

**THE RESPONSIBILITIES OF THE GOVERNING BODY OF THE  
STATE-AIDED SCHOOL**

**BY**

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**DISSERTATION SUBMITTED FOR THE PARTIAL FULFILMENT OF THE  
REQUIREMENTS FOR THE DEGREE**

**MAGISTER EDUCATIONIS  
IN  
EDUCATION MANAGEMENT**

**IN THE DEPARTMENT OF COMPARATIVE EDUCATION AND  
EDUCATION MANAGEMENT**

**IN THE  
FACULTY OF EDUCATION**

**AT THE  
POTCHEFSTROOM UNIVERSITY FOR CHRISTIAN HIGHER EDUCATION**

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POTCHEFSTROOM  
1994**

I

This work is dedicated to my wife, Hanneljie, my two children Jacqueline and Colin, my mother Edith and my brother Terence.

## II

### ACKNOWLEDGEMENTS

I wish to express my sincere appreciation and gratitude to all of the people who assisted me in the completion of this work. The following people deserve special mention in this respect:

- \* Prof. I.J. Oosthuizen, my study supervisor, for his guidance, encouragement and friendliness for the entire duration of this work.
- \* Prof. P.C. van der Westhuizen, for his patience and persistence over a long period of time.
- \* Adv. L. Oosthuizen, my advisor, for his insight, time and encouragement and for checking my work.
- \* Mrs E. Mentz of the Statistical Consultation Service of the P.U. for C.H.E, for the interpretation of the questionnaire and for checking my work.
- \* The staff of the Ferdinand Postma Library, and particularly Mrs E. van der Walt, for their assistance and for checking the bibliography.
- \* The Transvaal Education Department for permission to proceed with the research, and the Education Research Bureau for approving the questionnaire.
- \* All the principals and those chairmen of governing bodies who made the effort to complete the questionnaires.
- \* Dr D.S. Nel, Mr J. Katzke, Mr L. Oosthuizen, Mr. L. Mabandla, Mrs W. Bray, Dr H.J. van Buuren and Mr N. Ashington for granting me invaluable interviews.
- \* My colleagues, particularly Tubby, Hildegarde, Pat, Helen, Mr Brown, Thea and Annemarie, and other associates, for their unselfish assistance and encouragement.
- \* Mrs J. Goncalves for doing the linguistic editing of the script.
- \* My mother Edith, for her generous assistance, and my children Jacqueline and Colin for their tolerance and love.
- \* My wife Hannetjie especially - for her unlimited patience and encouragement, for the many long hours she put into typing, correcting and duplicating the script, and above all, for her support and love.
- \* In humble submission to Almighty God for His many blessings and His all encompassing Love.  
"Send us out into the world ... to live and work to Your praise and glory." (Anglican Prayer Book: Prayer 88.)

### III

#### SYNOPSIS

#### THE RESPONSIBILITIES OF THE GOVERNING BODY OF THE STATE-AIDED SCHOOL AS JURISTIC PERSON

The declaration of state-aided schools has had a profound effect on the educational management and legal status of such schools. The state-aided school has assumed a juristic personality with the governing body, as the representative of the state-aided school, being vested with the management, control and executive power of the school.

The consequence has been that the governing body, while being vested with greater powers, is also in a position of having to assume the legal responsibility for those powers. The governing body, therefore, in its management of the state-aided school, has to work within the framework of the law, as set out in the Education Affairs Act (House of Assembly) 70 of 1988, and according to the Regulations made in terms of the Act No. 70 of 1988.

This study is directed at analysing the Act (70/1988) and the Regulations in order to identify those sections of the law which have a direct bearing on the responsibilities of the governing body. Thereafter data from an empirical study as used to determine if the governing bodies of secondary schools are aware of their statutory responsibilities, if they understand those responsibilities, and in the practical management of the school, if they meet the requirements of the law.

A questionnaire based on the analysis of the Act (70/1988) and the Regulation was compiled. Information received from the principals of the sample schools, in their capacity as members of the governing body, was used to tabulate the data, analyse the results and draw certain conclusions.

