



**UNIVERSITY OF
KWAZULU-NATAL**

**INYUVESI
YAKWAZULU-NATALI**

**Children's Right to Education: A Case of School Fee Policies
in South Africa**

By

Doris Mulenga Malema Akombelwa

211528515

Supervisor: Dr M. Mthembu

Dissertation Submitted in partial fulfilment of the regulations for the degree of Master of Child Care and Protection (MChPr) in the School of Law in the College of Law and Management studies at the University of KwaZulu-Natal

November 2018

DECLARATION - PLAGIARISM

I. Doris Malema Mulenga Akombelwa -211528515, declare that

1. The research reported in this thesis, except where otherwise indicated, and is my original research.
2. This thesis has not been submitted for any degree or examination at any other university.
3. This thesis does not contain other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.
4. This thesis does not contain other persons' writing, unless specifically acknowledged as being sourced from other researchers. Where other written sources have been quoted, then:
 - a. Their words have been re-written, but the general information attributed to them has been referenced
 - b. Where the exact words have been used, then their writing has been placed in italics and inside quotation marks and referenced.
5. This thesis does not contain text, graphics or tables copied and pasted from the Internet, unless specifically acknowledged, and the source detailed in the thesis and in the References sections.

Signed


.....

Doris Malema Mulenga Akombelwa

DEDICATION

This work is dedicated to late mom, Marian Mwaka Mwamba, you have been the source of inspiration in my life and you always will be. I know you would have been proud of me knowing that I have come this far. You initiated values of hard work and perseverance in me as a young girl, and I will always be grateful for that. Rest in Eternal Peace Mom

ACKNOWLEDGMENT

I would like to thank the following people for their valuable support and assistance throughout the duration of this research.

- My family: my daughters Chibwe Akombelwa and Kekelwa Akombelwa, for putting a smile on my face when I felt that I could not do it anymore.
- To my husband and mentor Dr Mulemwa Akombelwa, thank you so much for your undivided attention and moral support, you have always encouraged me to stay positive. I could not have done it without you. You provided me with everything I needed throughout my studies. (*Luitumezi ahulu*) Thank you very much
- My supervisor Dr Maud Mthembu, for taking me in, at the last minute. (*Siyabonga kakhulu*) Thank you very much.
- Dr Rex Sampa, you always inspired and gave me hope. You supported me selflessly. I will always be grateful. (*Natotela mukwai*) Thank you very much.
- The Department of Education – Pinetown, Mr Clemence Sabelo
- The Provincial Department of Education – Pietermaritzburg, Mr Tendai Madziwa
- To Dr Mayshree Singh, you always supported and made me smile every day when I was about to shut down. I really appreciate your support.
- My friends (Rhudia C Kunda, Hloniphile Khuzwayo, Simbarashe Tembo and Gezile M. Kasonde) who tirelessly encouraged and constantly reminded me that I can do this. Thank you for your support

ABSTRACT

After 1994, the apartheid education system transformed into democratic system aimed at achieving equity, redress and access to education for all. However, after 20 years of democracy and the introduction of policies and legislation that aim to redress the previous educational injustices, gaps are still evident. The introduced policies include the South African School Act (SASA) (Act No. 84 of 1996), the National Norms Standards for School Funding (NNSSF), the School Fee Exemption Policy (SFEP), and the No Fee School Policy (NFSP). Following the implementation of the policies, quintile ranking of schools was introduced for the government funding purposes, based on the poverty levels of the community. Despite these reforms and implementation, many authors are convinced that these policies have not produced the desired outcomes, and this requires further reflection and research.

The study aimed to explore the impact and effectiveness of the NFSP and SFEP over a 10-year period from 2006–2016, in some of the schools in KwaZulu-Natal and Pinetown districts. This was achieved through the critical analysis of learner enrolment and school dropout data. Furthermore, the study critically analyses factors that influence learner dropout and non-matriculation. According to collected data and available research, enrolment rates at primary school level and high school level has increased. However, it is observed from the data that high school dropout is rife particularly from grade 10 to 11. Learners tend to leave school between grade 10 and 11, based on their socio-economic status, mainly the lack of money to pay school fees. Hence school learner dropout is a concern particularly at an advanced stage of schooling, and it has been an on-going problem for over 10 years. The study is based on secondary data and statistical data obtained from the Department of Education in KwaZulu-Natal province.

Key Words: *No-Fee School Policy, School Fee Exemption Policy Equity, Access and Redress, Enrolment*

ACRONYMS

ANSSSF	Amending the National Norms and Standards for School Funding
ACRWC	African Charter on the Rights and Welfare of Children
DBE	Department of Basic Education
DoE	Department of Education
EMIS	Education Management
LRC	Legal Resources Centre
MEC	Member of the Executive Committee
NEPA	National Education Policy Act
NFS	No Fee School
NSFP	No Fee School Policy
NSNP	National School Nutritional Program
NSSFP	National Norms and Standards for School Funding Policy
HoE-	Head of Education
ICESR	International Covenant on Economic, Social and Cultural Rights
IFS	Integrated Food Security
PDE	Provincial Department of Education
SASA	South African Schools Act
SEFP	School Fee Exemption Policy
SGB	School Governing Body
SDC	School Department Committee
SES	Socio-economic Status
UNCRC	United Nations on the Convention on the Rights of the Child
UDHR	Universal Declaration of Human Rights
WPET	White Paper on Education and Training

Table of Contents

Chapter 1 – National Policies and funding in Public Schools in South Africa	1
1.0 Introduction	1
1.1 Background of the study	2
1.2 Rationale of the Study	3
1.3 Statement of the Problem	4
1.4 Objective of the Study	5
1.5 Research Questions	5
1.6 Literature Review	6
1.6.1 Historical structure of fee paying in public schools	6
1.6.2. Transforming education from Apartheid inequality to Post-apartheid South African education	9
1.6.3. Other Initiatives to improve access to basic education	12
1.7 Research Methodology	15
1.8 Limitations of the study	15
1.9 Delimitations	16
1.10 Thesis outline	16
1.11 Chapter Summary	17
Chapter 2 – International and Domestic Legal Framework on Children’s Right to Education	18
2.0 Introduction	18
2.1 International instruments on the Rights to Basic Education	19
2.1.1. Universal Declaration of Human Rights of 1948	20
2.1.2. The United Nations on the Convention on the Right of Children 1996 (UNCRC)	21
2.1.3. The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)	22
2.2 Regional Instruments	25
2.2.1. The African Charter on Humans and Peoples Rights 1986 (Banjul Charter)	25

Table of Contents (cont.)

2.2.2 The African Charter on the Rights and Welfare of Children 1990 (ACRWC)	25
2.3 South Africa's Statutes and policies to Education	27
2.3.1. The South African Constitution (RSA, 1996) and the Children's Act 38 of 2005	27
2.3.2. The South African Schools Act, No 84 of 1996 (SASA)	30
2.3.3. The National Education Policy Act, 27 of 1996	32
2.3.4. No Fee School Policy and the School Fee Exemption Policy	33
2.3.5. Procedures and Guidelines: School Fee Exemption Policy	34
2.3.6. Procedures and Guidelines: No Fee School Policy	35
2.3.7. National Norms and Standards for School Funding Policy	36
2.4. Conclusion	37
Chapter 3 – Presentation on Enrolment and Dropout rate in KwaZulu-Natal Province and Pinetown District	39
3.0. Introduction	39
3.1 Enrolment Rate	40
3.2 KZN Provincial Data	41
3.3. Dropout rates	42
3.3.1. Dropout rates for KZN Province	43
3.3.2 Promotion rates by grade	45
3.3.3. Repetition by grade	45
3.3.4. Promotion and Dropout Rates for KZN Province by Year	46
3.3.5. Second Phase- Case of Pinetown	49
3.4. Discussion	50
Chapter 4 – Results and Discussion of Findings	53
4.0. Introduction	53
4.1. Interpretation and discussion of Enrolment and Dropout rates	54
4.1.1. Enrolment rates	54
4.1.2. Dropout rates	55
4.1.3. Possible determinants and correlates of school dropout	56

Table of Contents (cont.)

4.2.	Impact of the SFEP and NFSP on the South African education system	60
4.2.1	Successes of the SFEP	61
4.2.2.	Challenges of the Fee Exemption Policy	62
4.2.3.	Success of the No Fee School Policy	65
4.2.4.	Challenges of the No Fee School Policy	67
4.2.5.	Criticisms of quintile ranking of Schools in South Africa	68
4.3	Effects of socio-economic status to education	69
4.4.	Implications of SFEP and NFSP on equity and social justice to education	71
4.4.1.	Social Justice	71
4.4.2.	Equity	72
4.5.	Conclusion	75
	Chapter 5 – Summary Conclusion and Recommendations	77
5.0.	Introduction	77
5.1.	Major Findings	77
5.2.	Review of Aim.	84
5.3.	Limitation of Research	84
5.4	Recommendations	84
5.4.1.	Recommendations to the Department of Basic Education	84
5.4.2.	Recommendations for further research	85
5.5.	Concluding Remarks	86
	Bibliography	87
	Appendix A: Statistical Data for KZN Provincial Enrolment and Dropout Rates	108

List of Figures

Figure 3.1: Enrolment rates for KZN Province	41
Figure 3.2: National enrolment in public schools by grade and year, 2009-2013	42
Figure 3.3: Graph showing KZN Provincial dropout rates for the period 2010 to 2015	43
Figure 3.4: Table for National Dropout by grade 2007-2008 (Source DBE 2011)	44
Figure 3.5: KZN Promotion, repetition and dropout rates for 2010	46
Figure 3.6: KZN Promotion, repetition and dropout rates for 2011	46
Figure 3.7: KZN Promotion, repetition and dropout rates for 2012	47
Figure 3.8: KZN Promotion, repetition and dropout rates for 2013	47
Figure 3.9: KZN Promotion, repetition and dropout rates for 2014	48
Figure 3.10: KZN Promotion, repetition and dropout rates for 2015	48
Figure 3.11: Enrolment rates for Pinetown District 2011 to 2015	49
Figure 3.12: Dropout rates for Pinetown District	49
Figure 4.1: Table for Schooling transitions between 2008 and 2010, poorest versus richest learners	59

Chapter 1

National Policies and funding in Public Schools in South Africa

“It is simple. Preventing poor students from studying at the university is bad enough; but forcing primary school children to work because they are too poor to pay for education, which should be free, is intolerable. The State of the Rights to Education Worldwide reviewed the education laws practiced in 170 countries to expose the hypocrisy whereby the right to free and compulsory education is loudly and universally proclaimed, and quietly and systematically betrayed “(Tomasevski, 2006).

1.0. Introduction

The South African government has introduced several educational policies and programmes aimed at improving children’s lives (Ahmed and Sayed, 2009). These policies and programmes include the National Norms and Standards for School funding policy, School Fee Exemption Policy (SFEP) and the No Fee School Policy (NFSP), whose purpose is to redress the iniquities of the racially segregated education of the Apartheid system as well as the consequent socio-economic disparities that resulted therefrom (Hall and Giese 2009).

The main aim of the NNSFP, the SFEP and the NFSP was to guarantee that lower paid income families and unemployed parents who cannot afford to pay school fees for their children can have access to Basic education. In addition, for those parents who cannot pay school fees can approach the School Governing Body (SGB) to request a fee exemption, provided they qualify for fee exemption. Parents can also apply for conditional, partial or full exemption from paying school fees or can go free to school regardless of race (Sayed, and Motola, 2012).

Graham et al. (2015), add that Department of Basic Education (DEB) introduced other policy initiatives such as the National School Nutritional Programme (NSNP) to reduce

poverty and improve access to basic food for school going children. This backdrop suggests the context within which the policies were drafted. This study attempts to present, understand, explain, critique and ascertain whether the implementation of the SFEP and the NFSP, has contributed to the increased enrolment rates in primary school and decrease dropout rate in high school. Furthermore, to determine if these policies have helped retain learners in high school to completion. This chapter provides the context within which this study was undertaken, the background and rationale for the study, the research problem, aims and objectives, key research questions, and the structure of the dissertation.

1.1. **Background of the study**

The post-apartheid education inherited the education system characterised by poor facilities, lack of human capacity, and school policies that constrain equal education opportunities and adequacy (Sayed and Ahmed, 2011, Ndhlovu, 2012 and Veriava, 2010). These schools were mainly ex-black schools that were entirely dysfunctional under apartheid, and are still dysfunctional today (Spaull, 2012). After 1994, South African government dedicated itself to changing the education system together with the inherited apartheid social and economic structures and institutionalizing a new social order (Badat and Sayed, 2014:128).

Ndhlovu (2012) argues that not only was the apartheid education system discriminatory by nature, it was created on unequal and unfair funding based on race and ethnicity. The system was sustained by uneven distribution per capita on grants from the state, where white learners received the highest expenditure per capita, while black learners received the lowest amount. Furthermore, the differences in personnel distribution of funds across ex-departments played a part in the number of poorly qualified teachers, where only 15% of black teachers had college certificates, and 96% of white teachers had diplomas. The inequality in human capacity and school funding resulted also in an average teacher-learner of ratio 1:18 in white schools, 1:24 in Indian schools, and 1:27 in coloured schools, and 1:39 in black schools (Ndhlovu, 2012:3).

Blueshtein (2013) and Veriava (2007) further indicate that the education system in apartheid South Africa was characterised by high inequality in school funding, curricular, and standards of education which resulted in restricting access of black learners to higher education. Mestry (2014) further states that, unequal funding of public schools during apartheid period created enormous disparities between white and black schools, with white only schools receiving 20 times more per learner than black schools. The funding system brought about serious implications in the provision of quality and equal education, access to resources in education, learner performance and educational outcomes particularly in historically disadvantaged schools (van der Berg et al. 2011). Consequently, the unequal funding system further restricted the access of black people to higher education (Veriava, 2007).

1.2. Rationale of the Study

The rationale of the study is to establish a link between child and family poverty levels, and accessibility of education. It is evident that not all South Africans have access to quality education, because of high school fees among other educational challenges. The gap this research seeks to fill is whether the implementation of SFEP and the NFSP have contributed to enrolment rate and decrease dropout rate of children in public high schools, as measures of accessibility of schooling for poor children. This was done through analysing the existing literature on how the SFEP and the NFSP impacts on the South African education, in terms of learner access to quality education based on affordability of school fees.

The right to basic education in the Constitution of the Republic of South Africa, 1996 (the Constitution) states the obligations towards children's the right to free education under the international law is trite. However, the study aims to assess whether the learner enrolment numbers have increased since basic education is "free" for qualifying learners from grade 1 to 7 and from grade 8 to 12 in public schools. The study also explores whether the quintile ranking system of the education system has improved the quality of education in previously disadvantaged schools, and what challenges the education system have encountered. The study further seeks to explore to what extent legislation

and policies have helped to reduce the number of learner dropout particularly in high school.

1.3. Statement of the Problem

The SFEP and NFSP main intention was to reduce the schooling costs, and to bring easy access to both primary and secondary education (Setoaba, 2011:7). As well as create an education system that provides access to basic education for all, including the poorest child in South Africa (Mestry, 2014 and Taylor and Yu, 2009). When the SFEP and the NFSP were implemented, the goal was to ensure that all children of schooling age who have been denied access to school because of their family's socio-economic status (SES) have access to education (Mokoena, 2013). In addition, the implementation of policies was to encourage participation of all eligible children in primary and secondary school education (DoE 2014).

The South African Constitution (The Constitution, 1996) s 29(1) (a) states that every South African has the right to a basic education, including adult basic education; and (b) to further education, which the state, through reasonable measures, must be made progressively available and accessible. In addition, s 3(1) of the South African Schools Act (SASA) (84 of 1996) also makes education compulsory for children between the ages of 7 and 15 or through the completion of grade 9, whichever occurs first. The right to basic education, unlike further education, is not limited internally by the Constitution, however, it is immediately realisable, as confirmed by the Constitutional Court in the case: *Governing Body of Juma Masjid Primary School & Others v Essay NO and Others*.

Regrettably, even after the introduction of the education policies, the problem that emerged, is that not all children of schooling age in South Africa have access to quality education (Mestry and Ndhlovu, 2014). Despite of good intentions to eliminate segregation in the education system, the system has failed to ensure that all children of schooling age enrol and complete basic education and of good quality (Motala et al. 2009). It has further been observed that the "No Fee" Schools are characterised by large classes, unqualified teachers and lack of basic resources that are necessary to provide learners with a quality education (Mesrty, 2014 and Veriava, 2017), and making most

quintile 1 schools dysfunctional with challenging learning conditions, for learners, especially those from poor communities (Franklin, 2016).

Based on the above, the study seeks to explore whether the education policies have achieved and addressed the inequalities that persisted in the education system prior to 2006 when the education policies were implemented. It has also been noted in research that since the implementation of the policies there is an increment in the learner enrolment, especially in the compulsory years of school, that is grade 1 to 9 or 15 years of age) (DBE, 2014).

However, what it is not clear is the extent to which the no fee policy and the fee exemption policy has helped decrease school dropout, and or achieve learner retention in high school (grade 10 to 12), and if there is any progress made since the implementation of the policies and this is a gap this study aims to contribute to. This study further attempts to understand and ascertain whether the policies have achieved the equity and social justice sought in education.

1.4. Objective of the Study

The study is initiated to understand changes since the introduction of the school policies namely; the SEFP and the NSFP, and the quintile ranking system for school funding. This research addresses a number of questions outlined below under research questions

1.5 Research Questions

- I. What are the government obligations under constitutional, legislative and international law towards realising children's right to education, particularly accessibility to school (enrolment and dropout) based on socio-economic status?
- II. What are the aims of the SFEP and NSFP when specifically dealing with enrolment and dropout of learners?
- III. What challenges are posed by the policies and the quintile ranking system to school funding, (in eradicating inequality in public schools and promoting equity and social justice?

- IV. Has the enrolment number and the dropout rate of children attending public schools in grades 1 to 10 in select districts of KwaZulu-Natal, South Africa improved since the introduction of the SFEP and the NSFP?
- V. To what extent has the SFEP and NSFP together with the quintile ranking of schools helped increase access to quality education and aid sustain matriculation of learners in high school in selected districts of KwaZulu-Natal?

The selected districts are Umlazi and Pinetown of KwaZulu-Natal. However, the reasons for selecting the two districts, is highlighted in chapter three where school enrolment and dropout rate figures is discussed.

1.6. Literature Review

There is a substantial amount of literature on the implementation of the No Fee School Policy, the School Fee Exemption Policy, together with the quintile ranking system for funding of public schools by the State. Several scholars have written on the right to basic education in South Africa. However, this section discusses specific issues surrounding policies, and how they have worked thus far:

1.6.1. Historical structure of education in Apartheid South Africa

Education system prior to 1994 was fragmented and unequal. There were 19 racially and ethnically divided education departments, with 11 separate educational departments. The apartheid education system was based on the racial superiority and inferiority. They were substantial disparities in the education provision amongst segregated departments with a huge disproportionate share of resources going to the department serving the white minority population (Maringe and Osman, 2016 and Spaul, 2015). This resulted in an unequal distribution of education facilities and learning resources (Sayed and Kanjee, 2013).

According to Ntshoe (2017) the policy and practice of the apartheid government did not only enforce separate education among racial groups, but also exploited the geopolitical locations of the different ethnic groups of the people of African descent to create a

homeland system under separate development or apartheid system. In the 1950s, the apartheid government divided the education system in four departments that operated according to the four main racial groups (Thobejane, 2017). The aim of the apartheid education system was explicitly to maintain white superiority in the country (Chisholm, 2012).

The four Departments of Education served students according to race. White students were served by the House of Assembly (HOA), Coloured students by the House of Representatives (HOR), Indian students by the House of Delegates (HOD), and African students by the Department of Education and Training (DET) (Chisholm, 2012:87). The multiple racially designed Departments of Education (DoE) provided very different types and quality of education based on perceived roles of each race group in the apartheid government (Bluestein, 2013 and Spaul, 2015).

Despite dividing the Department of Education into four racial departments, there were other ten departments operating African schools, in each of the ten homelands of South Africa (Blueshtein, 2013). The implementation of the homelands was to ensure that institutionalisation of separate development, and to fulfil the goal of preparing black Africans for their role in the homelands (Rakometsi, 2008). According to the report by the Organisation for Economic Co-operation and Development (OECD) (2008) state that in order to ensure separation in development of the African people, the different department of education also had different curricular and different systems of accessing learners which was biased against black population, and also restricted access of black people to high education (OECD, 2008).

The severe unequal distribution of resources against Bantustan and African Departments of Education caused the Bantu education to be more of inferior quality (Rakometsi, 2008 and Badat, 2011). The apartheid education system was characterised with large teacher-learner ratio to education, and unequal learning outcomes for these groups (Veriava, 2017). In addition, the apartheid education did not prepare black South Africans in the areas of technology and science in order for them to participate more proficiently in the development of their own country, causing the living standards of the majority of black people to decline (Thobejane, 2017).

Furthermore, black learners in each socially constructed racial groups were restricted from attending school, including institutions of higher learning, operated by the relevant department of education (Rakometsi 2008 and Chisholm 2012). The unequal funded apartheid education system was also racially discriminatory, where schools serving white learners had ten times more funding per learner than schools serving black learners, thereby creating enormous disparities between white and black schools (Mestry, 2014, Hunter 2015 and Spaull, 2013).

The white minority had access to quality education, with modern schools and abundant resources with qualified teachers, on the other hand, the majority of black South African learners' were deprived of qualified teachers, physical resources and teaching utilities (Blueshtein, 2013 and Hunter, 2015). This brought about serious repercussions in the provision of quality education, learner performance and educational outcomes particularly in historically disadvantaged black schools (Ludd and Fiske, 2008).

However, in 1994, several pieces of legislation and policies were enacted and developed explicitly intended to promote and open access to education for all population groups regardless of race, ethnicity, language, culture or religion and ideology (Ntshoe, 2017). The post-apartheid government was immersed in a task to restructure and redistribute the education system, and to further redressing, the past inequalities (OECD, 2008 and Christie, 2008).

Daniel and Greytak (2012) and Chisholm (2012) state that the redressing of the education system took place after the government experienced massive inequalities in every aspect of educational provision combined with high levels of poverty. The inequalities resulted from an inheritance of deep differences between black and white educational provision including school resourcing, infrastructure, teacher quality and post-school and employment. This caused the post-apartheid government to intervene to redress the past inequalities from the apartheid government, including (i) the racially segregated and unequal financing, organization and provision of education, (ii) poor quality of education for black people, (iii) high unemployment and low-level participation in adult education and, technical and high education (Sayed and Kanjee, 2013 and Chisholm, 2012:89).

1.6.2. Transforming education from Apartheid inequality to Post-apartheid education in South Africa.

Motala (2011), Veriava (2007), Mestry and Ndhlovu (2014), Daniel and Greytak, (2012) describe the transformation in the education sector in post-apartheid South Africa to promote the development and implementation of a policy framework aimed at redressing the past inequalities, and the provision of equitable access to high quality education and resources. The significance to the democratic transformation is the establishment of quality, equitable and democratic education system, which includes access and retention of black students back into the education system, by achieving equity in public funding, eliminating illegal discrimination, creating democratic governance, rehabilitating schools and raising the quality of performance.

However, with the obvious inequalities in the distribution of school funding in South Africa's public schools, the government introduced the National Norms and Standard for School Funding policy (NNSSF) (South Africa, 1998). The NNSSF policy provides a statutory basis for school funding where schools are classified into wealth quintiles and subsidised accordingly. The policy is regarded as an equity instrument that is aimed at distributing the bulk or recurrent non-personal expenditure to the poorer schools based on the assumption that such approach will lead to improved performance and provision of quality education (South African 2008).

The ranking of schools was done according to the wealth of the community, and the geographical location of the school (Department of Education, 2010). The quintile ranking system for school funding was introduced based on the Poverty Index (PI), which includes the income level, the unemployment rate and the literacy level of the community (Sayed and Motala, 2012). The ranking of schools' ranges from quintiles 1 to 5, where quintile 1 and 3 are classified the poorest or (the no fee schools) and quintile 4 and 5 as the least poor. Schools serving poorer communities received more state funding than schools serving wealthy communities (Mestry and Ndhlovu, 2014).

