3,8
TOTAL	105	100
19.8 Standard contract between governing body and parents of pupils		
No response	1	1,0
Yes	84	80,0
No	15	14,3
Uncertain	5	4,7
TOTAL	105	100
19.9 Published set of school rules		
Yes	87	82,9
No	18	17,1
TOTAL	105	100
19.10 Constitution of parents association		
Yes	97	92,3
No	7	6,7
Uncertain	1	1,0
TOTAL	105	100
19.11 An emergency plan		
No response	6	5,7
Yes	43	41,0
No	42	40,0
Uncertain	14	13,3
TOTAL	105	100
19.12 Policy on safety measures and procedures		
Yes	83	79,1
No	20	19,0
Uncertain	2	1,9
TOTAL	105	100

19.13 Book to record accidents incurring injury		
Yes	78	74,3
No	19	18,1
Uncertain	8	7,6
TOTAL	105	100
19.14 An official auditor		
No response	1	1,0
Yes	75	71,3
No	28	26,7
Uncertain	1	1,0
TOTAL	105	100
19.15 A legal advisor		
No response	1	1,0
Yes	102	97,0
No	1	1,0
Uncertain	1	1,0
TOTAL	105	100
19.16 An insurance broker		
No response	2	1,9
Yes	76	72,3
No	24	22,9
Uncertain	3	2,9
TOTAL	105	100

6.3.5.1 Documents that the governing body/school should have in its possession

The purpose of Section E (see Appendix 1, question 19) was to establish if the governing body has got in its possession or has compiled, certain essential administrative documents as required either by the Act (70/1988) or the Regulations or as suggested by the education department (see Table 3.7).

From the information in Table 3.7, it appears as if the vast majority of governing bodies have got all the necessary official and administrative documents which are required.

For example:

- every respondent (105 or 100 %) indicated that the governing body has got a constitution;
- 104 (99,0 %) indicated the existence of a standard contract between the governing body and a non-subsidized teacher;
- while 103 (98,1 %) said the school had a register of pupils enrolled at the school.

The only problems that appear to emerge are in the cases of an emergency plan (question 19.11) which 53,3 % of the respondents indicated they did not have, or are uncertain and to the 20,9 % who do not have a safety policy in the school (question 19.12).

These figures would seem to indicate that some governing bodies still have to give attention to the implementation of emergency and safety legislation. The third noticeable tendency was that 27,7 % or more than a quarter of the respondents answered "no/uncertain" to the question as to whether the school had an official auditor, and which links to the 26,7 % who answered 'no/uncertain" to the existence of a policy on the handling and control of school money.

An analysis of Table 3.7 indicates that governing bodies/school have those documents which are necessary for the practical administration and control of the school, but that attention will have to be given by some governing bodies to safety and money control policy.

6.3.6 SECTION F: TEST ASSESSING (CORRECT/INCORRECT)

RESPONSES TO CERTAIN STATEMENTS

(See Section F, questions 20 to 49 of Appendix 1)

TABLE 6.8A ASSESSMENT OF GOVERNING BODY'S KNOWLEDGE OF WHETHER CERTAIN STATEMENTS ARE CORRECT OR INCORRECT

STATEMENT	f	%
20. The Education Affairs Act (House of Assembly) 70 of 1988 sets out the extent of the governing body's authority		
No response	2	1,9
Disagree	95	90,4
Partially agree	7	6,7
Largely agree	1	1,0
Totally agree	0	0
TOTAL	105	100
21. The State-aided school is a juristic person		
No response	3	2,9
Disagree	7	6,7
Partially agree	21	20,0
Largely agree	49	46,6
Totally agree	25	23,8
TOTAL	105	100
22. The governing body of a State-aided school is a legal personality.		
Disagree	24	22,9
Partially agree	10	9,5
Largely agree	18	17,1
Totally agree	53	50,5
TOTAL	105	100
23. The state-aided school is a statutory body.		
No response	2	1,9
Disagree	13	12,3
Partially agree	7	6,7
Largely agree	19	18,1
Totally agree	64	61,0
TOTAL	105	100
24. The status of the State-aided school could be withdrawn by the Minister if the school does not fulfil its educational function.		
No response	1	1,0
Disagree	16	15,2
Partially agree	6	5,7
Largely agree	25	23,8
Totally agree	57	54,3
TOTAL	105	100