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The most important findings of the investigation are as follows:

- \* Governing bodies appear to have a reasonable knowledge of how to handle certain limited, practical situations in accordance with the applicable provisions of the Act (70/1988) and the Regulations.
- \* Governing bodies adhere by-and-large to the requirements regarding official and administrative documentation.
- \* However, according to the assessment of Headmasters, as executive members of the governing body, in the case of a majority of governing bodies, their overall knowledge, understanding and interpretation of the provisions of the Act (70/1988) and the Regulations made in terms of the Act, as well as of related legislation, seems to be lacking. This finding casts a doubt on the ability of some governing bodies to meet the statutory requirements of their management task.

The conclusion was reached, that governing bodies in general will have to make a concerted effort to study the statutory provisions of the Act (70/1988) and the Regulations, as well as related legislation, which have a specific bearing on their managerial task in the state-aided school.

## OPSOMMING

## DIE VERANTWOORDELIKHEDE VAN DIE BESTUURSLIGGAAM VAN DIE STAATSONDERSTEUNDE SKOOL AS 'N REGSPERSOON

Die omskakeling van onderwysinrigtings tot staatsondersteunde skole het indringende veranderinge ten opsigte van die rol en wetlike status van die bestuursliggame teweeggebring. Aangesien die skool regs persoonlikheid aangeneem het, dien die bestuursliggaam, wat oor besturende, beherende en uitvoerende mag beskik, as verteenwoordiger van die staatsondersteunde skool.

Die groter mag waaroor die bestuursliggaam beskik, het tot gevolg dat die liggaam ook die wetlike verantwoordelikhede dra. Die bestuursliggaam moet dus binne die raamwerk van die wet, soos uiteengesit in die Onderwysaangeleenthede Wet (Volksraad) No. 70 van 1988, asook in die Regulasies in terme van die Wet (No. 70 van 1988), sy bestuurstaak in die staatsondersteunde skole uitvoer.

Die doel van hierdie studie is om die Onderwyswet (70/1988) en die Regulasies in terme van die wet te ondersoek en te analiseer, ten einde die gedeeltes van die wet wat betrekking het op die verantwoordelikhede van die bestuursliggaam, te kan identifiseer.

Vervolgens is data, verkry deur middel van empiriese navorsing, om vas te stel of die bestuursliggaam van die sekondêre skole bewus is van hulle statutêre verantwoordelikhede. Verder is gepoog om te bepaal in watter mate die bestuursliggaam sy wetlike verantwoordelikhede begryp, asook die mate waarin voldoen word aan die vereistes van die wet by die toepassing daarvan in praktiese bestuursituasies.

'n Vraelys is saamgestel wat gebaseer is op 'n analise van die Onderwyswet (70/1988) en die Regulasies. Onderwysleiers van steekproefskole, in hulle hoedanighede as lede van die onderskeie bestuursliggame, is genader om die vraelys te voltooi. Die

inligting verkry is verwerk, die resultate ontleed en gevolgtrekkings is gemaak.

Die belangrikste gevolgtrekkings word vervolgens uitgelig:

- \* Dit blyk dat bestuursliggame oor 'n redelike kennis aangaande die hantering van sekere praktiese situasies in ooreenstemming met die vereistes van die toepaslike dele van die Wet (70/1988) en die Regulasies beskik.
- \* Bestuursliggame voldoen aan die vereistes rakende amptelike en administratiewe dokumentasie.
- \* Daar blyk 'n gebrek aan algehele kennis, begrip en vertolking van die bepalings van die Wet (70/1988) en die Regulasies, sowel as ander verwante wetgewing te wees. Hierdie bevinding laat twyfel ontstaan oor die vermoë van sommige bestuursliggame om die wetlike vereistes van hulle bestuurstaak na te kom.

Die afleiding wat gemaak word is dat bestuursliggame dit ernstig sal moet oorweeg om 'n deeglike studie van die Wet (70/1988) en die Regulasies en ander verwante wetgewing te maak. Dit is van kardinale belang dat bestuursliggame oor genoegsame kennis, in terme van die wetlike aspekte wat betrekking het op hulle bestuurstaak in die staats-  
ondersteunde skole sal beskik.

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