According the NNSSF in 2015 schools ranked as quintile 1 to 3 received R 1,116, whereas in 2016 the school allocation for the poorest quintile was projected at R 1,177

and in 2017 R 1,242 respectively (NNSSF,1998). In spite of the introduction of the NNSSF, s34 of the SASA (1996) requires the government to fund public schools from public revenue on an equitable basis, and to ensure proper exercise on the learner's right to basic education. Although not all public schools in South Africa are fully funded by the government, schools classified as wealthier quintiles can supplement their funds by charging school fees and by using other means of funding-raising (Dass and Rinquent, 2015 and Sayed and Motala, 2012)

In pursuit of justice in the education system, the government implemented the SFEP and NFSP with the aim that low paid income families and unemployed parents having difficulties paying school fees can be exempted and allow access to quality education irrespective of social status, race or financial status (Mestry, 2014, SASA, 1996). On the other hand, the NFSP was implemented to abolish mandatory school fees in public schools and make basic education available and accessible to learners in poverty-stricken areas (Veriava, 2007 and Khumalo, 2014), whilst the National School Nutrition Program (NSNP) was also implemented to redress child poverty and promote access to sufficient food (McLaren, 2017).

In addition, Mestry (2014) and Mestry and Ndhlovu (2014) assert that, the NNSSF was a strategy developed to redistribute education resources by allowing wealthier schools to make provisions for those parents who cannot afford schools fees for their children in former model C schools and allow access to quality education. The NNSSF policy aimed at improving the quality of education not only by redistributing resources, but also by enhancing the conditions of learning as well as increase the possibility of attaining cognitive education, and equity amongst all learners in South Africa (South Africa, 1998a). Furthermore, to enrol learners in those schools to a level of up to 25% and be granted full exemption from paying school fees (DoE, 2010).

However, Sayed and Motala (2012) point out that, the school fee exemption only applied to fee charging schools, which fall under quintile 4 and 5 respectively. This meant that only learners with families who cannot afford full payment of school fees could apply for fee exemption at fee charging schools, provided they met the criteria stated in terms s39 (1) of SASA (1996) and Regulation 3 (1) (a). But, this has not been the case, as most

learners who are eligible for fee exemption do not have knowledge about the SFEP, let alone rules and regulations regarding the application process. This resulted from poor communication from schools, regarding fee exemption policy and procedures, causing poor learners, particularly learners from historically disadvantaged schools to remain in under-resourced schools, and receive poor quality education (Mokoena, 2013).

According, to Means to Live Project by Hall et al. (2009), the challenge that arose with fee exemption was that only 2.5% of families with learners in primary school were exempted and 3.7% families with learners in high school received the exemption fee. These results are very low rates, considering the high levels of unemployment and child poverty in South Africa. Hall and Monson (2008) further add that the major challenge that arose with the SFEP in South Africa and other countries that implemented similar policies such as Ethiopia, Ghana, Zimbabwe Kenya, Malawi, Mozambique and Tanzania were the failure of proper implementation of the policy. In addition, Hall et al. (2009), conclude that the SFEP failed due to substantial errors of exclusion in the application of the fee exemption policy; with the majority of people who quality being denied access and benefit of the school fee waive.

Similarly, Zimbabwe, a country with a similar policy as South Africa, failed in the implementation of the SFEP as reported by Mawonde (2016), indicating that 500 000 pupils from Manicaland Province alone were charged by the School Development Committees (SDC) with what they called a “child levy” from the schools that were officially exempted from fees. Instead, school officials in that province exempted themselves from paying school fees for their children when initially they too were supposed to follow the rules and regulations (Mawonde, 2016). These instances are currently under investigation by the Minister of Primary and Secondary Education in Zimbabwe. Therefore, the abuse of school fee policies by school committees is rife outside of South Africa as well.

In line with the implementation of education policies in South Africa, Dass and Rinquest (2017) and Khanyile (2017) extend the argument that despite the abolition of apartheid education policies, most South African black children still attend overcrowded and under resourced schools with poor infrastructure and unexperienced teachers. Khumalo (2014) further add that, the South African education system is still unequal and not much have

been done to get black children into previously white schools. Although Radebe (2015) argues that, there has been a gradual increase in the number of black teachers and learners in some of the former white schools in the country in the past few years.

Khanyile (2017) and Boya (2011) reports that, in as much as access to education has improved over the years, the challenge is that some schools in South Africa are still made of mud, and some do not even have basic facilities, such as electricity, running water and toilet facilities, even other facilities including computer and science laboratories, libraries and bigger classrooms. Khanyile (2017) specifically mentioned that in Harry Gwala District in KwaZulu-Natal, there are schools still made of mud, and in uMgungundlovu area, some schools have very small classrooms and cannot accommodate all the learners hence causing overcrowding. This is because of the backlog of infrastructure across the province especially in rural areas. However, it has been reported by the DBE that there is plan in process to build more schools to accommodate every child in KwaZulu-Natal province (Khanyile, 2017).

Skelton (2013), further adds that the delivery of basic education to all South Africa's children, particularly in the context where the legacy of apartheid history is still prevalent, is a huge challenge. There are huge backlogs in infrastructure, because of the ever-increasing demand for education amongst a socially and geographically mobile population, with serious concerns about the quality education offered. Consequently, these issues have caused litigation in recent years regarding realisation of rights to education and service delivery to schools. To close the gap, the government together with the DoE should address all pertinent issues regarding these policies so that learners from rural communities and townships can benefit from the new democratic notion of SFEP and NFSP (Mqota, 2009).

1.6.3. Other Initiatives to improve access and alleviate poverty–National Nutrition School Programme

The Legal Resources Centre (2013) (LRC) argued that the ranking procedure used does not appear to consider the poverty of learners who are attending poor schools. Moreover, the ranking systems focus mainly on poverty levels in the community surrounding the

schools (geographically speaking) resulting in serious inconsistencies on funding in the government data. The LRC however, shifted their attention from challenging the No Fee School Policy and the School Fee Exemption Policy to focus on problems with the school feeding programme known as the National School Nutrition Programme (NSNP) (OECD, 2009 and Hall et al. 2009).

However, for the government to alleviate poverty in school going children they came up with three initiatives, including the provision of social grant, the Integrated Food Security (IFS) and the National School Nutrition Programme (NSNP) (Graham et al. 2015). The National School Nutrition Programme aims to foster better education by enhancing children's active learning capacity and addressing barriers to learning associated with hunger and malnutrition, by providing nutritious meals to learners in all schools (Hall et al. 2009). The nutrition programme also serves as a means for the state to accomplish its obligation to ensure children and youth attending public schools can access sufficient food (McLaren, 2017).

Hall et al. (2009) and Graham et al. (2015), both state that the NSNP was also designed to contribute towards the realisation of the three rights provided in the South African Constitution. These are the right of access to sufficient food s 27 (1) (b), the right of children to basic nutrition s28 (1) (c) and the right to basic education in s29 (1) (a). The NSNP are a form of social protection aimed at alleviating poverty, especially short-term hunger, and to invest in children's long-term nutritional health (DBE, 2013). They aim to provide a meal or snack to children in the school setting, during school hours, in order to improve their concentration and educational outcomes (Hall et al. 2009:93).

The NSNP has an important social aspect to the community as it has helped improve school enrolment attendance, academic performance, improved attention span, memory, and cognitive psychomotor, and improved mental development (Graham et al. 2015:13). The programme is available to children identified as being in need. The policy has set up a minimum requirement of children who are eligible to receive meals that is from grade 1-7 in targeted schools, particularly schools in quintile 1 to 3, as they are considered 'no fee' schools, and are in the poorest areas, although not all schools and children receive food (Hall et al. 2009).

The NSNP is an important tool, set to ensure that basic nutrition needs for poor learners are being met, as many children from poor communities can go without adequate nutrition for the day (Hall et al. 2009). The target group of learners are quintile 1 to 3 in both primary and secondary schools including schools with children with disabilities (DBE, 2013). However, the NSNP have also not worked adequately and efficiently in providing food for the needy children. This is because of the many errors that occurred in the targeting of schools, leading to eligible schools not included in the nutrition programme.

Consequently, failure to meeting the targeted group has or can contribute to the learner school dropout at different levels, as hunger caused by poor living conditions, lack of proper housing can prevent poor children from accessing basic education (Tuswa, 2016). In addition, McLaren (2017) asserts that the NSNP have an allocation of about 5 billion rand, which currently provides meals to about 9 million learners every day. However, corruption and services delivery failures by the contractors assigned by Provincial Education Departments (PEDs) have been reported, causing the outcomes of the grant to be undermined, despite the PED continuous allocation funding on time to them. Irrespective of the challenges reported, the programme has expanded and improved in many provinces over the years.

On the other hand, Dieltiens and Meny-Gilbert (2012) in their study have linked poverty to school enrolment and learner school dropout in South African schools. The study shows that poverty has been mentioned and used in international documents as one of the aspects that can cause limited access to education. Poverty has been described as one of the reasons why learner dropout of school is high in South Africa. However, this study will specifically look at the link between the implementation of fee polices, learner enrolment and learner dropout rate in high school.

In spite of all the problems discussed in the problem statement and literature review, there are numerous challenges facing the education system in South Africa on their quest to redress the past inequality in public schools. The main objective of the study is to establish whether the No Fee School Policy and the School Fee Exemption Policy has increased school enrolments and reduce the number of learner dropout particularly high schools.

1.7. Research Methodology

The study takes the form of an analysis of the education system in the post-apartheid South Africa. The analysis is based on relevant legislation and policies, including the SFEP, NSFP and the SASA (1996). This study is a library-based research, digital and physical, published and unpublished sources containing primary and secondary sources are used. This is done by searching for already published literature from journal articles, newspaper articles and online reports from the Department of Education. The study also utilises raw statistics obtained from the Department of Basic Education in KwaZulu-Natal, indicating specifically the enrolment and dropout figures from grades 1 to 10 from 2006 to 2016 in two identified districts in KwaZulu-Natal province (eThekweni) Umlazi and Pinetown. The data is interpreted through graphs, using statistical figures obtained from the Department of Education.

The decision to focus on data obtained from these two districts is because Umlazi District and Pinetown District are currently the largest districts in the province of KwaZulu-Natal concerning the number of schools and learner enrolment. In addition, schools in the two districts are in urban and pre-urban areas respectively. However, if the qualitative sample was taken in this study, may have yield reliable and valid results about the number of schools in the two districts, and get actual information on learner enrolment and dropout rates.

1.8. Limitations of the study

The very nature of the research methodology in this study places a huge barrier to other relevant sources of information. A pure desktop study confines the researcher to literature that is readily available for the research. This means that the information that could have been obtained through in-depth interviews, questionnaires or visits to the schools and other institutions or interview with relevant partners is not relied on. The study fully depends on available literature on the educational policies and education statistics from the department of education, which do not give enough information on how well the policies have worked. Moreover, the implementation of the education polices in South Africa is still an on-going debate. Implying that new issues can emerge during the study.

1.9. Delimitations

This study is confined to the period running up from 2006 to 2016. Any new developments in respect of the legislation and the policies will substantially affect the scope of the study. Since these policies are being discussed and criticised on impact of the South African education systems by the public and other scholars. There is no room left for new information that is outside the scope. If any new protocols were to come into force before completion of this study, they will not be incorporated and will consequently be referred to as the 'proposed protocols'. This is because any developments in respect of the new protocol fall outside the scope of this study.

1.10. Thesis Outline

The study is divided into five chapters as follows:

Chapter 1- Consists of introductory aspects such as the background to the study, problem statement, aims and objectives of the study, research methodology and literature review. The chapter discusses the historical structure of fee paying in public schools and then the introduction of SFEP and NSFP.

Chapter 2- Focus on the international and domestic legal framework, applicable legislation regarding the children rights to education and what the South African Constitution states on children's right to education. This chapter further discuss the two policies, outlining their aims, what they say about the enrolment in primary school, dropout in high school and lastly the aims of the quintile ranking system of schools.

Chapter 3- Reviews the statistics from the Department of Education (DoE) based on the enrolment, repetition and dropout rates. The data will be supplemented by other sources such as media sources to support the figures on enrolment and dropout rates, provided. The chapter also attempts to review the outcomes of the implemented policies and the retention of learners to matric completion. In addition, to show whether dropout rates have reduced in high school.

Chapter 4 – Analyses the data as to whether fee exemption policy, the no fee school policy and the quintile ranking system has achieved its intended objective of eradicating inequality in the South African schooling system. It further discusses the socio-economic status affects learner dropout of school. Additionally, to highlight the good of the policies and whether they have made a difference in promoting access to education or not, particularly in rural and, or whether learners from poor families have benefited.

Chapter 5 - Consists of a summary, recommendations and conclusion.

1.11. Chapter Summary

The chapter presented the background and the motivation of the study. It further mentioned the overall aim of the study with objectives and research questions outlined. The importance of the study which is the introduction of the School Fee Exemption Policy and the No Fee School Policy together with the quintile ranking of the school in South Africa has been discussed. The chapter further discussed the historical structure of education in the Apartheid South Africa, and then the transformation from the apartheid inequality to post-apartheid education. The chapter has also discussed other initiatives that were introduced in post-apartheid to help in redressing the past inequality and help increase the enrolment numbers especially in primary school. Furthermore, the research methodology, which includes library-based study and partly data collection, and data analysis, is outlined.

Chapter 2

International and Domestic Legal Framework on Children's Right to Education

It is a greater work to educate a child, in the true and larger sense of the word, than to rule a state...William Ellery Channing

2.0 Introduction

“Education has, since the beginning of time, been regarded as the formal process by which society conveys its accumulated knowledge, skills, customs and values from one generation to another” (Churr, 2015:2405).

This chapter critically discusses various legislations that give meaning and content to the right to education as contemplated in the constitution, and other international instruments. In so doing, the Constitution of the Republic of South Africa, 1996, (hereinafter, the Constitution), South African Schools Act 84 of 1996 (SASA), National Education Policy Act 27 of 1996 (NEPA) and the Children's Act 38 of 2005 shall be put into perspective. In addition, the international and regional legislative framework on right to education as it relates to children are discussed. These include the Universal Declaration for Human Rights, 1948 (UDHR), the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR), the United Nations Convention on the Rights of the Child, 1996 (UNCRC), the African Charter on the Rights and Welfare of Children, 1990 (ACRWC) and the African Charter on Humans and Peoples Rights, 1986 (Banjul Charter).

In addition to domestic and international legislative framework, a discussion of various domestic policies meant to ensure the implementation of the right to education is successful are discussed. The policies include the School Fee Exemption Policy (SFEP) and No Fee School Policy (NFSP), which are the cornerstone in ensuring the realisation of the child's right to education in South Africa. Lastly, the chapter describes the aims of National Norms and Standards for School Funding policy of schools; measuring whether

access to basic education has been realised in South Africa, particularly from grades 1 to 9 or up to age 15, or whichever comes first.

Education is a human right, and the right to basic education is recognised and emphasised worldwide (Churr, 2015). In South Africa, the right to basic education is entrenched in the Constitution and is regarded as one of the most crucial constitutional rights, as it promotes economic and social well-being of children in South Africa (Abrahams and Matthews, 2011 and Churr, 2012).

It is for this reason, the post-apartheid South Africa implemented new legislation and policies to redress the inequalities in the education system (Mestry, 2009). In spite of the implementation of legislation and policies, and the ratification of international law by the South African government to provide free primary education, gaps are evident in that not all South Africans have access to quality education, because high school fees among other educational challenges (Arendse, 2011). However, the development of the SFEP, NFSP and the NNSSF and other procedures at national level are of interest in this chapter.

This chapter focuses only on domestic and international law that recognises children's right to basic education which South Africa is a member. It is also imperative when discussing the right to basic education to discuss first the UDHR as it is one of the first international treaties to provide international recognition of education as a fundamental human right.

2.1. International instruments on the Right to Basic Education

The right to basic education is recognised in the international instruments, which through the State adoption; mandate that the state parties make quality education available to all regardless of their socio-economic status (Spaull, 2011 and Arendse, 2011).

2.1.1. Universal Declaration of Human Rights of 1948 (UDHR)

The Universal Declaration of Human Rights 1948 (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievements for all peoples and all nations. The Universal Declaration starts by recognising that “the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world”.

The UDHR further declares that human rights are universal, and are to be enjoyed by all people, no matter who they are or where they live. The Universal Declaration includes civil and political rights, such as the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, like the right to social security, health and education (UDHR, 1948).

The right to education is stated in article 26 of the UDHR as follows;

- (1) *everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all based on merit.*
- (3). *parents have a prior right to choose the kind of education that shall be given to their children.*

The UDHR recognises the right to education as emphasised in the *Juma Masjid* case. The case was about the eviction of a government school conducted at privately owned land. The dispute was between Juma Masjid Trust the owner of the private property, and the Minister of Executive Council for Education for KwaZulu-Natal as well as the School Governing Body (SGB). The Constitutional Court authorised the eviction of a public school conducted on a private property, which influenced the learners’ right to basic education. While the Court allowed the eviction to proceed, it put measures in place to protect the rights of learners at the school and made sure that learners were not left without alternative school placement. Ultimately, the ruling on the *Juma Masjid* case was

that children leave the Juma Masjid Primary School and placed in alternative schools. The *Juma Masjid* case has set a new level of protection required for children attending public schools on private property (Skelton, 2012).

The significance of the case in relation to the rights of children to basic education is that the court held that a private landowner and non-state actor has a constitutional obligation not to impair the right to basic education under s29 of the Constitution. The Court also held that, unlike other socio-economic rights protected by the Constitution, the right to basic education is immediately realisable and any limitation of this right must be reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom (*Governing Body of Juma Masjid Primary School & Others v Essay NO and Others*).

In order for learners to realize maximum benefits on the right to education and the right of choice to education as stated in article 26 (1) and (3) of the UDHR. The state must first provide appropriate school infrastructure for learning to take place, such as state-owned properties. If this is not considered by the state, will be a violation of a child's rights to education as stated in s 29 (1) of the Constitution and the principle of the best interest of the child under s28 (2). The state in terms of that right is obliged, through reasonable measures, to make further education "progressively available and accessible".

2.1.2. The United Nations Convention on the Right of Children 1996 (UNCRC)

The UNCRC is the most important treaty dealing with the rights of children, including the civil, political and social, economic and cultural rights supervised by the Committee on the Right of the Child (Zeldin, 2007). It is the first binding international legal instrument to address the rights of children and the first international legal instrument to recognise children as individual rights-bearers and the most ratified human rights treaty. The CRC also provides the highest level of international standards and guidelines for national and regional implementation (Lee, 2009). In addition, it offers the highest international norms and standards for the well-being of the child.

Article 1 of the CRC defines a child as every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier. Article 3 (1) of the CRC further states that in all actions concerning children, the best interest of the child shall be a primary consideration and in article 28(1) (a) of the Convention provides that:

1. "States Parties recognize the right of the child to education and with a view to achieving this right progressively based on equal opportunity, they shall, in particular:

(a) make primary education compulsory and available free to all; (b) encourage the development of different forms of secondary education, including general and vocation education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need. (c) make higher education accessible to all on the basis of capacity by every appropriate means; (d) make educational and vocational information and guidance available and accessible to all children; and (e) take measures to encourage regular attendance at schools and the reduction of drop-out rates" (UNCRC, 1996).

It is clear from the above that the right to primary education is a cardinal socio-economic right, and specifically places a burden on the states to ensure that access to education is free of charge. This demonstrates that there is an international obligation to make education free, therefore violation of this provision would be a violation of international law and can be actionable against the state.

2.1.3. The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR).

The ICESCR is the primary international treaty incorporating socio-economic rights. The ICESCR is an international legal instrument that affords protection to a range of social economic and cultural rights (Petherbridge, 2012). The ICESCR was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 3 January 1976. South Africa signed the ICESCR on 3 October 1994, indicating its intention

to become a party to, and therefore legally bound by the ICESCR. Nevertheless, on 10 October 2012, Cabinet approved that South Africa consented to the ICESCR, on 12 January 2015; the South African Government ratified the ICESCR in its commitment to realising economic, social and cultural rights, including the right to education, after more than 20 years of signing it.

The ratification entered into force on 12 April 2015 (section 27, Equal Education, and Centre for Child Law). The ICESCR is undoubtedly the most significant treaty, which entrenches the right to education (Arendse, 2010). The ICESCR is described as a key international treaty that seeks to encourage state parties to address challenges of inequality, unemployment and poverty, which is critical to the strategic goals of the government (Joubert, 2014). The ICESCR devotes two of its articles on the right to which are articles 13 and 14. Article 13, is the longest provision in the Covenant, and the most wide-ranging and comprehensive article on the right to education in international human rights law. However, articles 1 and 2 are discussed in this study, for their relevance to the research topic. Article 13 (1) provides:

1. *“The State Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace*

2. *The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*

(a) primary education shall be compulsory and available free to all and

(b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, based on the capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved” (ICESCR, 1966).

2. *“The States Parties to the present Covenant further recognize that, with a view to achieving the full realization of this right, (a) Primary education shall be compulsory available and free to all, whereas secondary education shall be made generally available and accessible without discrimination of any kind” (ICESCR, 1966).*

The ICESCR also entrenches what is called “Four A Scheme”, developed by the late Professor Katarina Tomasevski the former United Nations Special Rapporteur on the Right to Education. The “Four A Scheme” are availability, accessibility, acceptability and adaptability. One obligation of the ICESCR based on the four A, is accessibility and if this obligation is not abided by the system, then the system is violating a child’s right to access a school of their choice. The committee noted that primary education should be directed at providing a basic education. Additionally, the state has the obligation in terms of article 13 (2) of (the ICESCR) to make education available, accessible, acceptable and adaptable as stated by Tomasevski’s framework.

Despite, international obligations set and imposed on the South African government to provide free primary education, many learners in South Africa are still denied the right to basic education because of school fees and other educational charges. The levying of school fees is one of barriers preventing access to education in South Africa (Arendse, 2011). In addition, many children have no access to education because of their geographical location, particularly children in rural areas who have to walk long distances to get to school, hence distance becomes a barrier. In some instances, children’s education is interrupted because of ongoing human rights abuses includes social, cultural

and economic rights for example sending children away from school for non-payment of school fees, absent from because of transport costs or lack of transport especially in rural areas, and failure of government to provide adequate protection the children are entitled to under the Convention (Human Rights Watch, 2016)

2.2. Regional Instruments

At the regional level there is the African Charter on Human and Peoples Rights (Banjul Charter) 1986, and the African Charter on the Rights and Welfare of Children 1990 (ACRWC)

2.2.1. The African Charter on Humans and Peoples Rights 1986 (Banjul Charter)

The African Charter on Human and Peoples' Rights (also known as the Banjul Charter) is an international human rights instrument that intended to promote and protect human rights and basic freedoms in the African continent. The Charter is one of the two important and relevant charters that has laid a solid foundation in the promotions and protection of human rights in Africa. South Africa signed and ratified to it on 9 July 1996. The Banjul charter was adopted on 27 June 1981 and, entered into force on 21 October 1989. The relevance and importance in this charter is Article 17 (1) which provides that: “[E]very individual shall have the right to education” (Banjul Charter, 1986).

2.2.2 The African Charter on the Rights and Welfare of Children 1990 (ACRWC)

The African Charter on the Rights and Welfare of the Child (African Children’s Charter) is the first comprehensive regional children’s rights treaty specifically dedicated to the protection of children in Africa (Children’s Charter, 1990). The Children’s Charter was adopted by the Organisation of African Unity (OAU) on 11 July 1990 and entered into force in November 1999. South Africa signed the Charter in October 1997 and ratified it in January 2000 (African Union, 1990). The African Charter is a key source of inspiration for African member states and is a collective recognition of the rights and welfare of African children and establishes a legal framework for their protection (Assefa, 2014 and Abrahams and Matthew, 2011). The CRC and ACRWC are premised more on the rights of the child than the powers of the parent over the child and they complement each other.

On the other hand, the African Children's Charter also complements the African Charter on Human and Peoples' Rights (African Charter, 1986).

The ACRWC, Article 2 states that for the purposes of this Charter, a child means every human being below the age of 18 years. The most relevant and important article of the African Children's Charter to this study is article 11 which makes provision for education. Article 11 (1), (2) and (3), however only articles 1 and 3 are discussed:

1. *every child shall have the right to an education*
3. *State Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular:*
 - (a) *provide free and compulsory basic education*
 - (b) *encourage the development of secondary education in its different forms and progressively make it free and accessible to all;*
 - (c) *make higher education accessible to all based on capacity and ability by every appropriate means;*
 - (d) *take measures to encourage regular attendance at schools and the reduction of drop-out rates;*
 - (e) *take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.*

Furthermore, article 11 (6) states that parties to the present Charter shall have all appropriate measures to ensure that children who become pregnant before completing their education have an opportunity to continue with their education based on their individual ability.