25. The governing body is vested with the management, control and executive power of the State-aided school		
Disagree	3	2,9
Partially agree	4	3,8
Largely agree	16	15,2
Totally agree	82	78,1
TOTAL	105	100
26. A member of the Governing Body may also act as the Auditor of the state-aided school's financial matters		
Disagree	8	7,6
Partially agree	13	12,4
Largely agree	21	20,0
Totally agree	63	60,0
TOTAL	105	100
27. The governing body must consult the parent community before determining the criteria for admitting pupils to the school		
No response	1	1,0
Disagree	84	80,0
Partially agree	6	5,7
Largely agree	8	7,6
Totally agree	6	5,7
TOTAL	105	100
28. A pupil from a foreign country must be in possession of a study permit before being admitted to a state-aided school		
No response	1	1,0
Disagree	9	8,6
Partially agree	16	15,2
Largely agree	26	24,8
Totally agree	53	50,4
TOTAL	105	100
29. The governing body has the right to insist that a parent signs a contract before the a pupil is admitted to the school.		
No response	3	2,9
Disagree	14	13,3
Partially agree	11	10,5
Largely agree	17	16,2
Totally agree	60	57,1
TOTAL	105	100
30. The governing body is restricted by the Act as well as the Regulations in determining the conditions of a contract with parents.		
Disagree	27	25,7
Partially agree	13	12,4
Largely agree	24	22,9
Totally agree	41	39,0
TOTAL	105	100

31. A pupil may be suspended pending an inquiry into his parents failure to pay school fees.		
Disagree	8	7,6
Partially agree	13	12,4
Largely agree	27	25,7
Totally agree	57	54,3
TOTAL	105	100
32. The Minister of National Education may withdraw the State subsidy to a school if the governing body levies excessively high school fees after failing to inform parents of the amount of the school fees.		
Disagree	90	85,7
Partially agree	3	2,9
Largely agree	4	3,8
Totally agree	8	7,6
TOTAL	105	100
33. The governing body may decide to exclude certain subjects from the curriculum of the state-aided school (eg. Physical Education).		
Disagree	15	14,3
Partially agree	21	20,0
Largely agree	21	20,0
Totally agree	48	45,7
TOTAL	105	100
34. It is an offence for a person to collect funds on behalf of a school without having written authorization from the governing body to collect such funds.		
Disagree	80	76,2
Partially agree	10	9,5
Largely agree	5	4,8
Totally agree	10	9,5
TOTAL	105	100
35. The governing body may act as the sponsoring body of the state-aided school.		
Disagree	10	9,5
Partially agree	6	5,7
Largely agree	17	16,2
Totally agree	72	68,6
TOTAL	105	100
36. Pupils at a state-aided school fall within the provisions of the Machinery and Occupational Safety Act (Act 6 of 1983).		
No response	2	1,9
Disagree	30	28,6
Partially agree	20	19,0
Largely agree	20	19,0
Totally agree	33	31,5
TOTAL	105	100

37. Legal liability of the school for injury to a pupil at school is closely linked to proving negligence on the part of the supervisor.		
Disagree	2	1,9
Partially agree	4	3,8
Largely agree	11	10,5
Totally agree	88	83,8
TOTAL	105	100
38. The governing body is liable for claims made by a parent even if the parent has signed an indemnity form.		
Disagree	3	2,9
Partially agree	2	1,9
Largely agree	25	23,8
Totally agree	75	71,4
TOTAL	105	100
39. The governing body is empowered by the Education Affairs Act 70 of 1988 to intervene in the curricular programme of the school.		
Disagree	33	31,4
Partially agree	19	18,1
Largely agree	13	12,4
Totally agree	40	38,1
TOTAL	105	100
40. The principal shall under normal circumstances bring to the attention of a teacher any unfavourable remark about that teacher contained in a written communication.		
Disagree	90	85,7
Partially agree	9	8,6
Largely agree	2	1,9
Totally agree	4	3,8
TOTAL	105	100
41. The governing body is responsible for paying a teacher's travelling and subsistence expenses in connection with school activities.		
No response	1	1,0
Disagree	18	17,1
Partially agree	12	11,4
Largely agree	28	26,7
Totally agree	46	43,8
42. A teacher must first obtain the permission of the governing body before accepting any outside work for remuneration.		
Disagree	13	12,4
Partially agree	8	7,6
Largely agree	24	22,9
Totally agree	60	57,1
TOTAL	105	100

43. The governing body may request a teacher found guilty of inefficiency, to resign.		
Disagree	13	12,4
Partially agree	8	7,6
Largely agree	13	12,4
Totally agree	71	67,6
TOTAL	105	100
44. The governing body may discharge a teacher on the grounds of proven misconduct.		
Disagree	38	36,2
Partially agree	19	18,1
Largely agree	20	19,0
Totally agree	20	26,7
TOTAL	105	100
45. Parents are entitled to tax deductions on their payments for school fees.		
Disagree	56	53,3
Partially agree	11	10,5
Largely agree	10	9,5
Totally agree	28	26,7
TOTAL	105	100
46. The governing body must notify the teacher's association (eg. TTA) of an investigation of misconduct against a member of the association.		
Disagree	67	63,8
Partially agree	6	5,7
Largely agree	10	9,5
Totally agree	22	21,0
TOTAL	105	100
47. The administrative finalization of a teacher's appointment in a subsidized post is done by the department.		
No response	2	1,9
Disagree	16	15,2
Partially agree	7	6,7
Largely agree	15	14,3
Totally agree	65	61,9
TOTAL	105	100
48. The governing body should enter into a contract with teachers it employs in non-subsidized (additional) posts.		
Disagree	9	8,6
Partially agree	3	2,9
Largely agree	6	5,7
Totally agree	87	82,8
TOTAL	105	100