Conversely, through the ratification of the UNCRC, ICESRC and the Children's Charter, South Africa has committed itself to achieving the right to basic education for its children. However, for South Africa to realise its commitment to providing basic education depends on meeting the obligation engendered by the treaties. Most importantly for the right to education to be realisable the government must first understand the content of the right to basic education and the right to free and compulsory education (Arendse, 2011). Furthermore, Churr (2015) adds that for the right to basic education to be realised, basic education must firstly be made available to all learners with provision of good schools

with qualified teachers, which is still problematic in certain provinces in South Africa, especially in rural areas (Khanyile, 2017 and Churr, 2015)

2.3. South Africa's Statutes and policies to Education

Joubert (2014) notes that post-apartheid South Africa has formulated laws and policies that were viewed by many scholars and analysts, which are enlightened by international standards. Domestically, South Africa has set out four major pieces of legislation governing primary and secondary education. The first one is the Constitution, which is the Supreme law of the land. The other important legislations are NEPA (1996), the SASA (1996) and the Children's Act (2005). There is also the White Paper on Education and Training (WPET) 1996, and the NNSSF. However, for the purposes of this study, only the Constitution, the NEPA, the Children's Act, the SASA and NNSSF are discussed. Whilst the Constitution is not an education legislation, it does however contain important sections that relate to education, addressed below.

2.3.1. The South African Constitution (RSA, 1996) and the Children's Act 38 of 2005

The Constitution is the supreme law of the Republic of South Africa, law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled. Similarly, the Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom (Constitution, 1996). The Constitution states that the State must respect, protect, promote and fulfil the rights in the Bill of Rights. The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill (RSA, 1996). The Constitution transformed South Africa's education in accordance with the values of humanity, dignity, equity, human rights and freedom, non-racialism and non-sexism (DoE, 2001).

The Constitution further states that everyone has a right to education and this right is justifiable. The Constitution makes the right to basic education immediately realisable. It is illustrated in the Limpopo textbook case between *Basic Education for All (BEFA) and Others v Minister of Basic Education and Others*, on the non-delivery of textbooks by the Department Basic Education to 39 schools in Limpopo Province. The Department of Education's failure to provide textbooks infringed the learner's right to basic education. It was held that the Department's failure to provide textbooks to a small number of learners in Limpopo amounted to unfair discrimination against the learners and a violation of child's right to basic education. BEFA insisted that the failure by the DBE to ensure full textbook delivery was in violation of the rights to education, equality and dignity guaranteed by the Constitution.

On the other hand, the Constitution unlike the Children's Act guarantees access to basic education for all through the provision that everyone has the right to basic education including adults, s (29) (1). Section 29 (1) (b) of the Bill of Rights guarantees further education, and states that through reasonable measures, education will be made available and accessible for everyone. However, it is important to note that s29 of the Constitution do not specify the content and quality of the education that the state should provide (Taiwo, 2011). In addition, s29 does not refer to all universally accepted education rights including right to education, equal access to educational facilities, freedom of choice, and the right to establish private educational institutions (Arendse, 2011).

Nevertheless, s29 (2) states that everyone has the right to receive education in their official language or languages of their choice in public educational institutions where that education is reasonably practicable (RSA, 1996). Furthermore, the right to basic education stated in the Constitution does not include free and compulsory education, although the provision is made for compulsory education in s3 (1) of the South African Schools Act.

However, to fulfil the obligations on right to basic education as enshrined in the Constitution, the Children's Act 38 of 2005 was enacted. This legislation among other things provides a legal framework for the protection and care of children and in most cases, the guiding principle is the best interests of the child. The Children's Act on the other hand is a comprehensive piece of legislation that does not necessarily provide the rights to education, but seeks to afford children the necessary care, protection and assistance so they can develop to their full potential (Berry et al. 2011). The Children's Act 41 of 2007 amended the original children's Act 38 of 2005; some of the provisions came into force on 1 July 2007 and the rest of the provisions and the associated regulations on 1 April 2010.

The aim of the Children's Act (2005) is to support families to promote their children's wellbeing, prevent abuse and neglect and to ensure appropriate care for children in need of care and protection. The Act provides social services such as early childhood development programmes and partial care services, prevention and early intervention programmes. The Act further provides services (including home-based care for families affected by chronic illnesses such as HIV/AIDS, parenting programmes, child and family counselling, and providing families with the necessities) and drop-in centres (Children's Act 38 of 2005).

The Children's Act (2005) further provides protection services (identifying, reporting and supporting abused and vulnerable children) such as foster care and cluster foster care, adoption and child and youth care centres (children's homes, schools of industry, places of safety and shelters for street children). It also regulates who provides these services, and how by setting out the norms and standards for these services (Berry et al. 2011).

However, what is remarkable about the Constitution and the Children's Act is that, they both apply the best interest of the child standard in cases when dealing with education and both consider a child as any person below the age of 18 years. Since the right to an education is an empowering one, it will always be in the best interest of any child to receive a good education. Coetzee and Mienie (2014), argue that, if a child is in a situation where his or her best interest is being compromised, particularly in the school context.

The child's education will suffer as a result, as in the case of *Laerskool Middelburg en 'n Ander v Departementshoof*, where English-speaking learners were initially denied enrolling in grade 8 by the SGB, because according to s6 (2) of the Schools Act, Middelburg primary school was permitted to use Afrikaans as the medium of instruction.

The school was legally entitled to adopt an Afrikaans-medium language policy. Although the court held that s28 of the Constitution (1996) establishes a fundamental right of every child to come first where there are competing rights and ordered that "the interests of the relevant learners would best be served by creating an English course at school"(Arendse, 2011). It is for this reason; the Act provides that whatever the school is doing it must first put the "best interest of the child" into consideration (Truter, 2015).

Furthermore, Coetzee and Mienie (2014) point out that in every circumstance under which a child can be allowed to develop physically, intellectually and emotionally into a well-adjusted adult, the "best interest of the child" must be observed. In addition to promote and fully apply the 'best interest of the child' standard in the education sector, the Department of Basic Education (DBE) the Provincial Development of Education (PDE), School Principles and School Governing Body must note the importance of the 'child's best interest' standard to school administration (Truter,2015).

In addition, s28(1) of the Constitution further provides an important benchmark in the protection of South African Children, as its principles deriving from the international law on the rights of children and are enshrined in the highest law of the land. However, this study is only interested the section 28 (2) and (3) which reads, a child's best interests are of paramount importance in every matter concerning the child, and that a 'child' means a person under the age of 18 years, which are provision for both the Constitution and the Children's Act.

2.3.2. The South African Schools Act, No 84 of 1996 (SASA)

The South African Schools Act (1996) is national legislation that affirms several rights, such as those of School Governing Bodies (SGBs) to develop and adopt admission policies, language polices, rules regarding religious observances and, a code of conduct

for learners (Beckham and Prinsolo, 2009). The Schools Act was enacted to realise the constitutional principles pertaining to education (Van der Vyver, 2010). The Schools Act replaced the previous racially based education system in South Africa.

The South Africa Act (1996) promotes access, quality and democratic governance in the school system. Section 3 (1) of SASA ensures that all learners have the right to access quality education without discrimination and make schooling compulsory for children aged 7–14 years or until the last day in which the learner reaches the age of 15 or 9th grade. The school funding norms outlined in SASA (1996) prioritize to redress and target poverty in funding allocation to public schooling system. According to s34 (1) the State is required to fund public school from the public revenue on an equitable basis, to ensure proper exercise of the rights of learners to education and redress of the past inequalities in the educational provision.

Furthermore, s16 of the Act provides for the democratic school governance, through School Governing Bodies (SGBs) in public schools throughout the country. The Schools Act is also a primary source of discussions on the powers of SGB regarding management of all educators and appointment of support staff. The Schools Act enables provision for the SGB to supplement state funding by the way of school fees and fundraising initiatives (Schools Act, 1996). Additionally, s37 (1) makes provision, that the governing body of a public school must establish a school funding administered in accordance with directions issued by the Head of Education (HoE).

Furthermore, s5(1) provides that public schools must admit learners and serve their educational requirements without being unfairly discriminated in anyway and, s5 (3), provides that no learner maybe refused admission to a public school on the grounds that his/her parents are unable to pay or has not paid the school fees determined by the SGB under s39. Section 12 (1) of Schools Act provides that Member of the Executive Council (MEC) must provide public schools for the education of learners out of funds for the purpose of the provincial legislature. In terms of financial affairs of schools, s36 states that, a governing body of a public school must take all reasonable measures within its

means to supplement the resources supplied by the State to improve the quality of education provided by the school to all learners (Schools Act, 1996).

2.3.3. The National Education Policy Act, 27 of 1996

The National Education Policy Act (NEPA, 1996) was enacted to pave the way for bringing the country's education policy in line with that of the constitutional decrees (Van der Vyber, 2012:330). NEPA empowers the minister of basic education to determine national policy for the planning, provision, financing, staffing, co-ordination, management, governance, monitoring, evaluation and well-being of the education system. The Act also functions as a framework instrument, while the minister of basic education can work with the provinces to determine the national norms and standards for the education system which the provincial departments of education are in turn responsible for implementing (Franklin and McLaren, 2015). It is apparent that NEPA ensured that the fundamental human rights of all school-going children are protected as per the principles contained in chapter 3 of the Constitution (Gengatharen, 2012).

Furthermore, s4 (a) of NEPA gives a coherent prescription of its objectives and makes provision for the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 3 of the "Constitution", and in terms of international conventions ratified by parliament. In particular, the right of every person to be protected against unfair discrimination within or by an education department or education institution on any ground whatsoever. In addition, NEPA provides that, every person must have the right to basic education, and equal access to education institutions. The policy further, provides that every parent or guardian in respect of the education of his or her child or ward, have the right to be instructed in the language of his or her choice where this is reasonably practicable.

The NEPA's other objectives was to grant the ministers the authority to determine policies with regards to the sizes and shapes of feeder zones that supposedly constrain the ability of learners to choose the primary school or secondary they attend (DoE 1998). According to NEPA's regulations, children of parents who live within the feeder zone or children of parents who live at their employer's residence within a feeder zone have the right to attend

a school within that zone, such as children of domestic workers have the same right as those children whose parents reside and work within the area.

The other option that was issued is that parents whose work address falls within the feeder zone, their children can attend school in that area. Basic Conditions of Employment Act, 1997) (BCEA) refers to the above *case on the Federation of Governing Bodies for South African Schools (FEDSAS) v Member of the Executive Council for Education, Gauteng and Another*. Although sometimes SGB use feeder zones to select admission of learners to attend particular schools. In most cases, however children who live and go to school within the feeder zone have been denied space in schools within their vicinity, claiming that they are out of zone (Woolman and Fleisch, 2006). A similar situation occurred to a mother in Durban (Musgrave area) whose child was denied space at the nearby schools of 1.5 km away from their home, stating that they are out of zone (Walford, 2016).

Nevertheless, other than the international and regional treaties, and national legislation on the right to basic education, South African government has also indorsed the various national policies that supports the right to basic education and these are discussed below.

2.3.4 No Fee School Policy and the School Fee Exemption Policy

Since 1994, the government's focus has been to redress educational expenditure inequalities by developing policies such as the National Norms and Standards for School Funding (NNSF), the School Fee Exemption Policy (SFEP) and No Fee School Policy (NFSP) intended to excessively allocate state funds to low socio-economic schools (Branson et al. 2013 and Mestry, 2014). However, the main objective of the NSFP was set to ensure that all children of school going age, who were denied access to school because of the socio-economic status of their families, to have access to basic education (Mokoena, 2013). The no-fee schools become an essential part of the South African government's strategy to alleviate the effects of poverty, and to redress the past imbalances in the education system, and to give poor learners free education (Setoaba, 2011)

The South African Schools Act (SASA, 1996) amended the NNSSFP for ordinary public schools and independent schools to include school fee exemption and no fee school policies. The implementation of SFEP was justified based on the limited state resources to provide free education and on the desire to improve school level accountability by increasing community control over school resources (Sayed and Motala, (2012). The introduction of NFSP on the other hand was to abolish school fees in specified schools and to protect households in the least socio-economically advantaged communities from the burden of paying school fees (Branson at el. 2015). In order to achieve the goals, SASA set up specific procedures and guidelines which are discussed below.

2.3.5. Procedures and Guidelines: School Fee Exemption Policy

The South African Schools Act (1996), s39 provides an exemption of fees so that school fees could be formally waived for learners from poor families, with eligibility determined according to a specific formula and specific criterion. The formula takes into account the annual school fees for one child that a school charges, additional monetary contributions such as piano lessons, art classes, school outings and the combined annual gross income of both parents (Schools Act, 1996). In addition, there are four different types of exemptions that one can apply for, including, full exemption, partial exemption, automatic exemption and conditional exemption and no exemption.

Full exemption applies 'if the school fees as a proportion of the income of a parent are greater than 10%, then the parent qualifies for a full exemption from the payment of school fees. Partial exemption applies if the school fees are less than 10% of the income, then a learner can qualify for a partial exemption on a graded scale' (Dass and Riquet, 2017). On the other hand, automatic exemption is usually given to orphans in child-headed households or an orphanage, children with foster parents, children with parents receiving social grants and learners placed in the care of a family member or youth care centre. Last but not least, the conditional exemption applies only if the parents do not fall into any of the above categories but can provide evidence to prove they cannot pay the school fees, then they can be exempt from paying schools fees. Conditional exemptions may

also be granted for parents who qualify for partial exemption but cannot pay the reduced amount because of personal circumstances (Dass and Riquet, 2017).

In addition to the different types of fee exemption discussed, there is a non-automatic exemption, where parents may be granted full or partial exemption based on parental income in relation to school fees. Parental income to school fees is determined by a set formula that schools apply upon receipt of a written application form from a parent (DoE, 2006). Theoretically, fee exemptions permit poor learners to attend fee charging schools as parents can be exempted upon assessment. However, the reality is that, the majority of learners are still confined in poorly resourced school systems where there are no user fees or additional income from the community or parental contributions present (Patel and Hochfield, 2010).

Furthermore, section 5 (4) of the (Government Gazette 29311 of R. 1052) requires a parent to produce any relevant documents a school governing body may request when deciding on a fee-exemption. The application also requires parents to submit a salary slip or letter explaining the amount the parent earns. If the parent is unemployed, or self-employed, an affidavit stating how much they earn and how they support the child is required. Similarly, section 7 of the Regulations allows for the governing body to reconsider the decision to grant exemption and amend the amount that the parent must pay if they later obtain information that the parent's financial position has changed substantially. They must reconsider the decision to grant exemption and amend the amount that the parent must pay from the date on which the change took place (SASA, 1996).

Conversely, section 8 of the Schools Act, provides that if a parent has been denied a fee exemption and they believe that the formula was not applied correctly or was applied unfairly, he or she can appeal to the head of the provincial education department to have their exemption application reconsidered by the provincial department. An appeal must be lodged with the head of department within 30 days of being notified of the rejection (SASA, 1996).

2.3.6. Procedures and Guidelines: No Fee School Policy

The NFSP was developed after the government acknowledged that the state should exempt parents in poor schools from paying fees (Mestry, 2013). The No-fee schools are prohibited from charging fees, but can raise extra funds for the benefit of the school through donations and voluntary contributions (Dass and Rinqest, 2017). The main aim of the No Fee Schools is not to charge mandatory school fees, so that basic education is available and accessible to poor learners. In addition, the DBE has put a directive that any parent including those granted any type of exemption could make some voluntary contributions to the school fund. Furthermore, School governing bodies in No Fee Schools are permitted to encourage parents, learners, educators and other staff at the school to render voluntary services to the school (Dass and Rinqest, 2015).

The NFSP abolished school fees in the poorest 40% nationally for learners from grade R to 9, to promote adequate funding so that all public schools receive a minimum amount from state funding per learner per year (DoE, 2006). However, the major concern with the No Fee Schools is that technically, the no fee policy does not amount to the provision of free education for the poor, because of the many hidden costs such as transport and uniforms, which become an additional burden to the poor and such costs significantly, can affect a poor learner's household income (Mestry, 2014).

In 2007, the minimum funding per learner per year on the no fee threshold was from R554 in 2007 to R605 in 2009. However according to the National Norms for School Funding 2014 to 2016, shows that the threshold of school allocation for 2015 is R1, 116 and for 2016 is R1, 177 which means that there has been an increase in the allocations of funding to schools (Schools Act, 1996). However, Mestry and Dzvimbo (2011) and Wildeman (2008) both argue the fact that the No Fee schools receive the best government funding and receive compensatory funding in areas such as security, nutrition and classroom contraction and grade R expansion. Nevertheless, these schools are still not well resourced, and are facing overcrowding in some communities, forcing parents to send their children to neighbouring suburbs or townships in search equality education (Wildeman, 2008 and Chisholm, 2016).

2.3.7. National Norms and Standards for School Funding Policy

Following the review of the original NNSSF (1999) with regards to school financing, the DoE (2006) made a provision in the SASA (1996) by Amending the National Norms and Standards for School Funding (ANSSF) which came into force in 2007. According to the Schools Act 1996, the ANSSF were implemented to pay special attention to poor schools and give effect to the funding provision for schools. The aim of the policy was to provide funding to the most underdeveloped and poorest schools and communities by directing 60% of available recurrent non-personnel expenditure to 40% of the poorest schools in each provincial department of education (PDE). Further to provide guidelines for subsidies to the independent schools that are paid according to the eligible criteria and the range of school fees charged (Hall, 2009 and Khumalo, 2014).

The policy divided all schools in South Africa into five categories (ranks) called “quintiles”, ranked from the poorest to the least poor (DoE, 2008). The poorest schools were in quintile 1 and 2 and, the least poor in quintile 4 and 5; Quintile 3 is categorised as medium or the adequate benchmark (Mokoena, 2011). Similarly, quintile 3 schools were later declared as NFS after the DoE’s observation that this category of schools were neglected and impoverished (DoE, 2008). Christie (2008) and Motala, (2006) note that the ranking of schools is determined by different factors which include the wealth the community has, levels of poverty and literacy as well as the geographical location of the school.

Additionally, Khumalo (2014) and Mestry and Dzvimbo (2011) both highlight that the aim of the ranking system was to address the inequalities inherited from the apartheid era and to provide equity in the school funding system. As well as progressively improve the quality of education in South Africa’s public schools; particularly the previously disadvantaged schools, as many are still experiencing the inequalities caused by the previous system. Furthermore, Giese et al. (2009) assert, that the rationale behind national ranking of schools is to ensure that all poor learners across the country are subjected to the same conditions of pro-poor targeting.

2.4. Conclusion

The right to basic education appears in all the international and domestic laws as discussed above. The international law provides a certain degree of protection on the rights to basic education, particularly to those countries that ratified to the treaties. The Constitution ensures that all national legislations abides by the international standards when addressing the rights to education. It is essential because of political delays in correcting the imbalances inherited from the apartheid education system. There is huge investment put in the education system, through the introduction of the NNSSF, SFEP and the NSFP, which have allowed many South Africa's children to have access to basic education. However equal and quality education in South Africa is still far from being realised, as many children are unable to attend quality education, and some learn in overcrowded environment with very limited resources. Many learners fail to attend school regularly because they are not able to afford transport, uniforms, books and other stationery. Although, the number of children who attend schools has increased substantially, there is huge pressure on the government to put every school to acceptable standards.

Chapter 3

Presentation on Enrolment and Dropout rate in KwaZulu-Natal Province and Pinetown District.

3.0. Introduction

Youth education is a global priority and as such, school dropout remains an urgent concern worldwide (Weybright et al. 2017). Segumba (2015) points out that children start primary school in greater numbers, but dropout rates are so significant leading to low levels of primary school completion in many countries. Sabates et al. (2010) argue that, for the Universal Primary Education (UPE) to be achieved, policies to improve school progression and reduce school dropout should be a priority.

In South Africa, learner dropout is a challenge, especially at secondary and tertiary levels, where 60% of learners that enter the schooling system complete grade 12, while 40% of learners drop out of the schooling system after repeated failure (Grossen et al. 2017). This could be attributed to poor learning infrastructure or resources in foundation stage, or other reasons that include, poor psychological, physical and socio- economic health (Lamb and Markussen, 2011).

According to Branson et al. (2014) the highest dropout rates in South Africa starts at the late adolescent ages because the cost of secondary education is high than primary education. There is an increase in learners leaving school across grades, were 6.5% of learners dropped out of grade 9. Conversely, 11.5% and 11.8% of learners dropped out of school in grades 10 and 11 (DBE, 2011). On the other hand, learner repetitions occur throughout the school years, whereas failure to complete secondary school is a severe problem in South Africa (Branson et al. 2015).

This chapter addresses the enrolment and dropout rates in the study area and attempts to interpret data collected. However, it is important to note that the statistical data is based on estimates and will not yield authentic figures nor give clear information for reasons that could have caused learner to drop out of school, even though formulas are outlined in the

chapter. However, some of the anticipated reasons for learner dropout will be discussed in chapter 4.

The two data sets were obtained from the Department of Basic Education, Provincial and District offices in Pietermaritzburg and Pinetown respectively. In addition, the study also compares the statistical reports from other studies. The Pinetown district data provides dropout rates for the period 2013 to 2015 only and covers only high school dropout rates. The enrolment data from the Pinetown district covers 2011 to 2015 across all grades. The data set for KwaZulu-Natal provincial Department of Education covers the period from 2010 to 2015. Enrolment data for the same period were provided for the province across all the schooling years.

The data sets allowed for the calculation of the dropout rate for both the provincial and Pinetown districts. The calculations are based on the definition given by the UNESCO Institute of Statistics (UIS) (2009). Graphs showing the enrolment and dropout rates together with the promotion and repetition rates over the period of 2010 to 2015 are plotted and compared. The provincial and district enrolment values are illustrated in Section 3.1.

3.1 Enrolment Rate

The Enrolment rate is defined as the total number of children enrolled in Early Childhood Care and Education (ECCE) programmes, regardless of age, expressed as a percentage of the population in the relevant official age group (UNESCO, 2009). The purpose of enrolment rates is to measure the general level of participation of young children in ECCE programmes. It also indicates a country's capacity to prepare young children for primary education (UNESCO, 2009).

The Enrolment Rate is calculated by dividing the total number of children enrolled in ECCE programmes, regardless of age, by the population in the relevant official age group in a given school year, and multiply by 100 (UNESCO,2009). On the other hand, the South African Schooling system defined “learner retention as the continued participation of a learner in the formal schooling system until the completion of the compulsory

schooling phase”. Learner retention is the complement of dropout. It is an indicator of the efficiency or quality of the schooling education system (Department of Education, 2008).

3.2 KZN Provincial Data

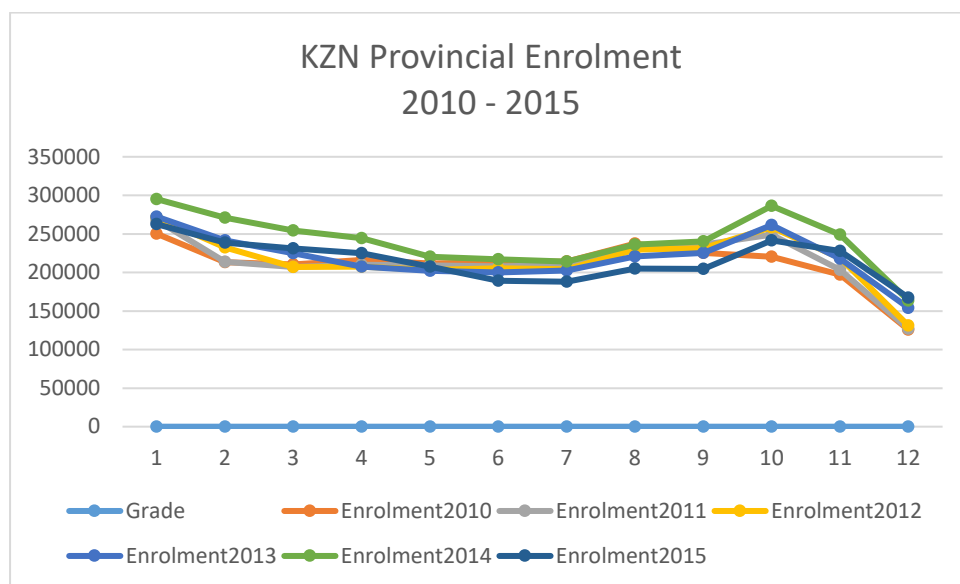


Figure 3.1: Enrolment rates for KZN Province

The enrolment rates for KwaZulu-Natal Province are shown in fig. 3.1. The enrolments in Gr 1 to Gr 4 are high. However, there is a gentle decrease in the rates from Gr 5 until Gr 7. After Gr 7, the plots show an increase in enrolments reaching a peak at Gr10 followed by a gentle reduction in the rate in grades 11 and 12. However, looking at fig. 3.2 below taken from Van Wyk’s (2015) study, the national enrolment patterns observed are similar to those of the KZN provincial and district enrolment patterns respectively.

The national enrolment patterns observed are from grade 1 to 12 and are over a 5-year period from 2009 to 2013. The national enrolment pattern shows a similar trend to that of KZN provincial and Pinetown respectively. This suggests that there is no significant difference in the enrolments rates from 2009 to 2013 and those of 2010 to 2015 as seen in figure 3.1. Enrolments from grade 1 to 8 are steadily high and then drop down slightly at grade 9 in 2009. Then a steep reduction in enrolment rates from grade 11 to 12 is

eminent. The patterns seem to be common throughout the years of data presented in this study, because basic education is compulsory in grades 1–9, or for children aged 7–15 (DBE, 2015).

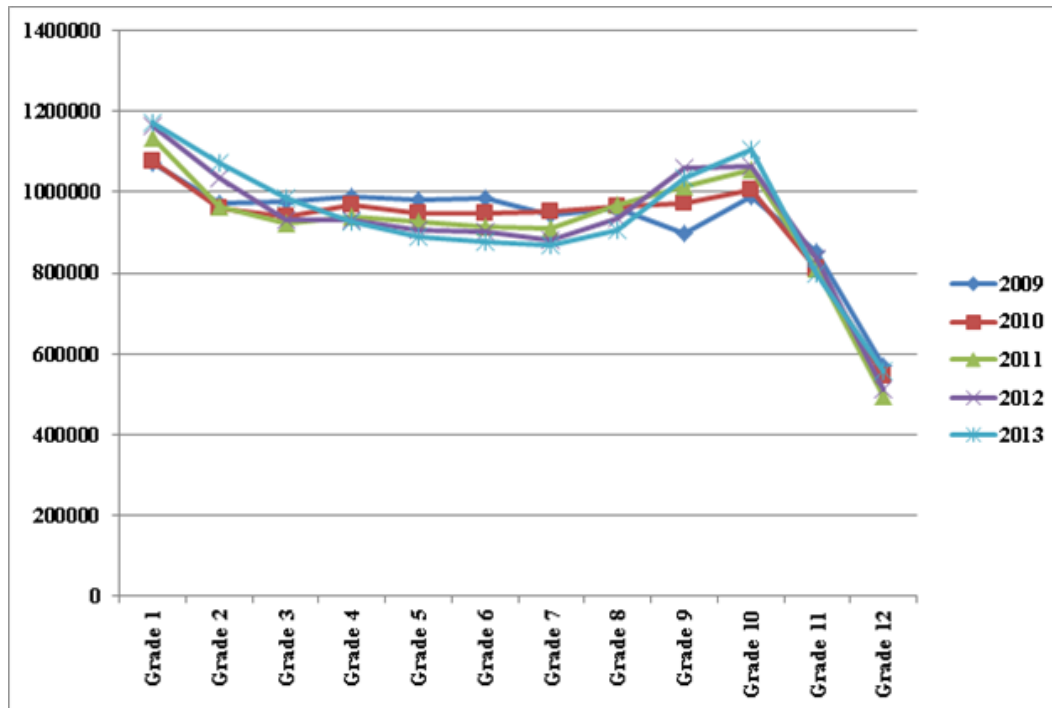


Figure 3.2: National enrolment in public schools by grade and year, 2009-2013 (Van Wyk, 2015)

3.3. Dropout rates

Dropout rate by grade is the proportion of pupils from a cohort enrolled in a given grade at a given school year who are no longer enrolled in the following school year. It is calculated by subtracting the sum of promotion rate and repetition rate from 100 in the given school year (UNESCO Institute of Statistics, 2009). However, in South Africa, the Department of Basic Education (DBE) defines dropout rate as leaving school before completing a given grade in a given school year who are no longer enrolled in the following school year.

The Dropout Rate is given by:

$$DR_i^t = 100 - (PR_i^t + RR_i^t) \quad \text{Equation (3.1)}$$

Where:

DR_i^t is the Dropout Rate at grade i in school year t

PR_i^t is the Promotion Rate at grade i in school year t

RR_i^t is the Repetition Rate at grade i in school year t

3.3.1. Dropout rates for KZN Province

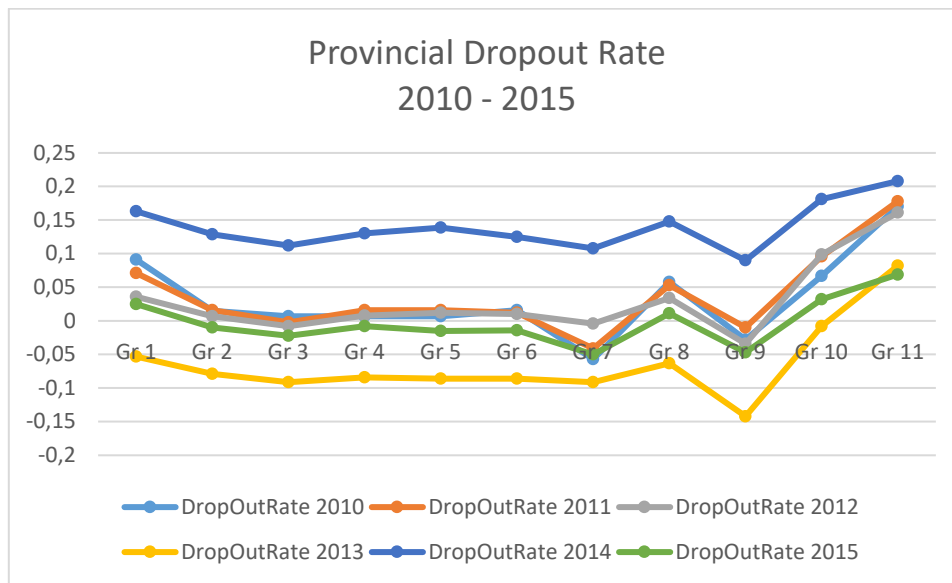


Figure 3.3: Graph showing KZN Provincial dropout rates for the period 2010 to 2015

The plots for the dropout rates are truncated to remove grade 1 and grade 12 respectively. This is because of the way the dropout rates are calculated by the Department of Education, requiring data for a cohort year plus the next year, and the use of enrolment rates from the previous cohort.

Provincial data shows an almost steady dropout rate from grade 2 to Gr 6 almost at 0.01% to 0.016%. However, the rates drop slightly at Gr 7 and Gr 9 to -0.053%. Then with a

sharp increase at Gr 8 to 0.053% and then decrease from Gr 9 to 10, and then slightly reduction at Gr 11. The trend for dropout rate if compared to enrolment rate shows that at lower primary the dropout rates are low and enrolment rates high. Realistically at primary level neither the dropout rates or the enrolment rate are a concern. The problem begins at grade 7 onwards, indicating that the enrolment and dropout rates vary rapidly.

Conversely, DBE (2011) avers that the dropout rates increase from grade 9 upwards reaching almost 12% in both grade 10 and 11. The trend of dropout rates is similar from the data set in fig. 3.3, increasing from grade 9 to 11 reaching estimated figure of 0.208%. Similarly, the dropout rates estimated by DBE for the national, reached 11.8% of learners who had been enrolled from grade 9 to 11, and dropped out school between 2007 and 2008. As for fig.3.1, the average of dropout rate between 2010 and 2014 is 0.208%. This is relatively high for two years at provincial level. See figure 3.4 for the national dropout rates taken from the Department of Education 2011.

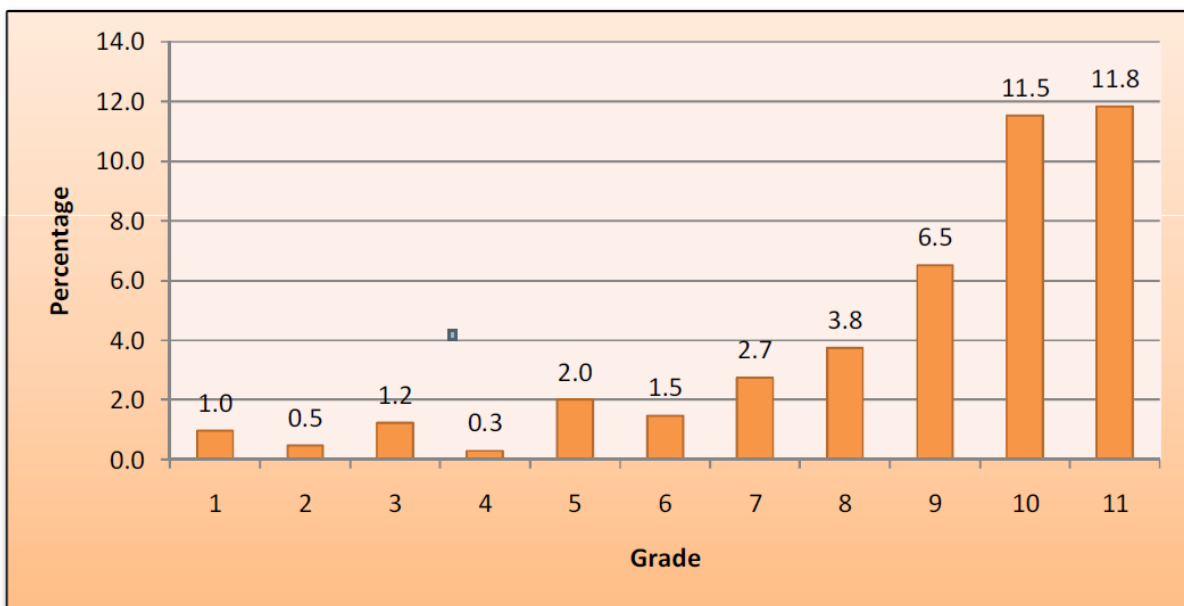


Figure 3.4: Plot for National Dropout by grade 2007-2008 (Source DBE 2011)

3.3.2 Promotion rates by grade

The Promotion rate is a flow rate which calculates the ratio of students from one grade which are promoted to the next higher grade. It is calculated by dividing the number of pupils promoted in a given grade in school-year $t+1$ by the number of pupils from the same cohort enrolled in the same grade in the previous school-year t (UNESCO,2009).

The Promotion rate is calculated as:

$$PR_i^t = \frac{NE_{i+1}^{t+1}}{E_i^t} \quad \text{Equation (3.2)}$$

Where:

PR_i^t is the Promotion Rate at grade i in school year t

NE_{i+1}^{t+1} New entrants to grade $i+1$ in school year $t+1$

E_i^t is the Number of pupils enrolled at grade i in school year t

3.3.3. Repetition by grade

The Repetition rate on the other hand is the number of repeaters in a given grade in a school year expressed as a percentage of enrolment in that grade the previous school year (UNESCO,2009). Below are charts indicating the promotion, repetition and dropout rates.

$$RR_i^t = \frac{R_i^{t+1}}{E_i^t} \quad \text{Equation (3.3)}$$

Where:

RR_i^t is the Repetition Rate at grade i in school year t

R_i^{t+1} is the Number of pupils repeating grade i in school year $t+1$

E_i^t is the Number of pupils enrolled in grade i in school year t

3.3.4. Promotion and Dropout Rates for KZN Province by Year.

This section addresses the Promotion, Repetition and Dropout rates for KwaZulu-Natal Province from 2010 to 2015 for grades 1 to 11.

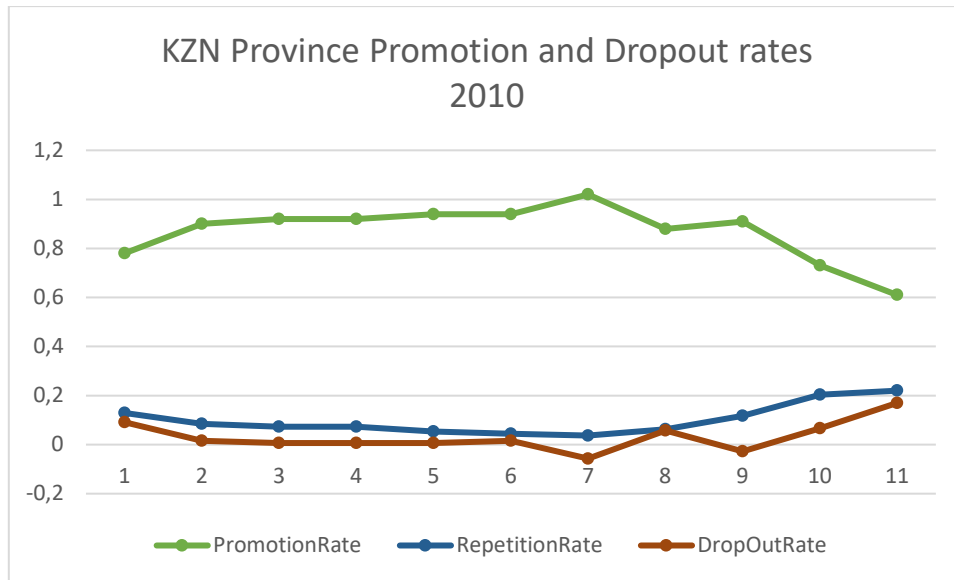


Figure 3.5: KZN Promotion, repetition and dropout rates for 2010

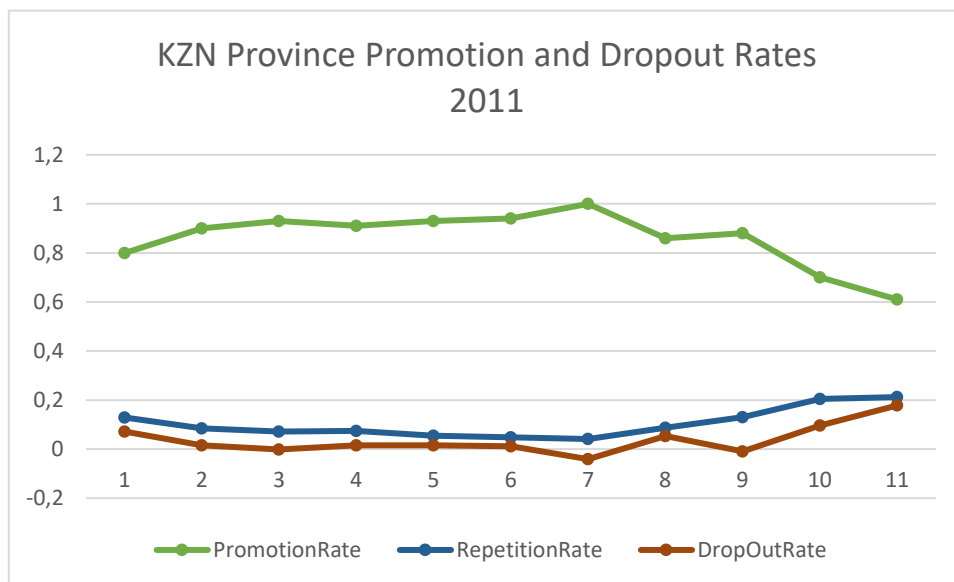


Figure 3.6: KZN Promotion, repetition and dropout rates for 2011

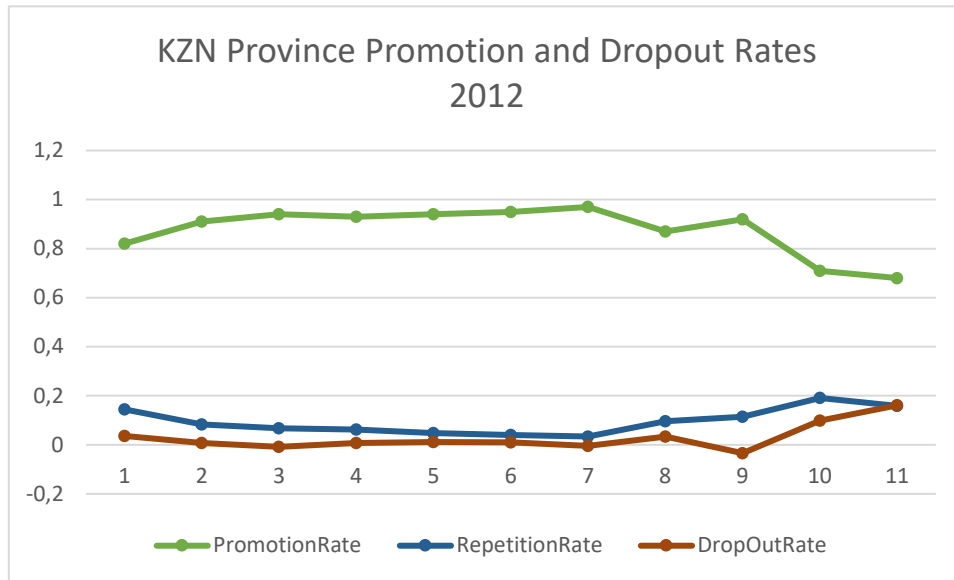


Figure 3.7: KZN Promotion, repetition and dropout rates for 2012

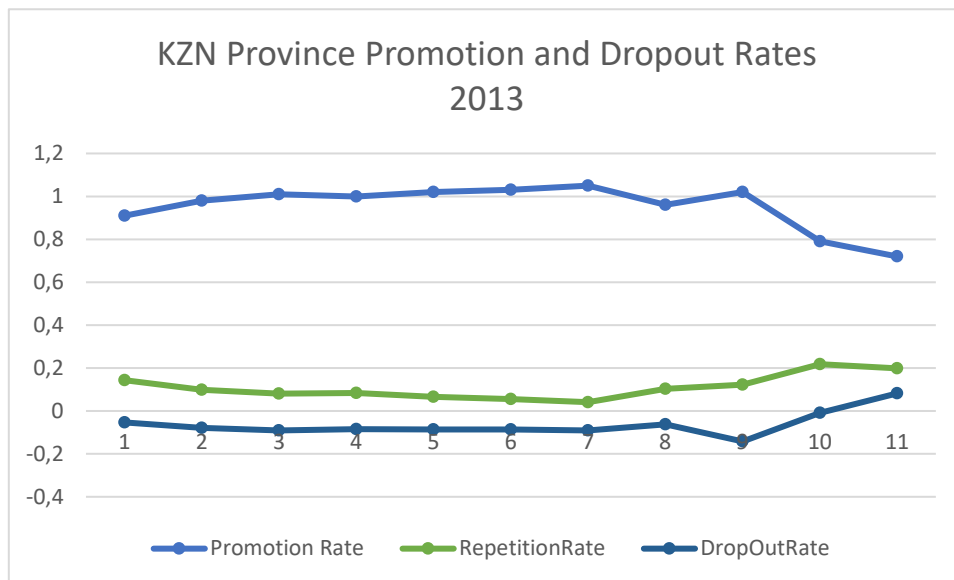


Figure 3.8: KZN Promotion, repetition and dropout rates for 2013

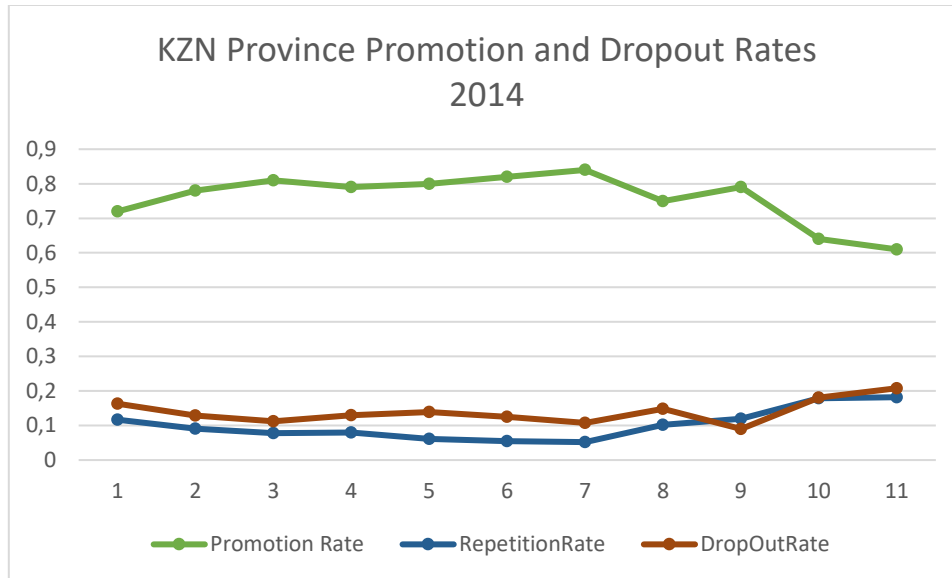


Figure 3.9: KZN Promotion, repetition and dropout rates for 2014

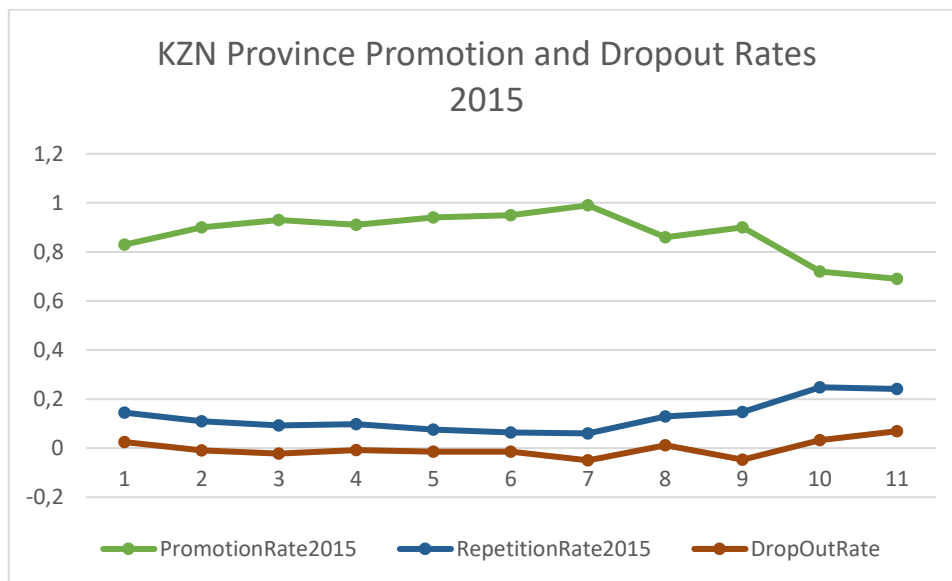


Figure 3.10: KZN Promotion, repetition and dropout rates for 2015

The promotion and dropout rate for KZN province are plotted for each year from 2010 through to 2015. Figures 3.5 to 3.10 show the trends for the promotion, dropout and repetition rates. It has been observed; from the charts, that the promotion rates are significantly higher than the dropout and repetition rates. A striking feature for all the charts is that the plots show a slight decrease in the Dropout and Repetition rates at

grades 7 and 9 respectively. This shows that there is a significant reduction in dropout rates at provincial level according to the data sets.

3.3.5. Second Phase - Case of Pinetown

Pinetown district has been used as a case study. The data collected is insufficient and cannot equate to that of the province, although the trends in enrolment rates are relatively similar to the national and provincial level.