49. In cases of the secondment of teachers the governing body of the school concerned must liaise in writing with the Superintendent of Education (Circuit).		
No response	1	1,0
Disagree	13	12,3
Partially agree	2	1,9
Largely agree	7	6,7
Totally agree	82	78,1

6.3.6.1 Assessing the statements

The purpose of this question (see Appendix 1, questions 20 to 49) was to test the practical knowledge of the governing body regarding the correctness of certain statements based on aspects of the Act (70/1988) or the Regulations (see Table 6.8A). It must be noted that the evaluation of section F reflects the responses of principals only upon which this empirical study is based. However, in view of the fact that the principal is an executive member of the governing body it can be assumed that the responses would reflect the way in which the governing body as a whole would react to a certain statement.

An analysis was done on the responses to Section F and the results are given below in Table 6.8B:

TABLE 6.8B ANALYSIS OF THE RESULTS ACHIEVED IN THE STATEMENT TEST POSED IN SECTION F

PERCENTAGES ACHIEVED	f	%
10,0	1	1,0
13,3	3	2,9
16,7	6	5,7
20,0	5	4,8
23,3	5	4,8
26,7	11	10,5
30,0	12	11,3
33,3	10	9,5
36,7	11	10,5
40,0	16	15,1
43,3	9	8,6
46,7	5	4,8
50,0	7	6,7
53,3	3	2,8
56,7	1	1,0
TOTAL	105	100

6.3.6.2 Interpretation of table 6.8B

The following deduction can be made from table 6.8B:

- * The overall marks achieved by the 105 respondents for section F (table 6.8A) are alarmingly low considering the highest mark achieved by a single respondent is only 56,7 %.
- * The bulk of the respondents (56,9 %) are grouped in the 26,7 % to 40 % range of marks.
- * The results of the marks achieved by the 105 respondents gave an average of 34,27 %. This average is significantly below the level of knowledge of the Act and the Regulations considered to be necessary, and as described in paragraph 6.3.3.1 as needing to be "relevant/thorough".

- * An analysis of the marks indicated in table 6.8B seems to be supported by responses to questions 11.3 and 11.9 (see table 6.5A wherein only 6,6 % of the respondents indicated a "thorough" knowledge of the Act (70/1988) and only 4,8 % of the Regulations.

- * An analysis of the marks indicated in table 6.8B appears to contradict the claim of a "relevant/thorough" understanding of the legal implications of the Act (70/1988) and the Regulations, as reflected in table 6.5B (question 12).

- * It can be concluded from table 6.8B which indicates the marks achieved for section F (see Table 6.8A), that many respondents and by implication their governing bodies, have a very poor knowledge of practical aspects of the legal provisions of the Act (70/1988) and the Regulations made in terms of the Act.

- * The question that arises is one of whether or not some governing bodies are experiencing a high degree of confusion or alternatively a lack of awareness regarding their new role as a legal personality within the state-aided school as juristic person.

6.3.6.3 Explanation

A possible explanation for the results achieved in Section F (see Tables 6.8 A and B) is that some governing bodies may have a tendency to react to and deal with specific situations as they arise, referring at that stage to the relevant laws. This would suggest, if it is the case, that governing bodies are gaining knowledge of the law through ad hoc experiences, and not necessarily through a thorough theoretical knowledge gained from a study of the law. This latter possibility is borne out by the relatively positive responses to Section D (see Tables 6.6A, C, D, F) and Section E (see Table 3.7) where the majority of governing bodies seemed capable of dealing with practical, day-to-day situations and administrative requirements. This hypothesis is also confirmed to an extent by the relatively high percentage of "no/uncertain" responses to situations listed in question 14 (see Table 6.6B) where respondents were asked if a "study" had been made of these situations.

6.3.7 Summary

Chapter 6 has set out the particulars of the research design and method.

The questionnaire as a measuring instrument was discussed and note was made of the advantages and disadvantages of the posted questionnaire. The composition of the questionnaires was also explained.

The questionnaire was posted to the principals and

chairmen of governing bodies of schools which were identified according to the population formula and on a random selection basis. The respondents were requested in a letter to complete the questionnaire.

The response from the chairmen of governing bodies was too poor for their questionnaires to be used in the research, with the result that only the responses of the principals who are executive members of the governing body, were used.

A data analysis of the responses in each section was done. The results were tabulated from which interpretations of the data were done.

In chapter 7 a summary of all the preceding chapters will be given. Conclusions will be drawn and recommendations will be made. Some ideas will be offered regarding further research that could be done in the area of education law.