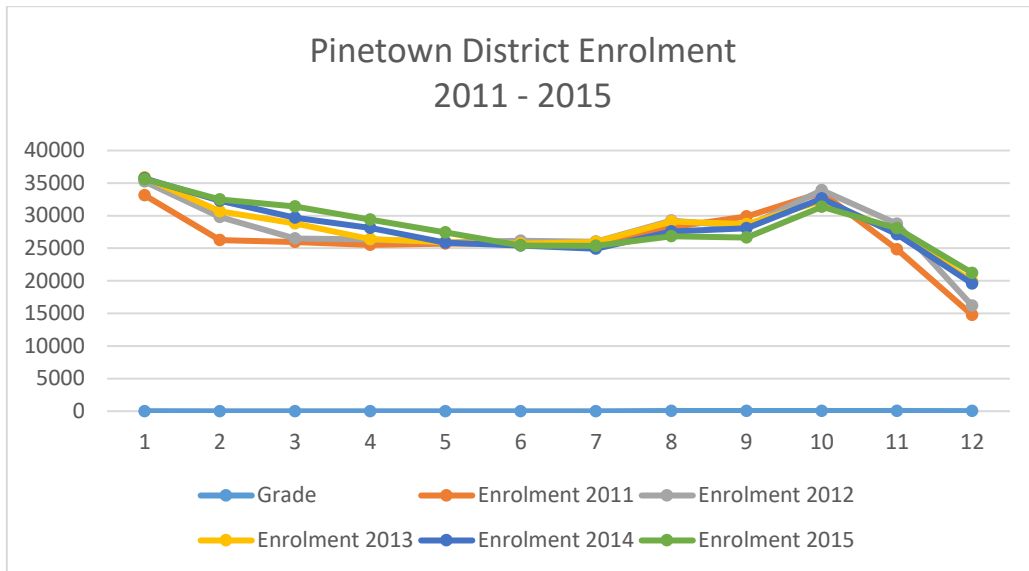


Figure 3.11: Enrolment rates for Pinetown District 2011 to 2015

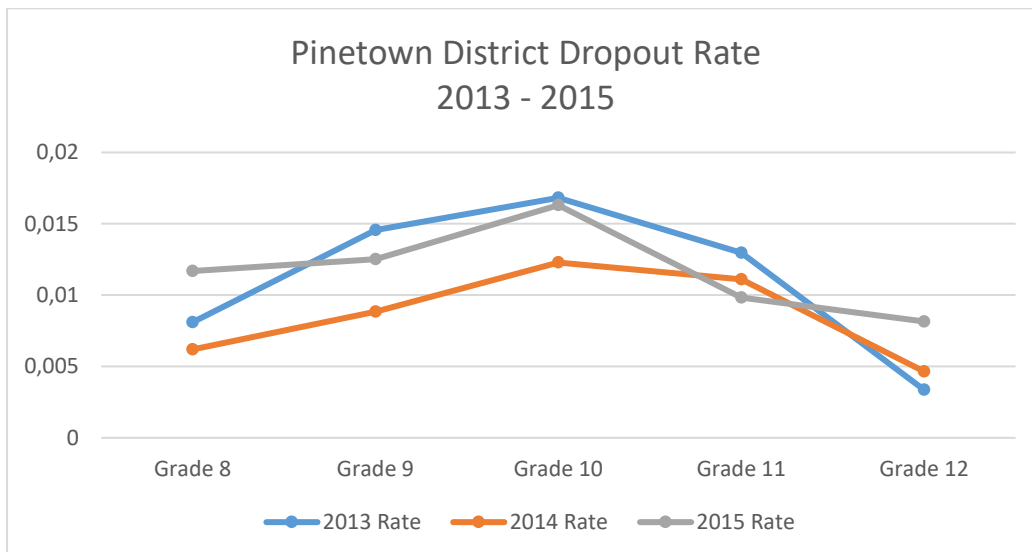


Figure 3.12: Dropout rates for Pinetown District

Enrolment rates for Pinetown in fig. 3.11 covers different years compared to that of provincial level, however, the enrolment patterns are similar to those of the nation and the province respectively. This is because education in South Africa is compulsory from grade 1 up until grade 9 as mentioned in the Schools Act. Enrolment patterns at district level also show high enrolment rates from Gr 1 to 5 and drops slightly at Gr 6 and 7 respectively. Enrolment rates pick up at 8 to 10 and drops at grades 11 and 12. This could be that the reasons for dropout across the nation are comparatively related. They will, however, be discussed in detail in chapter 4.

Fig. 3.12. Shows the dropout for Pinetown district for the period of 2013 to 2015. The plots for each year show similar trends; although in 2013 for Gr 9 the dropout was slightly high, dropping down towards Gr 11. This suggests, there is an increase in dropouts starting from Gr 9 to Gr 10 after which there is a reduction in drop out towards Gr 11. Although data for Pinetown district is insufficient, the trend for dropout is relatively the same as those at the provincial level. It is observed that there is a problem in learner retention starting from grade 9 to 12 across the nation.

3.4. Discussion

The enrolment rates show a steady rate from grade 1 to grade 9 at both provincial and district level. This trend could be alluded to the implementation of the SFEP and NFSP, which advocates for compulsory schooling years in the South African schooling system from grade 1–9, or for children aged 7–15 years. However, the data shows that after grade 9, the enrolment rates for KZN Province and Pinetown District show a slight drop in the enrolment rate which then peaks at grade 10 and 11 and reduces at grade 12. Nevertheless, the similarity cannot certainly be justified because of the different in size of the two places, and the data provided.

In addition, the estimated data on the dropout rates from 2010 to 2013 also show a similar trend of stagnation in the rates from grade 2 to grade 6, were the dropout rates are almost at 0% meaning that learners from grade 1 to grade 6, learners stay in school. However, the dropout rate increases to 0.05% at grade 7, meaning that a number of learner's dropout before they get to grade 8 because of high fees and other challenges that come

along. Although at grade 9 there is a slight depression in the provincial dropout rate, the dropout rate at district level also shows a similar trend across the 3 years. The provincial dropout rate increased from grade 8 to grade 10 and then dropped at grade 11. This shows that some struggle to go through senior high school to complete grade 12 hence the implementation of the of the SFEP and the NFSP.

From the data presented above and from previous research, it could be concluded that school dropout is high especially in high school, despite the change in policies in the schooling system. As shown in the figures, it is clear that the enrolment rate decreases between grade 10 to 11 and vice versa, the dropout rate increases from grade 10 to 12, although the actual dropout rates are never calculated for one reason or the other, or maybe it is because statistical figures are based on estimates?

A review of the promotion and dropout rates particularly at provincial level shows that there is sufficient evidence to state that there are challenges with learner retention in the South African schooling system. The problem is more evident between grade 9 and 11. The dropout rate below grade 9 is low, however it increased sharply from grade 10 to 12, and this could be because of high failure rate leading to a lower completion rate at matric level. There is also a similar trend at district level of low completion rate at matric level. This could be that, at district level, schools may have had challenges at different levels such as delays in in allocation of funds by the government due to insufficient human resource constraints insufficient resources relating to socio-economic issues of a learner and their families, which could potentially contribute to poor education service delivery in South Africa (Boateng, 2014).

In addition, it is important to note that the dropout and repetition rate at KwaZulu-Natal province is quite low. However, this result does not necessary explain why the dropout rates are still high across the system. It could mean that learners in these particular years completed high school within the recommended age or that there were fewer repetitions or moved to technical colleges as supported by (Hugo, 2017). In chapter 4, an analysis is made on whether trends that are shown in the graphs above have been influenced by the SFEP or the NFSP or not. A critical discussion on current literature on dropout rates in high schools and matric completion rates are integrated in the next chapter.

3.5. Conclusion

The data presented in this chapter shows that enrolment rates across all grades are generally high. Although figures from 2009 -2013 on fig.3.2. for enrolment show a steep dropout from grade 9 to 12. On the contrary, dropout rates are higher in high school than in primary schools as fig. 3.4 shows. The study was looking to show if there is an improvement in dropout rates. However, statistical data sets show that dropout rates are still rife in South African schools, especially in secondary schools. It is also clear that there is a problem in the number of learners completing high, later alone sit for matric examination.

Data sets presented show that enrolment rates are relatively high in primary school from grade 1 to 6 and start falling short from grade 7 onwards. Although educational policies have somewhat increased enrolment rates in both primary and high school, but have not been able to sustain learners in high school, as educational costs become genuinely high causing learners to dropout. Very few learners' make into Institutions of higher learning. The study show that school dropout is still high in high school in South Africa as it was 10 years ago before policies were implemented.

Chapter 4

Results and Discussion of Findings

4.0. Introduction

The aim of the study is to critically analyze whether the School Fee Exemption Policy (SFEP) and the No Fee School Policy (NFSP) together with the National Norms Standard for School Funding (NNSF) policy have helped increase the enrolment rate nor reduce the dropout rate in primary and secondary schools of uMlazi and Pinetown districts in KwaZulu-Natal province (KZN). However, due to insufficient statistical data available and lack of statistics for uMlazi district. The statistics that are presented in this study are for Pinetown district and KwaZulu-Natal Province. Pinetown district is used as a case study because the data set for Pinetown district cannot be used in comparison to KZN province data set.

This chapter explains the results of the analysis conducted and explains the possible reasons for the results obtained. The results cover the findings of the enrolment and dropout rates presented in chapter 3 for KZN province and Pinetown district. However, it is also important to note that the nature of the research design employed, and the limited statistical data obtained has contributed to some of the limitation of the study. This means that, little can be said about district and provincial variations, changing patterns of enrolment and dropout rates, determinants in the transitions between phases and causes of high school dropout and the consequences or outcomes of school participation.

In terms of orientation of the contents of this chapter, the results are focused within the context of the research questions, aims and objectives. The first part highlights the reasons why the patterns in the enrollment and dropout rates appear the way they are at provincial level Pinetown district. The data set for KZN province is discussed in relation to Pinetown district. The second part focuses on the positive outcomes of the three implemented policies – the quintile ranking of schools, the SFEP and the NSFP, explaining

whether the policies have made positive or negative difference in promoting access to education, particularly to rural learners in the province.

The chapter further explains how socio-economic status of learners can influence learner access to education, linking the issue with enrolment and dropout in high school and understand whether equity and social justice have been realized.

4.1. Interpretation and discussion of Enrolment and Dropout rates

The significance of the study depends entirely on secondary information presented by other researchers and statistical data for KZN province and Pinetown district from 2006 to 2015 from when the SFEP and the NFSP were implemented. However, due to difficulties in obtaining the data from the DoE. The study uses data from KZN province and Pinetown district. The study does not include statistics from 2006, and as a result, it is difficult to compare how statistical data on enrolment and dropout rates looked like then to what it is now. However, in this case Pinetown district is presented as a case study, in order to compare similarities and differences in enrolment and dropout patterns, and further discuss possible causes of dropout rates in the schooling system particularly during adolescent years.

4.1.1. Enrolment rates

Enrolment rates for KZN province, Pinetown district and the national enrolment by Van Wyk (2015) taken between 2009 and 2015 presents similar enrolment patterns across all grades. The enrolment patterns across grades for both province and Pinetown reveals a steady decline in the proportion of learners from Grades 1 to 3, while the enrolment stayed almost the same from grades 4 to 8. Enrolment rates are continuously stable during the primary phase of schooling system. However, there is a significant increase in the degree of under-enrolment from 10, 11 and 12, this is because of high repetition in all grade, with highest repetition in secondary school as stated by (Branson et al. 2014).

In fact, the enrolment rates shown in figures 3.1, 3.2 and 3.11, displays similar enrolment patterns of under-enrolment from grade 11 to 12. This implies that high school learner retention in the South African schooling system is still problematic, especially when learners do not positively meet academic achievements as supported by (Grossen et al. 2017). However, the under enrolment at grade 11 and 12 significantly suggests possible dropout or movement out of the schooling system to other education institutions (Govender, 2016).

4.1.2. Dropout rates

The provincial dropout in fig. 3.3 reveal that from grade 2 to 6 learners, stay longer in school. However, the high dropout rate is at grade 7 and 9 of which grade 7 is the completion of primary school and grade 9 is the completion of compulsory phase of education in South Africa (DBE, 2011). The lowest dropout rates across all grades occurred in 2013 with the highest dropout rates occurring in 2014. The difference between the two years is about 18%. Dropout, promotion and repetition rate at provincial level present similar trend with low repetition and dropout rates in figures 3.5 to 3.10, whilst the promotion rate is high throughout the years.

In addition, promotion, repetition and dropout are usually estimated and as such cannot be accurate to explain the rates, because the calculations do not always include every learner enrolled in that year (Uys, 2015). Conversely, repetition and promotion patterns in figures 3.5 to 3.10 are consistent; this could be because of 'weeding'. South African schooling system has a process system called 'weeding' process, whereby Provincial Education Departments (PEDs) encourage schools to hold back learners in grades 10, 11 and 12 who are performing poorly and are therefore likely to fail grade 12 examination (Branson et al. 2015).

On the other hand, Pinetown district shows the highest dropout rates occurring in 2013 and the lowest dropout rate occurring in 2014. The data for Pinetown also seem to suggest a trend that is different from the aggregate provincial data. Pinetown district has high dropout rate from grade 9 to 10 with the percentage of 0.015. The data suggest an increase in dropout rates at grade 10 between 2013 and 2015, before dropping down at

grade 11. This is contrary to the aggregate data for the province, because of the sample size presented at district level. The high school dropout in Pinetown district could mean that, some schools in the district are under-resourced, because of poverty, distance between the schools and the community. It could be also that Pinetown district maybe covering more of quintile 1 schools with fewer resources than quintile 4 and 5 schools, hence the high rate of school dropouts as supported by (Manona, 2015).

However, the KZN provincial rates are a result of the combination of all the districts, this presumably masks the local variations exhibited at the individual districts. The dropout rates for Pinetown district (fig 3.12) shows the different pattern from the provincial one. Although, similar trend over the three-year period 2013 to 2015 are shown. There is a marked increase in the dropout rate in Pinetown district in grade 10 and continues to drop down at grade 11. It is important to bear in mind that, the data set for Pinetown district is only for a three-year period and only covers grade 8 to 11.

It is therefore impossible to compare the dropout patterns for Pinetown district with KZN province as it not possible to have conclusive results because of the different in size. In addition, learner dropout rates are calculated in percentages, as a result it is difficult to compute for the actual number of learners who dropped out using percentages. It does not take into consideration learners who did not make it to matric for various reasons supported by (Jones, 2013).

4.1.3. Possible determinants and correlates of school dropout.

As stated by Weybright et al. (2017), that neither learner dropout nor academic success is determined by the learner alone. They are multiple influences that contribute to learner dropout. The high dropout rate in high schools, presented in the data sets for Pinetown district and KZN province could be as a result of non-progression of learners from primary school to grade 8 and grade 10, caused by poor learning during the foundation phase which could ultimately lead to poor performances in subsequent years of school.

Spaull,(2015a), Branson et al. (2015), Strassburg et al. (2010), Veriava, (2010), and Govender, 2016) further assert that school dropout could be because of

suspension/expulsion, or that learners do not value school anymore, making them leave school in search of employment due to poverty, death of parents or guardian. Other reasons that could cause learner drop out of school could be that family moved towns, a child looking after elderly parents or grandparents, disability, teenage pregnancy which seems to be a major contributing factor for girl dropout of school, as stated by (Hall, 2015).

Furthermore, Strassburg et al. (2010) assert that lack of finances and cost of education can also be the reason why learners from 16 to 18 years do not attend schools, instead they go out to look for employment to support themselves and their families. Even though in most public schools including former Model C have fee exemption policy in place for those learners who cannot afford school fees, but in most cases learners who entitled for fee exemption are not aware of the policy procedure or have no access to the policy, instead they opt to leave school. The irregularities in the fee exemption system have contributed to high learner dropout in high school (Mnguni, 2014 and Veriava, 2010).

Emekako and Lesego (2017), Mohloqua (2014), Manona (2015) and (SATS SA, 2013) emphasize that, the consistent dropout rate from grade 10 to 11 shown could be as a result of grade repetition, illness (HIV/AIDS) and teenager stress during transition from primary to high school. Furthermore, lack of motivation to attend school, distance between the communities and the school, regular absenteeism caused by lack of basics needs such as food and transport could further exacerbate this problem. Social issues emanating from the family and communities, including gangsterism, crime, drug and alcohol abuse, lack of family support, child not leaving with biological parents or orphaned could all contribute to school dropout.

Equally, the rise in learner dropout of school at Pinetown district from grades 9, 10 and 11 could be because of poverty, petty criminal offences caused by hunger, lack of funding particularly in no fee schools, or late allocations of funds leading to lack of teaching materials and stationery. As well as, lack of proper learning infrastructure, and suitable school furniture, including desks, computers and science laboratories. In addition, poor learning environment and academic failures have made children more vulnerable to dropping out of school (supported by DoE 2011). Other contributing factor to learner

dropout could be learner abuse and neglect, and teacher absenteeism due to distance from schools. As well as other factors such as lack of electricity, water and security as indicated by (Manona, (2015), Hall, (2015) and Mgwangqa and Lawrence, 2008). In addition, poor quality education offered in rural areas could cause high learner dropout in high schools (Crossen et al. 2017).

Despite the implementation of the NFSP and the SFEP, the study presents dropout rates to be more dominant in high school than primary school, especially beginning from grade 10, as it is the beginning of further education phase, and it is no longer part of compulsory schooling system (Motola et al. 2007). Moreover, in recent years, dropout rates have been reported to reach a national crisis, were 60% of first graders would ultimately drop out rather than complete 12th Grade. Similarly, by Grade 12, only 52% of the age appropriate population remain enrolled (DBE, 2015).

In the study by DoE (2015) shows that dropout rates are high in grades 10 and 12, although enrolments rates from grade 8 in 2010 were at 104.9% including grade repetition at 4.9%. The dropout rates for grade 9 were at 93.7 and then rises to 108.6% grade 10 and down in grade 11 at 90.9% and grade 12 at 87.7%. Looking at the trend of the figures in comparison with the data set for KNZ province from 2010 to 2015 show a similar trend. This could imply that even after the implementation of the SFEP and the NFSP, dropout rates are still high in secondary schools. What cannot be specified is how the enrolment and dropout rates were before the implementation of the two policies. This actually makes it difficult to give conclusive results on dropout rates, since they do not take into account learners who never made it to matric or find the fault line as to why dropout rates are consistently high in secondary school (Spaull, 2013).

Branson et al. (2015) state that, statistics show that learner dropout mainly occur in early years of secondary education with very low levels of grade 12 completion. It is further stated by Taylor et al. (2011) that, high dropout rates are more prevalent in less privileged learners than the privileged ones, where 80% of the richest quintile primary school learners progress at desired rate while the poorest quintile 1 and 2 only about 60% progresses. The distinction between the quintiles continue to widen into secondary

school, where only 20% of grade 10 learner from the poorest quintile progress successfully compared to 50% of the richest grade10 learners (Branson et al. 2015)

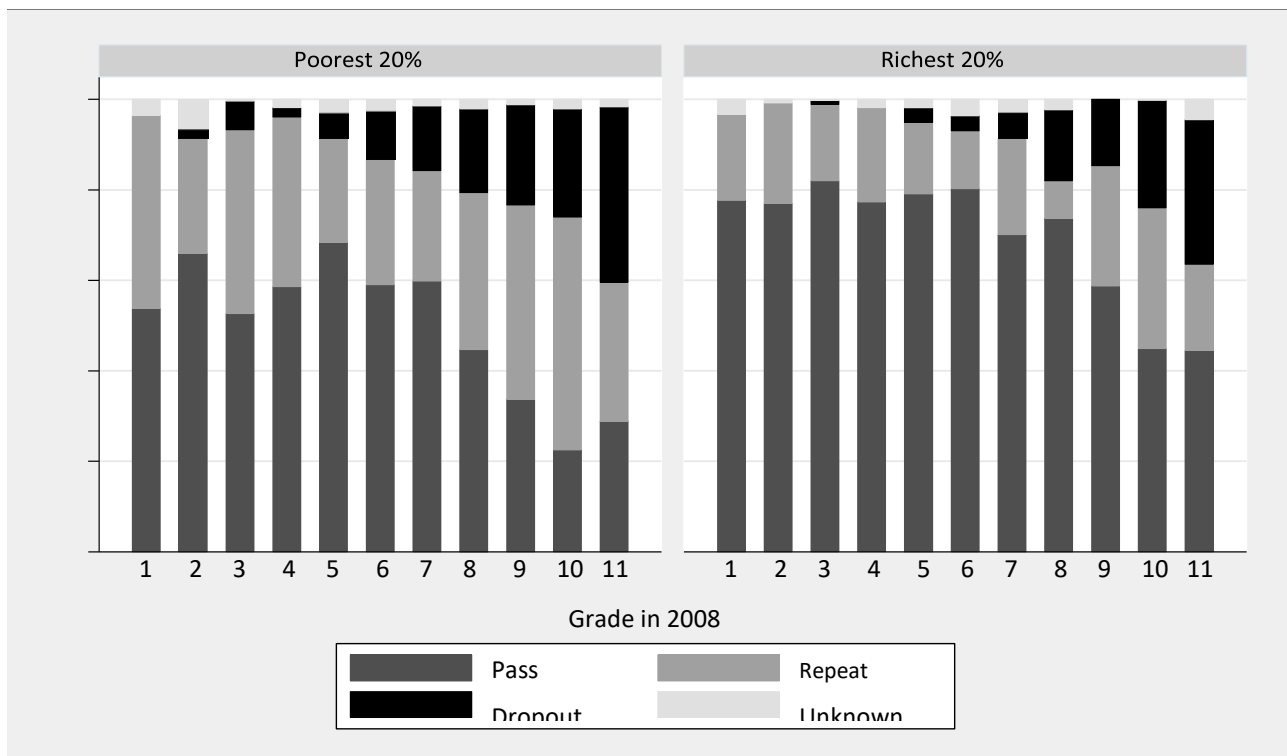


Figure 4.1: Table for Schooling transitions between 2008 and 2010, poorest versus richest learners (Source: Branson et al. 2014)

Using the national data set above presenting the comparative information on school transitions taken between 2008 and 2010. 20 % poorest learners versus the 20% richest learners, shows that the dropout rate is insignificant in primary school from grade 1 to 7, but increases in 9 to 11, even the richest 20% of learner dropout increases from grade 9 to 11, even though the figures may differ.

Similarly, the data set above supports the data that is presented in fig 3.1 and fig 3.2 for provincial enrolment and dropout rates. The dropout rate at the national and provincial level are relatively high in secondary school than in primary school regardless of the ranking of the schools. When comparing the data from 2010 to 2015 and the data from 2008 to 2015, presenting the gap of about 5 to 9 years, it still shows the same pattern in the enrolment and dropout rates. Suggesting that almost 10 years since the

implementation of the SFEP and the NFSP, the trend in the enrolment and dropout rate have seemingly been constant. Furthermore, the data presented by the DBE (2010) also shows similar trends in the enrolment and dropout rates being generally high from grade 9 to 11 or ages 15 to 18 respectively.

Additionally, Van der Berg et al. (2011) in their study, compared South Africa's attainment levels to other middle-class countries; their emphasis was that, the rate of attainment of levels of education in South Africa is high until 11 years of education, compared to other middle-class countries. However, beyond 12 years of education, the attainment rates in South Africa are almost the lowest compared to other middle-class countries. It is argued by Sabates et al. (2010) that South African learners perform well throughout most of the primary years and early secondary school phases and then very poor thereafter. This is, as a result of poor quality education offered in primary and early secondary phases, causing a substantial school dropout rate, prior to standardise matric examination. In addition, the failure to pass matric, leads to low university enrolment (Van der Berg et al. 2011 and Sabates et al. 2010).

Nonetheless, Weybright (2017) agrees that, there is generally an initial high rate of access to the schooling system in South Africa, though there is a continuous limitation in methods used to both collect and analyse repetition, school transfer, dropout, absenteeism and participation. This has made it difficult to conclusively make judgements about the regional variation in enrolment and participation patterns, transition between phases, factors influencing initial entry and causes or early departure from the schooling system, supported by (Motala, 2012, Sabates et al. 2010 and Van der Berg et al. 2008).

4.2. Impact of the SFEP and NFSP on the South African education system.

Yan (2013,60) "makes a statement that the NFSP is a situation where the financial burden of sending a child to school for a poor family has been relieved but not removed".

The introduction of the SFEP, the NFSP, and the ranking of schools into quintiles have positively enhanced the quality of education offered in most public schools in South African. However, the argument emerging from literature suggests that despite these

improvements, education quality has remained disappointing, hence the persistent learner disparities (Baloyi 2011 and Van der Berg et al. 2011). The section below discusses the challenges and success of the above-mentioned education policies.

4.2.1 Successes of the SFEP

Pampallis (2008) adds that the South African Schools Act, attempted to alleviate the financial burden on parents who could not afford to pay school fees for their children by allowing them to apply for fee exemption at schools where fees were charged. This resulted in schools that implemented the fee exemption policy to become increasingly racially integrated, whilst maintaining their middle-class character. Arendse, (2011) and Pampallis (2008) further add that, fee exemption policy has since allowed former Model C schools to open doors to learners who cannot afford school fees, especially by allowing children emerging from middle-class families of all South African races as well as a limited number of poor families to have access to quality education.

Furthermore, Veriava (2010), Pampallis (2008), and Mokoena (2013) also noted that the formal Model C schools offering fee exemptions have generally provided learners with educational opportunities which were not available in formerly black schools, especially schools located in townships and rural areas. The fee charging schools have also helped to maintain quality education in former Model C schools and have proven that the fee charging schools play a vital role in producing best performing matriculates and university entrants. However, the system of fee paying schools is criticised for somehow sustaining discrimination of the poor from accessing quality education.

Pampallis (2008) and Ahmed and Sayed (2009) further argue that one of the most important achievements of the fee exemption is that, it has contributed to employment of extra teachers and other staff through fees collected by the School Governing Bodies (SGBs), in addition to those provided by the state. The fee charging policy helped to maintain educator learner ratio to acceptable numbers of 1:25 or 1:28 at primary level and 1:35 at secondary school level (Vandeyar and Janseen, 2008). The policy has also helped to build infrastructure within the school premises, maintenance of old buildings

and grounds, buying of teaching and learning materials such as library books sports and cultural activities equipment.

According to the DoE (2006), the fee exemption policy has allowed former white schools to be able to continue offering a relatively high-level quality education, because collecting school fees provides them with the means to do so. Ahmed and Sayed (2009) and (Mestry 2014) further agree that, the SFEP have also created markets for education, which allow parents to take their children to schools of their choice. Thus, allowing learners from townships to go to suburb and inner cities motivated by the poor quality of school in townships. Although the only challenge has been that children travel daily to and from townships to attend schools in these suburban areas with better resources. As a result, parents are still subjected to pay exorbitant fees to access quality education (Ahmed and Sayed, 2009).

Nevertheless, Pampallis (2008) mentions that one of the main achievements of the SFEP is that former Model C schools have stemmed a significant move of middle-class out of the public-school system; whilst private schools have only catered for about 5% of all learners. Furthermore, the fee charging policy has helped reduce the previous inequalities in fee allocation by the state (Sayed and Motola, 2012), and it has dramatically helped the state to focus solely on no fee schools since its implementation (Pampallis, 2008). On the other hand, the SASA s40 and 41 provided that where parents were not eligible for exemptions but failed to pay school fees, the school could sue parents for outstanding school fees. However, even if the law provided that a school may sue parents outstanding fees, the law nevertheless protected the learners whose parents could not pay school fees from discrimination and exclusion as stated in s5(3) of SASA.

4.2.2. Challenges of the Fee Exemption Policy

More than any other funding policy, the fee exemption policy was exposed with various difficulties as a result of charging school fees. Some of the difficulties are alluded to below. The fee exemption policy was intended to assist the schooling system to effect a more equitable learning experience irrespective of the learner back ground (Pew, 2014). However, Veriava, (2010) argues that, school fee becomes a barrier to access to

education for poor learner for various reasons. The fee exemption policy become problematic because many historically disadvantaged schools did not implement the policy according to the amended fee regulations (Regulation 1998). The policy was subjected to many challenges especially with granting fee exemption as required as per Regulations 1052 of 2006. As a result, many learners whose parents did not pay school fees were treated differently and were discriminated against because of non-payment of school fees, for denying learners access to classes and were sent home, and or denied access to school activities, and to the point of having the learners' report card withheld (Ndhlovu and Mestry, 2014).

Veriava (2010), Mokoena (2013), Dass and Rinqest (2014) further explain that, the SFEP failed because many schools did not comply with obligations in the Schools Act with respect to the policy or did not have the fee exemption policy in place. School principals set exemption policies that did not abide by the parameters laid out in the regulations. This resulted into various challenges, where some schools could not process and grant exemptions to eligible learners as set in the regulations. Furthermore, some schools failed to inform parents of the existence of the exemption policy even though they are legally obliged by the law to do so. Hence, they were not able to benefit despite high levels of poverty and unemployment in many families in South Africa (Ahmed and Sayed, 2009).

However, when the fee charging schools are recovering outstanding school fees; they engaged debt collectors to pressurise poor parents to pay school fees by sending letters and even suing parents for school fees arrears (Veriava, 2007 and Dass and Rinqest, 2017). According to a study by Hall (2009), after the implementation of the fee exemption policy, it was found that only 2.5% of families with learners in primary school and 3.7% of families with learners in high schools received fee exemptions. However, the main argument from the SGBs for non-compliance with the exemption policy was that, most schools were not compensated for the exemptions granted to learners by the DoE. They argued that the schools' budget was income based, only caters the number of learners available at the school, should they grant fee exemption the DoE would not reimburse

them, what they should have initially collected from parents as fees (Dass and Rinqest, 2016).

Dass and Rinqest (2014) further point out that the problem with fee exemption is that the government does not limit the amount of school fees a school can charge. This meant that each school can set their own fees, as long as it has been agreed by the parents present at the school Annual General Meeting (AGM) (Schools Act, 1996). School fees were agreed upon, based on operating cost of the school. This created a problem as user fees were compounded by the high demand for limited places in historically white schools, thus creating upward prices on school fees which further excluding the poor learners (Pew, 2013).

Dass and Rinqest (2014) further mention that not only did the fee exemption policy create problems for the poor learners, but in some places, it denied school admission of children because the school admission application incorrectly states that, only parents who reside in the feeder area of the school may apply for full or partial exemption. This meant that parents who did not reside in the feeder area were no supposed to apply for fee exemption at all. On the contrary, the Schools Act do not commend that for parents to apply for fee exemption, they must reside in the area. Mestry (2013) further avers that, in some instances parents did not apply for fee exemption because they did not reside in the area. However, the failures, irregularities and insufficient information on fee exemption policy made parents to be hesitant in inquiring about the procedures and regulations for the fear of being humiliated by the SGB (Dass and Rinqest, 2016).

Swartz (2009) and Veriava (2010) both explain that the Fee Exemption Policy (FEP) was and has continued to be inadequate in remedying the more indirect cost that make education unaffordable for poor learners. Since they failed to address other cost, such as uniforms, textbooks and especially transport cost that take up a huge proportion of the household income. The policy did not cater for multiple children either, meaning that income requirements would be the same whether parents had one child or several children at the school. It also perpetuated the state of under-resourcing in no fee schools as they are not allowed to charge fees to supplement the state allocations (Sayed and Motola, 2014 and Mestry, 2014).

Furthermore, the fee system failed because it contributes to the growing numbers of class inequality in public education, given the continued racial income disparities that effectively maintains racial differences in education system (Noang, 2009). The fee exemption failed to accommodate poor learners in former Model C schools, it was meant to be redistributive by enabling access to fee charging schools in better resourced areas for poor learners (Mestry and Ndhlovu, 2014). However, a number of reviews that have emerged argued that the SFEP have not worked very well to the benefit of the poor learners. Furthermore, it has it helped maintain the inequality that existed in apartheid schooling system, where learners who attend former Model C schools have a totally different experience of education and naturally achieve very different outcomes compared to learners who attend no fee schools. (Pew, 2013 and Mestry, 2013).

4.2.3. Success of the No Fee School Policy

The No Fee School Policy (NFP) main objective was to redress the inequalities in formerly disadvantaged schools and to end the marginalisation of poor learners by improving funding and access to quality education. As well tackle the problem of low levels of enrolment caused by low access rates that were created by the extreme inequality in the South African education system during apartheid (Branson et al. 2015, Wilderman, 2008 and Mampuru, 2012).

According to the Department of Education, the overall objective of the no fee policy was to redress the legacy of apartheid education, by ensuring that all learners are able to access schools regardless of their socio-economic circumstances (Veriava, 2010). Despite the challenges in the implementation process of the NFSP, Setoaba (2011), Branson et al. (2015), Hall (2009) and Veriava (2010), agree that, the no fee schools have brought education to the most vulnerable children. "The policy, have also helped reduce the number of out of school children, therefore, improving the level of literacy within the country by making education accessible to all (children) poor or rich". Hunter (2008) and Van der Berg (2011) agree that the no fee policy enhanced the enrolment rates and eased dropout rates resulting from school costs, although, indirect costs and quality may remain an issue.

In addition, schools that are declared no fee schools have benefited from the policy as they receive better state funding, and receive compensatory funding in areas of school safety, nutrition, classroom construction and Grade R expansion (Wildeman, 2008). The allocation of more government funds to no fee school have helped improve the quality of education in South Africa, and has supported the government's commitment, by fulfilling the Constitutional obligation of providing education to its people (RSA 2006).

Furthermore, Gardiner (2008) further states that, no fee schools have allowed some poor schools especially in rural areas to purchase basic learning and teaching support materials that are necessary to enhance the quality of learning and teaching processes. In addition, it has directly influenced the gender equity, and has allowed women and children to have access to education, who were traditionally discriminated against from achieving equal rights to education as the men were. Branson et al. (2015) and Setoaba, (2011) both agree that the NFSP have encouraged marginalised learners to remain longer in school, even though it did not significantly influence on pass rates. The policy is also accompanied by larger learner allocations, in addition to funding and resources for school safety, classroom construction and other school materials.

However, Branson et al. (2015), argued that the implementation of the NFSP in South Africa was not necessarily to improve enrolment rates, however the motivation was to increase access to quality education. This alludes to the fact that because of the nature of the South African education system, it provides access to education for all as stated in s29 (1) of the SA Constitution. The implementation of the NFSP and the SFEP was to allow access to good and quality education not necessarily to increase enrolment rates, because every child of school going age is eligible to enrol into school (SASA, 1996).

Branson et al. (2015) further, argue that, the NFSP has managed to upsurge access to basic education, particularly during the compulsory schooling years (grade 1 to 9), however dropout rates increased substantially in the higher grades mainly because of financial constraints forcing poor learners to leave school before completing grade 12, and thus opting to work instead. Van der Berg (2008) in his report states, that despite the real shift in resources, educational outcomes have hardly improved in former black

schools. It is clear that wide gaps still exist in terms of resource allocation between the two systems (Coetzee, 2014).

4.2.4. Challenges of the No Fee School Policy

The implementations of the NFSP has been an important development to the South African schooling system in ensuring that all learners are able to access basic education regardless of their socio-economic circumstances (Mestry, 2014 and Sayed and Motola, 2012). However, some concerns have been raised with the implementation of the policies that enable access to no fee schools, but do not go far enough in ensuring these schools are sufficiently funded through means, other than the collections of school fees, which forfeits the purpose of the policy (Franklin and McLaren, 2015:19).

Nkosi (2012), Mestry (2014) and Strasburg et al. (2010), argue that the failure of no fee schools to provide quality of education is because these schools depend entirely on the State funding which is often insufficient and usually allocated to schools late in the year, resulting in most schools experiencing serious financial setbacks, making the budget very rigid especially in covering costs, such as fixing broken furniture and licking water pipes, fixing electrical cables, support teaching personnel, and providing learning materials and extracurricular activities funding (Mestry, 2013). Consequently, the lack of funding in the no fee schools has caused the unavailability of quality and physical structures including desks, school boards and textbook, not forgetting human capital such as teachers and other support staff (Taylor, 2011). However, without the above basic requirements of the school can affect learner experience and may impact on learning outcomes of learners in these schools (Strasburg et al. 2010)

Notably, financial management capacity has been a challenge in most public schools in south African especially in no fee schools, such that school manages are not informed on the use of the funds from the beginning of the year (Mosala and Mofolo, 2016) or when the transfer of allocations will be done, making it difficult for the schools to manage the funds as they do not budget properly from the onset (Hall, 2009). However, due to poor management; funds end up being used on other educational matters than what was

intended for. The provincial department are supposed to notify the schools when transfers of allocations are made, but this has not been the case. Schools are not informed in advance as the provincial departments themselves are not informed of when the funds will be ready (Ndhlovu, 2012).

In spite of the delay in the distribution of funds by the provincial department, the other challenging factor facing no fee schools is the management of school finances, as the school calendar in South Africa is not in alignment with the financial year calendar of the state (Setoaba, 2011). The current financial year in South Africa runs from April of the current year to the 31st March of next year, meanwhile the school calendar year runs from 1st January to December of the same year (SASA, 1996), which means that funding of schools is always behind by 4 months into the school year. This leaves SGBs desperate to run these schools effectively because they are not allowed to raise funds in any other way. The non-alignment in funding creates gaps that leave schools with little or no money to pay non-capital costs during the months of January to March, resulting in poor quality services in the no fee schools (Setoaba, 2011).

Setoaba (2011), Ahmed and Sayed (2009) and Ndhlovu, 2012) point out that the no fee policy has put an enormous burden on the management of these schools, resulting in overcrowding and putting demand on the need to provide more facilities, quality and sustaining education. This also calls for the improvement in management of the school system and a sustaining community participation in a no fee school context. Regrettably, this has not been the case in most no fee schools in South Africa, classroom overcrowding has caused a negative impact on the quality of education offered at these schools, and on the learner's academic performance (Muthusamy 2015 and Morgan et al. 2014).

4.2.5. Criticisms of quintile ranking of Schools in South Africa

Ahmed and Sayed (2009) explain that the NFSP and the SFEP are the two policies that were developed together with the quintile ranking system of schools in the South Africa's education. Schools were divided in five rankings, called quintiles. The quintiles range from 1 to 5, with quintile one being the poorest and quintile five as the least poor. As explained

earlier in study, the quintile system allocates more funds to the poor schools and less funding (subsidy) to more wealthy schools (Newman, 2009).

However, the quintile ranking systems have contributed to unequal access to quality education causing poor learners not to have access to quintile 4 and 5 schools as fees in higher quintiles are high, restricting poor children to have access to quality education (Khumalo, 2014). The quintile system failed effectively because it classified schools based on socio-economic conditions of the community rather than the socio-economic circumstances of the learners who actually attend the schools (Ndhlovu, 2012 and Mesty, 2014). It was also reported that some schools were wrongly classified especially schools which primarily serve poor learners in adjacent to wealthier neighbourhood (Ally and McLaren, 2016).

This meant that schools that are supposedly in lower quintiles but situated in wealthier communities would also be reliant on school fees to supplement the school's income but are not allowed to charge fees (Nordstrum (2012). On the hand, schools in wealthier communities are able to raise funds and be able to provide sufficiently for learners, resources necessary for basic education.

4.3. Effects of socio-economic status to education

Socio-economic status has been reported to be associated with lack of access to quality education and poor education outcomes at school level, which results from a series of complex and interrelated factors, both in and outside of the school (Bayat et al. 2014). However, Dictionary of Psychology (2007,871) defines socioeconomic status as the position of an individual or group on the socioeconomic scale, which is informed by a combination or interaction of social and economic factors, such as income, amount, type of education, kind of prestige and occupation, place of residence and in some society's even ethnic origin and religious background. Socio-economic factors that may influence access to education can be a greater burden on poor household (Ataguba et al. 2017).

Misran (2012) adds that, low socio-economic status is a strong determinant of learners' academic performance and lead to learner dropout and lack of access to tertiary compared to learners from high socio-economic status. Learners who are affected are mainly located in township schools, and schools in informal settlements with poor living conditions without access to basic services such as electricity and water which are a necessity to ensure a decent living. Regrettably, there are children in South Africa still living in shacks (informal settlement) with houses covered with iron roofing and wooden panels compared to their peers in living in suburbs (Bayat et al. 2014 and Taing 2015).

Chinyoka (2013) further asserts that children living in socio-economically deprived communities are subjected to low motivation especially in their academic performance because of overcrowded households with lack of space and lack of food as well as good health. They also lack privacy and are subjected to high levels of noise that affect their learning and concentration when doing their homework. In addition, Low SES of the school and the community also influence the learner's ability to perform well in school because of low quality teaching influenced by low community resources, including lack or parental support, child's peers and the broader neighbourhood (Van der Berger et al, 2011)

Manona (2015) further agree that many learners in South Africa are extremely poor, such that their low SES affects their ability to succeed academically, which causes them to drop out of school. This is mainly because parents cannot provide for their families resulting in these learners getting involved in crime, as they are under pressure and end up using drugs, smoking cigarettes and drinking alcohol instead of going to school. Taylor and Yu (2009) further add that poor neighbourhood with unsafe streets, lack of economic opportunities, absent of positive role models and high concentration of non-traditional family structure, tend to foster general attitude of helplessness and low self-esteem leading to children leaving school (Lee and Madyun, 2009).

Fleisch et al. (2012) adds that family structure is also found to be important, children of compulsory school-going age who are living in homes where the head of the household is a parent or grandparent are much more likely to attend school and perform better than

those living in other types of homes. It has been argued by Caro et al. (2009) and Van der Berg (2008) that parental education, financial position as well as the quality of school attended can influence access to quality education. Educated parents are able to put their children in better schools with high quality education as well as assist their children with school work, as there is a correlation between high parental education and higher school attainment for the child, unlike a less fortunate parent (Okeke, 2014 and Van der Berg et al. 2011.)

4.4. Implications of SFEP and NFSP on equity and social justice to education

Education transformation in South Africa has been characterized by values of social justice and equity, non-racism, ubuntu and reconciliation as stated by United Nations Educational, Scientific and Cultural Organization (UNESCO, 2008). These aspirations are demonstrated in many education policies, including no fee schools, post-provisioning norms, rationalization and redeployment of educators, exemptions on school fees, the National Norms and Standards for School Funding (NNSF) and other practical interventions (Mestry and Ndhlovu, 2014). In the section below, a critical discussion of two principles that underpin the provision of education; social justice and equity, are discussed. In the discussion, the extent to which these values are adhered to, by linking social justice and equity to fee exemption and no fee school policies are analysed.

4.4.1. Social Justice

Social justice as a key component of a government policy that is oriented towards equity, redress, restoration, renewal and redistribution of resources (Soudien et al, 2001). In relation to education, social justice is one that is concerned with fairness, rights, and equal opportunity to participate in one of society 's most fundamental institutions (Mestry and Dzimbo, 2011). According to research, the area of social justice in education examines how inequalities are reproduced through multiple sites of difference and unequal power relations and the struggle against them that are based on and built out of entire network of social, political and cultural relations and practices (Muthukrishna, 2008).

4.4.2. Equity

Equity is a social justice term, which is defined in relation to inequities and inequalities in the distribution of wealth or resources and adjustments which are required to allow for more equitable redistribution (Brown and Tandon, 1983).

In the South African context, laws and white paper upholds the principle equity, promotion and protection and it also stress the importance of development of individual talents and capabilities (Nieuwenhuis, 2010). According to the South African Schools Act of 1996:

“Whereas this country requires a new national system for 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 our people’s talents and capabilities, advance the democratic transformation of society, combat racism and sexism and all other forms of unfair discrimination and intolerance, contribute to the eradication of poverty and the economic well-being of society, protect and advance our diverse cultures and languages, uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the State” [...]

However, the tension between promoting equity, eradicating past injustices, and developing the unique talents of people is evident. Therefore, it leads to raising the question as to how social justice could best be achieved in education. It is against this background that one needs to revisit and check if social justices have been achieved in the South African school system (Nieuwenhuis, 2010).

The NNSF policy was intended to address equity and social justice by distributing the bulk of recurrent non-person expenditure to poorer schools based on the assumption that such an approach will lead to improvement on performance of learner and provision of quality education (South Africa, 1998). Even though that has not been the case, as a number of schools in poor rural and urban working-class communities still suffer overcrowding and high rates of school dropout (Mestry 2014 and Branson et al, 2015). In

view of social-justice and education, South Africa has made some good progress along with other dimensions, although equity remain elusive for reasons largely based on the country's historical legacy of inequality and discrimination, and the new global economic environment (Nieuwenhuis, 2010 and Mestry and Ndhlovu, 2014).

The implementation of the NNSSF policy required that 60% of the available resources to be distributed to the poorest 40% of learners as explained in the policy. Hence the introduction of the quintile ranking system of schools aimed at equalizing the distributions of resources (Sayed and Motola, 2012 and Mestry, 2014). However, in practice the system tends to have in contrast with the Constitution in the sense that it discriminates between learners and advancing the rich. It also worsens the inequalities within the education system, in that schools in wealth communities have resources and well-trained teachers (Khumalo, 2014). The quintile ranking system has developed the two-tier education system, i.e. one for the rich and one for the poor, which in a way has maintained the discrimination and inequality in public schools (Fataar, (2010) and Ndhlovu, (2012).

Sayed and Motola (2012) and Khumalo, (2014) add that, the fact that white schools have continued to deracialize, they still advanced the middle-class aspirations which includes black middle class. Despite the redress in the education system, the quintile system has violated the principle of equal life chances (Ahmed and Sayed, 2014). The contentions made here are based on the fact that quintile ranking of schools ignores learner demographics, where all learners are expected to perform at the same level as learners in higher quintiles. Schools in poor communities have overcrowded classrooms, poor resources for both human and material, this poses a challenge to teachers as they are unable to give individual attention to learners, unlike their counterparts in fee paying schools (Mestry and Ndhlovu, 2014) and Mestry, 2014). In addition, historically white and Indian schools are still outperforming black and colored schools at the national senior certificate and various performed testes at school level (Van der Berg, 2008 and Spaull, 2013).

It is with this view that, Mestry and Ndhlovu, (2014), Sayed and Motala (2012), Mestry (2013) and Mestry and Dzimbo, (2011) have pointed out some of the failures in the post-apartheid education system that contribution to the inequality in schools especially in rural

areas, such as lack of basic resources which includes proper learning infrastructure, running water and electricity. Also, some children still have to walk for hours in order to reach the school. Poverty and financial challenges result in many high school children not finishing their high school education as they drop out in order to look for jobs so that they can provide for their families (Strasburg et. al 2010). In addition, the unfavorable teacher-learner ratio and the variation in the quality of education offered, especially in rural black schools is still a concern (Savides, 2017).

Furthermore, the majority of black families continue to live in township and rural areas that were part of the apartheid system where schools are poorly resourced, and teachers are poorly trained. This impact on teaching quality and learner performance (Nieuwenhuis, 2010). Motala (2011) and Van der Berg (2007) and Mestry (2014) points out that, regardless of considerable, physical and structural access to the schooling system, but the education system has not fundamentally improved. The education system not guarantee that every learner will have equal opportunities or experience equal access to quality education.

Moreover, after the implementation of the NSFP and SFEP and the amendment of the NNSSF policy, the quality of education has been compromised by the drastic increase in the size of classes and the inadequate in funding, frequently leaving poor children in poor schools no better than before (Marais, 2016). Many formerly disadvantaged schools that were entirely dysfunctional under apartheid government have remained dysfunctional even today. These schools are characterized by underperformance, high-grade repetition, high dropout, and high teacher absenteeism (Fleisch, 2008 and Motsepe, 2017).

Mestry and Ndhlovu (2014) and Motala (2011) both argue that, despite the implementation of NNSSF policy, the fee exemption policy and the no fee policy which have allowed parents the freedom of school choice, parents on the other hand are indirectly forced to send their children to schools in the suburbs and inner city because of poor quality of schools in townships. As a result, learners are subjected to daily travelling from townships to attend school in other areas, subjecting parents to pay transport costs that was not initially accounted for in the learner allocation fund. Similarly, learners from

the suburbs are moving schools from public to private schools former Model C schools, where school fees are even higher, to deliberately prohibit poor learners from accessing these schools (Mestry 2013).

According to reports by Mbalale (2011) and Khanyile (2017), there is a backlog of classrooms to build especially in Eastern Cape and KwaZulu-Natal, where thousands of learners are still being taught in unsafe mud building with no running water, electricity, public libraries and no computers. However, the DoE in Kwa-Zulu-Natal in this incident advised parents to take their children to nearby schools with better facilities and infrastructure whilst other schools are being renovated. Spaul (2012) further explains that these aspects of inequalities in the education system are mainly attributed to the socio-economic status of learners these schools serve. There is also an indisputable impact of more intangible elements, including lack of discipline, inefficient management, and low cognitive demand which are all legacies of apartheid (Spaul, 2015b).

This low quality of education in public schools in South Africa is further emphasized when compared to former 'Model-C' schools which are not different to schools in developed countries, both in terms of educational inputs and educational outcomes (Wolhuter, 2014 and Spaul, 2012). As a result, the educational inequalities learners receive contributes to the intergenerational cycle of poverty, where children inherit the social standing of their parents or guardians, irrespective of their own capabilities or effort (Spaul, 2015a). Therefore, if all the mentioned inequalities are still in existence in some of the public school in the country. It is a sign that equity and social justice have no yet been achieved.

4.5. Conclusion

The chapter presented the results from the KZN province data set and Pinetown district, and discussed possible causes of dropout rates in relation to already existing reports and literature. It discussed the outcomes of the educational polices outlined, and the challenges and success thereto. The chapter further discussed the impact of socio-economic status of a learner to education Even though there have been positive outcomes in the implementation of the school funding policies, especially in the increase

in enrolment and access to education, and the integration of black learners into former white schools than before. There is still huge challenge for poor learners to fully accessible quality education without obstacles.

South African government has made tremendous efforts to try to eradicate inequality and promote equity and social justice in the schooling system. However, there is more work that needs to be done, as they are still learners trapped in under resourced schools especially in poor urban and rural areas. Dropout rates in high school have been consistently the same over a 10-year period. Learners are still struggling to reach high school completion, particularly poor learners with limited access to resources.

The government have failed to find the fault line of secondary school dropout. Quintile ranking system have also continued to reproduce the inequalities than it was intended to do. Nevertheless, for social justice and equity to be achieved, the state must reduce a number of structural forms that restricts access to resources and make funds available and on time to the district Department of Education especially for learners in historically disadvantaged schools to have access. Chapter 5 will give an in-depth conclusions and recommendations of the study.

Chapter 5

Conclusions and Recommendations

5.0. Introduction

This chapter serves as a conclusion and it also aims to reflect on the research results to determine whether research aims, and objectives have been accomplished, whether the research questions were answered, and examined results and make recommendations for further study.

5.1. Major Findings

Research Question 1: what are the South African state's obligations under constitutional, legislation and international law towards realising children's right to education, particularly accessibility to school (enrolment and dropout) based on socio-economic status

The right to education and, particularly the right to basic education and, the right to free and compulsory primary education is vested in s29 of the Constitution (1996) and s3 (1) of the SASA (1996). Furthermore, the ACRWC (1989) article 11 (1) and the UNCRC (1996) article 28 (1) both recognise that every child should have the right to basic education. Nonetheless, all the legal instruments national and international put children rights to education legally into perspective. In addition, South African school going children have access to basic education, but lack of resources in the education sector, ranging from skills and leadership, infrastructure, high user fees in former Model C schools, distance to schools, and lack of qualified teachers especially in rural areas, all contribute towards these challenges (Khanyile, 2017).

In addition, lack of special facilities for disabled children, lack of unified curriculum and high illiteracy also contributes to situations where children are unable to exercise their

right to basic education. The s29 of the Constitution guarantees the right to basic education but it does not state that education is free, hence the inequality that has persisted in the education system. The South African schooling system operates as a twofold system, one provides quality education (Private) and the other is (Public schools, quintile 1 to 3) which is characterised by overcrowd with poor unsuitable infrastructure. This is where the constitution falls short in realising the right to basic education. At present, the situation in South African schooling is where the government has provided access to basic education. However, the challenge is the provision of resources that promote quality education and enhance favourable learning conditions.

Legislation such as Schools Act and Education Law Amendment Act and policies including the NNSSF, have paved way for poor learners to have access to basic education. The policies have also increased enrolment rates and reduced children staying out of school. What they have not done is to ensure that children actually stay long in the schooling system until completion. When education policies were introduced especially the NFSP and the SFEP, they did not consider factors such as books uniforms, transport, and other stationery, which can be a barrier to education and a violation of a child's right to education if not provided.

On the other hand, the NFSP and the SFEP have helped reduce the dropout rates particularly in the compulsory education phase, as it was the primary motivation of the policies to redress the past inequality improve quality education for all. Although this would be difficult to state as most South African children do not have access to quality education, because of their socio-economic status. At the same time, polices have helped learners not to be constrained by school fees and have decreased truancy. Moreover, former white schools are still characterised by white, Indian and coloured learners as well as teachers, black learners do not still have access to quality education. Therefore, socio-economic status is one of the critical factors in determining a child's school choice and access to quality education.

Research Question 2: What are the aims of the SFEP and the NFSP when specifically dealing with enrolment and dropout of learners?

The NFSP and the SFEP aim was to allow access to basic education regardless of the child's race, ethnicity or socio-economic status. Nonetheless, what the SFEP have done is that, it has restricted access only children whose parents can afford to enrol their children in former white schools and can afford to pay school fees have been able to access such schools. The no fee schools on the other hand, have helped increase the enrolment rates and access to education. The only challenge is that no fee schools are located in poor communities and are not able to raise money in any way to sustain the demand and have continued to reproduce the inequality as the policy does not permit extra fundraising to cater for improvements.

However, the other challenge that come with the policies is lack of completion to matric. Many learners stay in school from grade 1 to 9, which is compulsory education phase, then after that learners' dropout school for one reason or the other, especially between grades 10 to 12. Unfortunately, the reason in many circumstances is to do with lack funding, the government did not consider extending funding to high school, especially in former Model C schools, and that is where the problem of school dropout begins.

Obviously, some learners' dropout because of their socio-economic challenges as education become more expensive in the senior secondary years as opposed to primary years. The other aim of the fee exemption in dealing with enrolment was to finance learners from poor background by providing the quality education. However, the implementation of this policy has been problematic and as result, many learners leave the education system in high school mainly because of financial constraints.

Research Question 3: What challenges are posed by the policies and the quintile ranking system to school funding, (in eradicating inequality in public schools and promoting equity and social justice)?

The state has made enormous efforts to address social justice and promote equity in public schools. The Schools Act and the NNSSF policy not only ensure access for poor

learners to public schools but also ensure that funding is provided for poor schools in South Africa. The quintile system to school funding, the no fee school and the exemption policies have had a positive effect in the redistribution of resources, especially with increased funding allocations to the poorest schools. Although the challenge has been the period in which funding allocation takes to reach these schools, causing serious delays in the provision of basic requirements for running of these schools and ultimately increasing the school dropout rate in the no fee schools. In addition, the failure to provide procedures on how money should be spent. Despite the delay in the allocation of funds by PDE, the resources also get to be spent on other issues rather than what it was intended for, leaving these schools in desperate need of extra funds.

The other challenge with the quintile ranking system is that, schools that are declared no fees are prohibited from raising extra funds or any other charges, this restricts them from providing extra support to the children in terms of resources and extra teaching staff. On the other hand, the no fees do not equate to free provision of education for the poor as there are other hidden costs such as transport, books, uniforms and food that the government did not account, and are a significant revenue of a poor household income. Resulting in the injustices of the child's ability to access education.

Having said that, eradicating inequality in public schools and promote equity and social justice can only happen if the government can keep on improving on resource input in order to get quality output. In addition, to improve the quality of education offered and the standard of infrastructure in public particularly in rural areas. It is good to have choice of schools, but in this case, of no fee school and fee exemption, poor parents have no choice but take their children to schools that are poorly resourced and nearer to them, as they cannot afford some of the hidden cost mentioned, such as transport cost and fees.

State funding to poor schools has increased significantly, but the provision of quality education and improvements in learner performance have not been fully achieved in some schools, particularly in KwaZulu-Natal (Khanyile 2017). The system is still characterised by inequalities in the performance outcomes caused by unqualified teachers as reported by (Savides, 2017). However, the reality is that fee-paying schools

perform better compared to no fee schools and have a higher completion rate at matric level than most no fee schools especially those located in rural poor communities.

In addition, it is also necessary that schools should be funded based on their need and socio-economic status of the parents rather than that of the community where the school is located. The challenge is that some of the schools are located in affluent areas but serving poor learners. It could also be that 75% of learners come from outside of the feeder area, when the school is ranked as quintile 5 based on the community resources. This is the more reason the government should relook at the quintile ranking system, has the system have continued to marginalise learners based on their socio-economic status.

It is clear that the state has made efforts to address the past inequalities with the premise to achieve equity and social justice in public schools. However, at this stage it is difficult to know how much these policy initiatives have influenced the educational outcomes and learner achievements, especially in poor urban and rural schools, where illiteracy is still hounding the communities. Therefore, for equity and social justice to be achieved, the government needs to improve on the funding of poor learners for them to access quality education and abolish oppressive tendencies that restrict access to resources and opportunities especially on black people. Otherwise achieving equity and social justice is far from becoming a reality. It is also clear that state has thus far been unable to fully provide free quality education that prepares learners for higher education without private provision of funding of any form. However, free education compromises the quality of education being offered.

Research Question 4: to determine whether enrolment number and dropout rate of children attending public schools in grades 1 to 10 in selected districts of KwaZulu-Natal, improved since the introduction of the SFEP and the NSFP?

This objective has not been fully achieved because of lack of data for uMlazi district as envisaged. However, partial results have been shown from the available data for Pinetown and KZN province. The enrolment rate of children attending public schools in KZN province have generally increased from grade 1 to 9 as of the current data, as well

as the already existing data sets. As for Pinetown district which is also part of KZN province the enrolment rates show a steady increase from grade 1 to 9. However, a steep learner dropout starts from grade 10 to 12. This has been a consistent trend in the dropout rates from the presented data set.

The NFSP and the SFEP have generally improved the enrolment rates and to some extent quality education that was not there in the historically disadvantaged schools particularly in rural areas than it is now. The policies have allowed more children to access education (boy or girl), what is not guaranteed is the quality of education a child receives in those schools. However, the concern is the constant trend of school dropout that is seemingly start from grade 10 onwards, and this has been happening for over 10 years, even after the implementation of the policies.

The real concern with the enrolment and dropout rate is the consistency of about the same period in the schooling years of a child. The data set presented are from 2010 to 2015 show similar trend in enrolment and dropout from the data set from 2008. Additionally, the data set for Pinetown district show a similar trend in enrolment rate, which is high from grade 1 to 9. However, dropout rate for Pinetown is slightly fuzzy because of insufficient data, but still show a drop from grade 10 to 11.

Ironically, the statistics on enrolment rates presented in the report by the Education Management Information System (EMIS) and data set collected by other researchers from different years show similar results. The trend of enrolment and dropout rates are of a concern because the rates have remained consistent for a long period. It seems there is something the education authorities are missing in monitoring of the enrolment, dropout and progression in child's schooling years.

Research Question 5: To what extent have the SFEP and NSFP together with the quintile ranking of schools have helped increase access to quality education and aid sustain matriculation of learners in high school in selected districts of Kwazulu-Natal?

The SFEP, NFSP, and the quintile ranking of schools have helped increase access to basic education as an obligation set by the state in the Bill of Rights. Although there have

been challenges with the implementation of the policies in most public schools in South Africa. Access to quality education in most public schools particularly schools in quintile 1 to 3 have also been a challenge. Access to education has been achieved in most provinces as the policy intended. However, access to quality education in selected districts of KwaZulu-Natal has not be concluded. It is difficulty to make such conclusions, as schools in quintile 1 to 3 are subjected to delays in funding allocation by the PDE, leaving poor schools in dire need of resources.

According to research and data sets presented, learner dropout of school is mostly high from grade 10 to 12. This is evidence that there is a problem in high school, although SFEP and NFSP have increased access to education. It is challenging to conclude that the SFEP and NFSP has helped sustain learners to high school completion. However, what can be observed is that learner dropout is more prevalent in high whether in fee paying schools or no fee schools. The other challenge is that most statistical data is based on estimates and they do not clearly state the figures or percentages of learners, who left school and for whatever reason, for example maybe a child left school due to parents moving town or due to death. It is all speculations no factual figures are presented. In most reports, figures are estimated and are irrefutable.

The dropout rates have been consistently high from grade 10 to 12, this show that there is a fault somewhere along the line causing learner dropout of school. In spite of financial constraints as mention in many studies to be the main culprit causing learner dropout. There could be other stresses that researchers are missing out.

5.2. Review of Aim.

All five objectives of this research were accomplished which facilitated the answering of the research questions. This research aimed to find out whether the SFEP, the NFSP and the NNSF policy have increased learner enrolment and reduced dropout rates particularly in high school. However, the aim has not been fully achieved because of lacking data that was provided.

5.3. Limitation of Research

This study is a desk top research. The limiting factor on this study was the inaccessibility of statistical data from the Department of education and from the already existing reports. Reports online from the department of Education do not contain dropout data sets or information. The challenge was particularly obtaining statistics on school dropout. The data available is also based on estimations. This made it difficult to obtain conclusive results as intended. This resulted in failure to ascertain how figures would have looked like if actual data was collected.

5.4. Recommendations

Based on the analysis of the relevant education policies and legislation, including international and national law, and the potential challenges the education system is facing in South Africa. The following are the recommendations.

5.4.1. Recommendations to the Department of Basic Education

There is need to make improvements on the system that the department of education used to collect data from schools. According to the findings, seemingly there has been very little information of the accurate recording on the enrolment and dropout data by the government.

- a. The DBE to put up a tracking system that can help cut down dropout rates in high schools.
- b. The DBE officials need to conduct research on new and updated data on enrolment and dropout rates in school. This means that officials to get information from schools who enroll and monitor learner progression in schools. It is further, recommended that they review the enrolment and dropout data sets every 4 years in the 12 years of the schooling years.
- c. policy makers should give due consideration to potential inefficacies that can influence education outcomes when designing and implementing education policy reforms

- d. It is recommended that policy makers need to understand that socio-economic status of the learner is not the only aspect that one should consider as the cause of learner dropout, but also psychosocial and culture aspects can be considered.
- e. From the social work perspective, it is recommended that social workers to intervene at the mezzo and micro level, so that they understand the situation causing learner dropout from the educator's perspective, to be able to address the challenges encountered by learners appropriately.

5.4.2. Recommendations for further research

Since the study is desktop, and the data collected was limited, it is recommended that a further research should be followed by:

- a. an expanded study with a larger sample size of schools from the study area. This will help in comparing what could be done differently in the implementation of education policies;
- b. and what can come out different if data was collected from the study area, particularly in addressing dropout rates in high school in KwaZulu-Natal.
- c. It is also recommended that a study to be conducted, that can focus on the matters affecting learner school dropout such as high school fees, transportation, uniforms and lack of textbooks, particularly in senior secondary years from grade 10 to 12, which seems to be compromising high school completion across the province as well as the country as a whole.

5.5. Concluding Remarks

This chapter has summarized the main conclusions and recommendations derived from the data set presented. The study shows that due to a number of challenges, schools have not implemented education policies properly – including No Fee School Policy and the School Fee Exemption Policy. This compromises the children's right to education, and other mentioned programs that can enhance education. It can also contribute to learner dropout particularly in high school as demand increases. There is still a need for the government to consult with school principals, and check if these policies have properly

been implemented, rather than let it affect learners especially those eligible to be exempted from fees in former model c schools.

Bibliography

Abrahams, K. and Matthews, T. (2011), 'Promoting Children's Rights in South Africa: A Handbook for Members of Parliament. Available from: <http://www.parliament.gov.za>. Accessed: 20 October 2016

Adedeji, S, and Olaniyan, O, (2011), 'Improving the conditions of teachers and teaching in rural schools across African countries', *International Institute for Capacity Building in Africa*. Available from: <http://unesdoc.unesco.org/images/0021/002160/216062e.pdf> [19 August 2017]

Ahmed, R and Sayed, Y, (2009), 'Promoting access and enhancing education opportunities? The case of 'no fee schools', in South Africa' *Journal of Comparative and International Education*, vol. 39 (2), pp. 209-218

American Psychological Association. (2007). *APA Dictionary of Psychology*. Washington, DC: Author.

Arendse, L, (2011). 'The obligation to provide free basic education in South Africa: an international law perspective', *Potchefstroom Electronic Law Journal*, vol 14 (6), pp. 97-129.

Arendse, L, (2014), 'Beyond Rivonia: transformative constitutionalism and the public education system', *Journal of Southern African Public Law*, vol 29 (1), pp.159-174

Assefa, A, (2014), 'Advancing children's rights in Africa: the role of the African children's charter and its monitoring body', *Mekelle University Law Journal*, vol. 2(1), pp.?

Ataguba, J. E, Akazili, J and McIntyre, D. (2011), 'Socioeconomic-related health inequality in South Africa: evidence from General Household Surveys Available from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3229518/pdf/1475-9276-10-48.pdf>> [20 May 2018)

Badat, S and Sayed, A, (2014), *Post-1994 South African education: the challenge of Social justice*. Available from:

<<http://digitalknowledge.cput.ac.za/xmlui/bitstream/handle/11189/3268/Badat-Saleem-Sayed-Yusuf->> [8th October 2017]

Bayat, A, Louw, W, and Rena, R, (2104), 'The impact of socio-economic factors on the performance of selected high school learners in the Western Cape Province, South Africa', *Journal of Human Ecology*, vol. 45(3), pp. 183-196

Beckmann, J, and Prinsloo, I, (2009), 'Legislation on school governors' power to appoint educators: friend or foe?', *South African Journal of Education*, vol. 29, pp.171-184

Bekink, M, (2012), 'Child divorce: a break from the parental responsibilities and rights due to the traditional socio-cultural practices and beliefs for the parent', *Postchefstroom Electronic Law Journal*, vol.15 (1), pp.1-21. Available

from:https://www.researchgate.net/publication/255698012_%27Child_Divorce%27_A_Break_from_Parental_Responsibilities_and_Rights_Due_to_the_Traditional_Socio-Cultural_Practices_and_Beliefs_of_the_Parents [19 August 2016]

Berry, L, Jamieson, L, and James, M, (2011), *Children's Act Guide for Early Childhood Development Practitioners*, Children's Institute - University of Cape Town and Little Elephant Training Centre for Early Education.

Blueshtein, M, (2013). Racial disparities in schooling: evidence from Cape Town, South Africa. Available from: University of Pennsylvania

<https://scholar.google.co.za/scholar?q=Racial+Disparities+in+Schooling:+Evidence+from+Cape-Town,+South+Africa.+University+of+Pennsylvania&hl=en&as_sdt=0&>

[August, 2017]

Boateng, N. A. (2014). 'Technical efficiency and primary education in South Africa evidence from sub-national level analysis. South African Journal of Education. Vol. 34 (2), pp1-18. Available From: <http://www.sajournalofeducation.co.za>. Accessed [18 February 2018]

Boezaart, T, (2009), Child Law in South Africa. *Juta and Co Ltd, Cape Town*

Borkum, E. 2012. 'Can eliminating school fees boost enrolments in poor districts? Evidence from South Africa', *Economic Development and Cultural Change*. vol. 60(2) pp 359-398

Branson, N, Hofmeyr, C, Lam, D, (2013). *Progress through school and the determinants of school dropout in South Africa*. SALDRU Working Paper No. 100, UCT, Cape Town; [20 June 2017]

Branson, N, Hofmeyer, C and Lam, D, (2015). *The impact of the no-fee-school policy on enrolment and school performance: Evidence form*. NIDS Waves 1-3. University of Cape Town

Branson, N, Kekana, D, and Lam, D, (2013), *Educational expenditure in South Africa: evidence from the national income dynamics study*, (NIDS) Discussion Paper 2013/6. SALDRU Working Paper 124

Brown LD & Tandon R (1983). Ideology and Political Economy in Inquiry: Action Research and Participatory Research. *Journal of Applied Behavioural Science*

Caro D, McDonald J, and Williams J, (2009), 'Socio-economic status and academic achievement trajectories from childhood to adolescence', *Canadian Journal of Education*, vol. 32, pp558–590. [28 November 2017]

Chisholm, L, (2012), 'School fees also Matter'. *Rand Daily Mail* 20th January. Available from <<http://theconversation.com/university-protests-are-important-but-school-fees-also-matter-53329>> [18 April, 2016]

Christie, P, (2010), 'The complexity of human rights in global times: the case of the right to education in South Africa', *International Journal of Educational Development*, vol. 30 pp.3–11

Christie, P, (2008), *Opening the doors to learning: changing schools in post-apartheid held in South Africa*. Available from:
<https://www.google.co.za/?gws_rd=ssl#q=Opening+the+Doors+to+learning:+Changing+Schools+in+Post-Apartheid+held+in+South+Africa> [11 August 2016]

Churr, C, (2015), 'Realisation of a child's right to a basic education in South African school system: some lessons from Germany', *Potchefstroom Electronic Law Journal*, vol. 18 (7), pp.2405-2455

Churr, C. (2012), 'A Child's right to a basic education: A Comparative study: University of South Africa: [Thesis] Available from:
<http://uir.unisa.ac.za/bitstream/handle/10500/8592/thesis_churr_c.pdf?sequence=1&isAllowed=y: Accessed: [23 May 2018]

Coetzee, M, (2014), *School quality and the performance of disadvantaged learners in South Africa*. Stellenbosch University Economic Working paper 22/14: [30 November, 2017]

Coetzee, S and Mienie, R, (2014), 'The 'best interests of a child', standard in education: An overview of South African Case Law', *Journal of Southern Africa Public Law*, vol. 29(1), pp.90-117.

Consortium for Research on Educational Access, Transitions and Equity (CREATE), (2009), 'No fee schools in South Africa', Policy Brief Number 7, Sussex UK, < www.create-rpc.org/pdf_documents/Policy_Brief_7.pdf >

Crossen, S, Grobler, A, and Lacante, M, (2017), 'Repeated retention or dropout? Disputing Hobson's choice in South African township schools', *South African Journal of Education*, vol. 37(2), pp. 1-11 [21 September 2017]

Cumming J, Mawdsley R, and Waal E, (2006), 'The 'Best interest of the Child', parents rights and educational decision-making for children: A comparative analysis of interpretations in the United States of America, South Africa, Australia and New Zealand', *Journal of Law and Education*, vol. 11(2), pp. 43-71. [3 August 2016]

Daniel P, and Greytak, S, (2012), 'An Analysis of the 'right' to education in South Africa and the United States', *Journal of Southern African Public Law*, vol. 27 (2), pp. 344-363

Dass, S, and Rinqest, A, (2017), 'School fees' in *Basic education rights handbook: education rights in South Africa*, eds F Veriava, A Thom & F Hodgson, SECTION27, Johannesburg, pp 141-159

Davel, T, (2007), 'In the best interest of the child. Conceptualisation and guidelines in the context of education', *Commonwealth Education Partnerships*, pp. 222-226. Available from: <<http://www.cedol.org/ep-content/uploads/2012/02/222-226-2007.pdf>> [10 August 2016]

De Wet, C, and Wolhuter, C, (2017), 'A transitiological study of some South African educational issues', *South African Journal of Education*. vol. 29, pp. 359-376 [21 September 2017]

Dekeza-Tsomo (2012) *Factors contributing to the dropout rate of learners at selected high schools in King William's town*. Available from: [1 November, 2017]

Department of Education (DoE), (2002), *Annual Report - 2001/2002*, Available from: <<http://www.gov.za/documents/department-education-annual-report-20012002-> > [August, 2016]

Department of Education (DoE), (2006), *A national framework for quality education in rural areas*, Government Printers, Pretoria

Department of Basic Education (DoE), (2011), *Report on dropout and learner retention strategy to portfolio committee on education*. Government Printers, Pretoria, Available from: <http://uscdn.creamermedia.co.za/assets/articles/attachments/33774_report_on_dropout_rate_and_retention1.pdf>. [6 September 2017]

Department of Education (DoE) (2013). *A case study of the National Nutrition Food Programme*. Available from <https://www.education.gov.za/Programmes/NationalSchoolNutritionProgramme.aspx> Accessed 7 September 2017

Department of Basic Education (DoE), (2015), *Education statistics in South Africa 2013*. Government Printers, Pretoria, Available from: <<http://www.education.gov.za/Portals/0/Documents/>> [22 September 2017]

Dieltiens, V, and Meny-Gibert, S (2009), 'School drop-out: poverty and patterns of exclusion' in *South African child gauge 2008/9: Meaningful access to basic education*, eds S Pendlebury, L Lake and C Smith. Available from: <http://ci.org.za/depts/ci/pubs/pdf/general/gauge2008/part_two/exclusion.pdf> [18 April 2016]

Dieltiens, V, and Meny-Gilbert, S, (2008). 'Poverty, equity and access to education', Annual Conference Paper. Maputo, Mozambique. Available from: UKZN digital Library [16 September, 2016]

Fataar, A, (2012), 'Pedagogical justice and student engagement in South African schooling: working with the cultural capital of disadvantaged students', Unpublished paper Department of Education Policy Studies, Stellenbosch University.

Fiske, E, and Ladd, H, (2006), 'Racial equity in education: how far has South Africa come?' *Perspectives in Education*, vol. 24(2), pp. 95-108.

Fleisch, B, Shindler, J, and Perry, H, (2012), 'Who is out of school? Evidence from the community survey 2007, South Africa'. *International Journal of Educational Development*, vol. 32(4), pp. 529-536

Fleisch, B. (2008). *Primary Education in Crisis: Why South African schoolchildren underachieve in reading and mathematics*. Cape Town: Juta & Co.

Giese, S, Zide H, Koch R, and Hall, K, (2009), *A study on the implementation and impact of no fee and exemption policies*. Cape Town Alliance for Children's Entitlement to Social Security

Graham, L. Hochfeld, T. Stuart, L and Van Gent, M. (2015). Evaluation study of the National School Nutrition Programme and the Tiger Brands Foundation in school breakfast feeding programme in the Lady Frere and Qumbu District of the Eastern Cape. Centre for Social Development and Africa. University of Johannesburg.

Govender, P (2016), 'More evidence: pupils' early years decide dropout rates', *The Mail and Guardian*. Available from: SA Media via Sabinet online, [28 October 2017]

Hall, K, and Monson, J, (2006), 'Free to learn: the school fee exemption policy and the national school nutrition programme', in *South African child gauge 2006: children and poverty*, eds J Monson, K Hall, C Smith and M Shung-King. Available from:

<http://www.ci.org.za/depts/ci/pubs/pdf/general/gauge2006/gauge2006_freetolearn.pdf>

[April 2016]

Hall, K, and Giese, S, (2009), 'Addressing quality through school fees and school funding' in *South African child gauge 2008/9: Meaningful access to basic education*, eds S Pendlebury, L Lake and C Smith. Available from:

<http://ci.org.za/depts/ci/pubs/pdf/general/gauge2008/part_two/exclusion.pdf> [18 April

2016]

Hall, K, Leatt, A, and Rosa, S, (2009), 'the means to live: targeting poverty alleviation to realise children's rights', Cape Town Children's Institute, UCT. Available from:

<https://www.google.co.za/?gws_rd=ssl#q=The+Means+to+Live.+Targeting+poverty+all+viation+to+realise+children%27s+rights> [20 April, 2016].

Howe, R, and Covell, K, (2013), *Education in the best Interest of the child: a children's right perspective on closing the achievement gap*, University of Toronto Press, Toronto.

Hunt, F, (2008), 'dropping out from school: a cross-country review of literature, CREATE Pathways to Access No 16, University of Sussex.

Joubert, R, (2014), 'Incorporating international standards into national education law in South Africa: the accountability of the state', *Southern African Public Law*, vol 29. (1), pp. 1-18

Keet, A, and Carrim, N, (2006), 'Human rights education and curricular reform in South Africa', *Journal of Social Science Education*, vol 5(1), pp. 87-105. Available from:

<<http://www.jsse.org/index.php/jsse/article/view/1003>> [18 September 2016].

Khanyile, L. (2017), crowded schools plea. Available from Sabinet online Available from SA Media Sabinet online. <https://reference.sabinet.co.za/sa_media> Accessed 30 October, 2017

Khumalo, T, (2014), Some Implications of the Quintile School funding in South African Public Schools. Available from: Stellenbosch University, Sun Scholar Research Repository, [Thesis] [22 September 2016]

Ladd, HF, and Fiske, EB, (2008), 'Education equity in an international context' in. *Handbook of research on education finance and policy*, eds HF Ladd and EB Fiske, Routledge, New York.

Lamb S, and Markussen, E, (2011), 'School dropout and completion: An international perspective' in *School dropout and completion: International comparative studies in theory and policy*, eds S Lamb, E Markussen, R Teese, N Sandberg and J Polesel, Springer Science Business Media, New York

Lee, Y, (2009), 'Child rights and child well –being', *Proceedings of The 3rd OECD World Forum on "Statistics, Knowledge and Policy" Charting Progress, Building Visions, Improving Life*. Available from: www.oecd.org/site/progresskorea/44137252.pdf [22 September, 2016]

Leatt, A, Rosa, S and Hall, K, (2005), 'Towards a means to live: targeting poverty alleviation to realise children's rights', Available from: <<http://www.ci.org.za/depts/ci/pubs/pdf/poverty/facts/Meantolivepaper.pdf>> [20 April, 2016]

Letseka, M, and Breier, M, (2008), *Student poverty in high education: the impact of higher education dropout on poverty*. In Education and Poverty Reduction Strategies Issues of Policy Coherence (Colloquium Proceedings), ed. S Maile, HSRC Press,

Letseka, M, (2014), 'The Illusion of education in South Africa', *Procedia: Social and Behavioral Sciences*, vol. 116, pp. 4864-4869

Marais, P. (2016) "We can't believe what we see": Overcrowded classrooms through the eyes of student teachers. [South African Journal of Education, Vol 36, \(2\)](#) , pp. 1 – 10 [10 March, 2018]

Mawonde, A, (2016), 'Schools in child levy scandal', *The Herald*, 1 April. Available from: <http://www.herald.co.zw/schools-in-child-levy-scandal-500-000-pupils-pay-up-in-manicaland-sdc-members-kids-exempted-from-fees/> > [10 May 2016]

Manona, W, (2015), 'An empirical assessment of dropout rate of learners at selected high schools in King William's Town, South Africa', *Journal for Africa's Public Service Delivery and Performance Review (APSDPR)*, vol. (3)4, pp164-185, [1 November 2017]

McLaren, D, (2017), 'Funding basic education' in *Basic education rights handbook: education rights in South Africa*, eds F Veriava, A Thom & F Hodgson, pp 37-73, SECTION27, Johannesburg

Mbabela, Z, (2017), 'New row over mud schools. 'No temporary structures yet' available from. SA Media Sabinet online: https://reference.sabinet.co.za/sa_media> Accessed 30 October 2017

Merabe, M, (2015), '*The core content of public school learners' right to a basic education in terms of section 29 (1) (a) of the Constitution*, Available from: *University of the Free State*, <http://scholar.ufs.ac.za:8080/xmlui/bitstream/handle/11660/2380/MerabeMJ.pdf>> [22 August, 2016]

Mestry R, and Dzvimbo, K, (2011), 'Contestations of educational transformation: a critical analysis of the norms and standards for funding are intended to achieve social justice and equity', *Journal of Education Sciences*, vol. ???

Mestry, R, (2013), 'A critical analysis of legislation on the financial management of public schools: A South African perspective', *De Jure*, vol. 46(1), pp. 162-177

Mestry, R. (2014), 'A critical analysis of the national norms and standards for the school funding policy: Implications for social justice and equity in South Africa', *Journal of Educational Management Administrative & Leadership*, vol. 42(6), pp 851-867

Mestry, R. (2013), 'A critical analysis of legislation on the financial management of public schools'. A South Africa perspective. *De Jure (Pretoria)* vol.46 (1), pp 163-177. Pretoria

Mestry, R. and Ndhlovu, R. (2014) 'The implications of the national norms and standards for school funding policy on equity in South African public schools' *South African Journal of Education*, vol. 34(3), pp. 1-11.

Mlambo, S. (2014), 'Move to call Hunt Road school disadvantaged' *IOL News*, 22 September. Available from: <<http://www.iol.co.za/dailynews/news/move-to-call-hunt-road-school-disadvantaged-1754402>> [19 April, 2016]

Mnguni B.I (2014) Investigating the causes of learner dropout at secondary schools in Johannesburg South, Gauteng. Available from: http://uir.unisa.ac.za/bitstream/handle/10500/18722/dissertation_mnguni_ib.pdf?sequence=1&isAllowed=y [22 September 2017]

Mokoena, M. (2013), *Implementation of no fee school policy: a case study in Bolodedu Cluster Circuits of Mopani District*. Available from: ULSpace Respository, University of Limpopo, [Thesis] <<http://ul.netd.ac.za/handle/10386/1412>> [22 August, 2016]

Morgan, C; Petrosino, A; Fronius, T, 'Eliminating school fees in low-income countries: a systematic review', *Journal of Multi-Disciplinary Evaluation*, vol. 10(23), pp. 26-43

Mosala G, and M. A. Mofolo (2016) Effective use of Budgeting as a Tool towards Financial Management in School in Lejweleputswa District. *Journal for Africa's Public Service Delivery and Performance Review*. Vol 4 (3).

Motala, S. (2006), 'Education resourcing in post-apartheid South Africa: The impact of finance equity reforms in public schooling', *Perspectives in Education*, vol. 24(2), pp 79 – 93

Motala, S, Dieltiens. V and Sayed Y, (2009) Physical access to schooling in South Africa: mapping dropout, repetition and age-grade progression in two districts. *Journal Comparative Education*, Vol. 45, (2), pp 251–263
<http://www.tandfonline.com/loi/cced20>. Accessed December 2017

Mqota, V, (2004), *Education and democracy: a view from Soweto: a vision for closing achievement gap in post-apartheid schooling through changing beliefs and practices*, Mqota Publishers, New York

Motsepe, T. (2017), 'Results are indicated of primary school education in crisis: Available from SA Media Sabinet online: <https://reference.sabinet.co.za/sa_media> Accessed 30 October 2017

Mthusamy, N, (2015), *Teachers' experience with overcrowded classrooms in a mainstream school*. UKZN Research space Thesis

Naong, M, (2009). 'School fees exemption: a panacea or financial distress for schools?' *Interim: Interdisciplinary Journal*, vol. 8(1), pp. 56 – 72

Ndhlovu, R. S. M (2012), 'the implications of the national norms and standards for school funding policy in public schools in the Tshwane West District. [Thesis] Available from:

Ndimande, B, (2006), 'Parental choice: the liberty principle in education finance', *Perspectives in Education*, vol. 24(2), pp.143-158

Newman, L, (2009), 'Poorer schools let down' *The Mercury*, 27 November 2009, pp. 8 Durban.

Nordstrum, L, (2012), 'Incentives to exclude: the political economy constraining school fee abolition in South Africa', *Journal of Education Policy*, vol. 27(1), pp 67-88.

Oketch, M and Rolleston, C, (2007), 'Policies in free primary and secondary schools in East Africa: retrospect and prospect', *Review of Research in Education*, vol. 31 (1), pp131-158

Ntshoe, I. (2017) Resegregation and recreation of racism in education in a post-apartheid setting. *Southern African Review of Education*. Vol.23 (1): pp 70-90

Okeke, C. I. (2014). Effective home-school partnership: Some strategies to help strengthen parental involvement *Journal of Education, South African*. Vol 34 (3): pp 1-9: Available from: <http://www.sajournalofeducation.co.za>

Pampallis. J, (2008), 'School fees', *Issues in Education Policy*, No. 3, Centre for Education Policy Development, Johannesburg

Pellicer, M, and Piraino, P, (2015), *The effect of non-personnel resources on educational outcomes: Evidence from South Africa*. SALDRU Working Paper Series No. 144, 28pp

Petal, L, and Hochfeld, T, (2010), 'It buys food but does it change gender relations? Child support grant in Soweto', *Gender and Development*, vol. 19(2), pp.229-40

Petherbridge, D, (2012), South Africa's Pending Ratification of the International Covenant on the Economic, Social and Cultural Rights: What are the implications? 6 November 2012. Blog available from: <https://blogs.sun.ac.za/seraj/files/2012/> [August, 2017]

Pew, M, (2009), Challenges Facing Education in South Africa, CEPD Papers, available from: <http://www.cepd.org.za/files/pictures/The%20Challenges%20Facing%20Education%20Interview%20Nov%2009.pdf>

Pillay, G, (2012), implementing the national curriculum statement: a case study of FET history educators in the uMlazi. District, KwaZulu-Natal. Available from: Research Space UKZN, <https://researchspace.ukzn.ac.za/xmlui/handle/10413/11846?show=full> [12 June 2016]

Praschma, J, (2013), 'Read to learn? a legal resource for realising the right to education: ensuring adequate support for children in need', *Legal Resources Centre*. Available from: https://www.google.co.za/?gws_rd=ssl#q=Read+to+Learn%3F+A+Legal+Resource+for+Realising+the+Right+to+Education:+Ensuring+Adequate+Support+for+Childre [15 April, 2016]

Prew, M, (2013), 'South Africa: the education struggle continues', in *Education policy reform trends in G20 members*, ed Y Wang, Springer Books, pp. 55-74. Available from: Springer E-books. [22 May 2017]

Radebe, M. (2015) Learner integration in former model C schools in Johannesburg. University of Witwatersrand. Johannesburg. Available from. Accessed: 4 March 2018 <<http://wiredspace.wits.ac.za/jspui/bitstream/10539/19191/1/MDUDUZI%20RADEBE%20RESEARCH%20REPORT%20FINAL%2010062015.pdf>>

Rakometsi, M.S. (2008). The transformation of black school education in South Africa, 1950-194. A historical perspective. University of Free State, Bloemfontein. Available from <<http://www.sahistory.org.za/sites/default/files/RakometsiMS.pdf>> [20 February /2018]

Rosa, S, and Dutschke, M, (2006), Child rights at the core: a commentary on the use of international law in South African court cases on children's socio-economic rights. A Project 28 Working Paper, Children's Institute, University of Cape Town. Available from: <<http://www.ci.org.za>>pdf>rights>workpap> [21 August 2016].

Sabates, R, Akyeampong, K, Westbrooke, J, and Hunt, F, (2010), School dropout: patterns, causes, changes and policies, Centre for International Education, School of Education and Social Work University of Sussex, London.

Sayed, Y and Ahmed, R. (2011), 'Education quality in post-apartheid South African policy: balancing equity, diversity, rights and participation. *Journal of Comparative Education* Vol (47) (1), pp 103–118 Available from: <https://www.tandfonline.com/doi/abs/10.1080/03050068.2011.541680>>

Sayed, Y, and Motala, S, (2012), 'Equity and 'no fee' schools in South Africa: Challenges and Prospects', *Social Policy and Administration*, vol. 46(6), pp.672-687

Savides, M. (2017), Kids being wrecked by unqualified teachers. Available from SA Media Sabinet online.: <https://reference.sabinet.co.za/sa_media>: Accessed 30 October, 2017

Segumba, S, (2015), *Factors leading to problems of dropout in primary school pupils in Tameke District*. Available from: The Open University of Tanzania Research Space, [10 October 2017]

Setoaba, MP, (2011), *The Implementation of the 'No-Fee' School Policy in selected primary schools in Limpopo*. Available from: University of South Africa Institutional Repository (UnisaIR).] <<http://uir.unisa.ac.za/handle/10500/4037>> [4 June 2016]

Simbo, C, (2012), 'Defining the term basic education in the South African Constitution: an international law approach', *Law Democracy and Development*, pp.162-184

Skelton, A. (2013), the role of the courts in ensuring the right to a basic education in a democratic South Africa: a critical evaluation of recent education case law. Published by De Jure, Vol 46(1), pp. 1- 23. Accessed: 20 May 2018 <<http://journals.co.za/content/dejure/46/1/EJC136276?fromSearch=true>

Skelton, A. (2012), How far will the courts go in ensuring the right to basic education? Southern African Public Law, Vol 27 (2), pp. 392 – 408. Accessed 20 May 2018 < <http://journals.co.za/content/dejure/46/1/EJC136276?fromSearch=true>>

Spaull, N, (2012), 'Poverty & privilege: primary school inequality in South Africa', *Stellenbosch Economic Working Papers: 13/12*. Available from: <<https://www.ekon.sun.ac.za/wpapers/2012/wp132012/wp-13-2012.pdf>> [28 August 2017]

Spaull, N, (2013), South Africa's education crisis: the quality of education in South Africa 1994-2011, *Centre for Development & Enterprise*. Available from: <<http://www.section27.org/wp-content/uploads/2013/10/spaull-2013-CDE-report-south-africas-Education-Crisis.pdf>> [10 August 2016]

Spaull, N, (2015), *Schooling in South Africa: How Low Quality Education Becomes a Poverty Trap*. in De Lannoy A, Swartz S, Lake L & Smith C (eds) 2015 Children's Institute, University of Cape Town.

Spaull, N. (2015). Education quality in South Africa and Sub-Saharan Africa: An Economic Approach. PhD Thesis), Available from: <http://www.citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.834.6689&rep=rep1>. 10 February 2018

Spaull, N, (2016), *High dropout rate in South African's school system*, (podcast). Available from: <http://www.enca.com/south-africa/high-dropout-rate-sas-school-system>> [9 October 2017]

Sloth-Nielsen, J, and Mezmur, B, (2007), *Free education is a right for me: a report on free and compulsory primary education*, Save The Children Sweden, Nairobi, [22 February 2017]

Strassburg S, Meny-Gibert, s and Russell, B. (2010), 'More than getting through the school gates Barriers to participation in schooling, Available from: <<https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/programmes/basic-services/resources/More%20than%20getting%20through%20the%20school%20gates%20Barriers%20to%20participation%20in%20schooling.pdf>> [20 June 2016]

Soudien C, Jacklin H and Hoadley U (2001) Policy values: problematizing equity and redress in education. In: Jansen J and Sayed Y (eds) *Implementing Education Policies: The South African Experience*. Cape Town: University of Cape Town Press

Taing, L. (2015) *Implementing sanitation for informal settlements: Conflicting rationalities in South Africa*. (PhD, Thesis) https://open.uct.ac.za/bitstream/item/19491/thesis_hum_2015_taing_lina.pdf?sequence

Taiwo, E. A. (2011) *The Implementation of the Right to Education in South Africa and Nigeria* (LLD-thesis Nelson Mandela Metropolitan University 2011)

Taylor, S, and Yu, D (2009), *'The importance of socio-economic status in determining educational achievement in South Africa'*, Stellenbosch Economic Working Paper no. 01/09, pp1-76.

Thobejane, T. D. (2013). *History of apartheid education and the problems of reconstruction in South Africa*. Published by David Publishing. *Sociology Study* vol. 3(1) pp 1-12

Tomasevski, K, (2006). 'The state of the right to education worldwide free of fee', *Global Report on the Right to Education*, Available from:
<https://www.google.co.za/?gws_rd=ssl#q=+Education+Worldwide+Free+of+Fee.+Global+Report+on+the+Right+to+Education> [28 August 2017]

Truter, A, (2015), *Education in the best interest of the child: a case study of rural areas of KwaZulu-Natal*. Available from: University of Pretoria Research Repository
<<http://repository.up.ac.za/handle/2263/51392>> [8 September 2016] United Nations

Tuswa, N, H. (2016), 'Barriers to learning in the foundation phase in Umzimkhulu, KwaZulu-Natal Province. [Thesis] Available from:
http://uir.unisa.ac.za/bitstream/handle/10500/22692/dissertation_tuswa_nh.pdf?sequence=1&isAllowed=y. [27 October 2017]

Educational Scientific and Cultural Organisation (UNESCO) (2009), *Education indicators: technical guidelines*, UNESCO Institute for Statistics, [11 October 2017]

Vandeyar, S, Jansen, J, (2008), *'Diversity high: Class, color, culture, and character in a South African high school'*, University Press of America, Lanham, MD.

Van der Berg, S, (2007), 'Apartheid's enduring legacy: Inequalities in education', *Journal of African Economies*, vol. 16(5), pp. 849-880

Van der Berg, S, (2008), 'How effective are poor schools? Poverty and educational outcomes in South Africa', *Studies in Educational Evaluation* vol.34, pp 145–154

Van der Berg S, Burger C, Burger L, de Vos M, du Rand G, Gustafsson M, Moses E, Shepard D, Spaul N, Taylor S, van Broekhuizen H and von Fintel D, (2011), Low quality education as a poverty trap. Stellenbosch Economic Working Papers No.25/2011, pp.1-22

Van der Vyver, J (2012), 'Constitution protection of the right to education', *South Africa Public Law*, vol. 27(2), pp 326-343

Veriava, F, (2007), 'The amended legal framework for school fees and school funding: a boon or a barrier?', *South African Journal on Human Rights*, vol. 23(1), pp.180-194

Veriava, F, (2010), The resourcing of public schools: an analysis of compliance with and measurement of the state's constitutional obligations. *Studies in Poverty and Inequality Institute (SPII)*, Johannesburg

Walfold, L. (2016) Full to Capacity Schools turn away learners.

Available from: <<https://bereamail.co.za/71606/full-to-capacity-schools-turn-away-learners-no-room-at-schools-for-desperate-mums-son/>> Accessed 8 May 2016

Weybright, E, Caldwell, L, Xie, H, Wagner, L, and Smith E, (2017), 'Predicting secondary school dropout among South African adolescents: a survival analysis approach', *South African Journal of Education*, vol. 37(2), [21 September 2017]

Wildeman, R, (2008), *Reviewing eight years of the implementation of the School Funding Norms, 2000–2008*. Economic Governance Programme, IDASA, Pretoria.

Woolman, S, and Fleisch, B, (2006), 'South Africa's education legislation, quasi-markets and de factor choice,' *Education and Law Journal*, vol. 24(2), pp 1-24

Wolhuter, C, C. (2014), 'Weaknesses of South African education in the mirror image of international educational development. *South African Journal of Education*, vol 34(2) ,pp 1-25

Xaba, M, (2011), 'The possible cause of school governance challenges in South Africa', *South African Journal of Education*, vol.31. pp. 201 – 211.

Yamauchi, F. (2011), School quality, clustering and government subsidy in Post-Apartheid South Africa, *Economics of Education Review*, vol.30, pp146 -156

Legislation

South African Law and Policies

Constitution of the Republic of South Africa, 1996

Children's Act 38 of 2005

Education Laws Amendment Act of 2005

National Education Policy Act 27 of 1996

South African Schools Act 84 of 1996

No School Fee Policy

School Fee Exemption Policy

Regulations and Policies

Department of Education (DoE), (1998), National Norms and Standards for School Funding (NNSSF), *Government Printers*, Pretoria

Department of Education (DoE), (2006) Amended National Norms and Standards for School Funding, GN 869 in *Government Gazette* 29179, 31 August 2006, Government Printers, Pretoria

Department of Education (DoE), (2008): Amended National Norms and Standards for School Funding (NNSSF). *Government Gazette* 31498, 17 October 2008, Government Printers, Pretoria

Department of Education (DoE), (2006), 'Regulations relating to the exemption of parents from payment of school fees in public schools. Government Gazette 29311, 18 October 2006. Government Printers, Pretoria

International Law

ACRWC	African Charter on the Rights and Welfare of the Child 1990
Banjul Charter	The African Charter on Humans and Peoples Rights 1986
ICESCR	International Covenant on Economic, Social and Cultural Rights 1966
UNCRC	United Nations Convention of the Rights of the Child 1989

Cases

Basic Education for All (BEFA) and Others v Minister of Basic Education and Others, year

Christian Education South Africa v Minister of Education 1999 (2) SA 83 (CC); 1998

Federation of Governing Bodies for South African Schools v Member of the Executive Council for Education, Gauteng and Another [2016] ZACC 14 (12) BCLR 1449 (CC).

Governing Body of Juma Musjid Primary School & Others v Essay NO and Others 2011 (8) BCLR 761 (CC) para 35

Minister of Basic Education v Basic Education for All (20793/2014) [2015] ZASCA 198

Laerskool Middelburg en 'n Ander v Departementshoof, Mpumalanga Department van Onderwys, en Andere, 2003 (4) SA 160 (T);

Madzodzo and others v Minister of Basic Education and others (2144/2012) (2014) ZAEMHC 5; (2014) 2 All SA 33 ECM 2014 (3) SA 441 (ECM)

BOOKS

Barry, B, 2006, Schools and the law: a participant's guide, Juta and Co Ltd, Cape Town.

Child law in South Africa, 2009

Mestry, R, and Bisschoff, T, (2009), Financial School Management Explained (2nd ed).
Cape Town, Kagis

South African child gauge, 2008/2009

Mestry, R (2014), The State's Responsibility to Fund Basic Education in Public School in
International Handbook of Educational Leadership and Social (In)Justice (1st ed)
Bogotch, I and Shields C.M. Springer International Handbooks of Education

Muthukrishna, N. (2008). Education for social justice and inclusion in an African context:
Pathways and transitions. New York: Nova Science Publishers, Inc.

Wang, Y. (2013) Education policy reform trends in G20 members, Available from:
Springer Books, [Date?]

Sayed, Y, and Motala, S, (2012), Equity and 'no fee' school in South Africa: Challenges
and Prospects, Blackwell Publishing Ltd, Sussex.

Appendix A

Statistical Data for KZN Provincial Enrolment and Dropout Rates

Table A1: KZN Province Promotion and Dropout rates 2010

Grade	Enrolment2010	Enrolment2011	Repeaters2011	PromotionRate	RepetitionRate	DropOutRate
1	250226	267777	32182	0,78	0,129	0,091
2	213184	213820	18176	0,9	0,085	0,015
3	210452	207152	15311	0,92	0,073	0,007
4	216297	210030	15737	0,92	0,073	0,007
5	211626	209178	11111	0,94	0,053	0,007
6	213359	207729	9477	0,94	0,044	0,016
7	213994	209584	8012	1,02	0,037	-0,057
8	237208	233696	14817	0,88	0,062	0,058
9	225297	236217	26598	0,91	0,118	-0,028
10	220362	249007	44678	0,73	0,203	0,067
11	196925	203466	43389	0,61	0,22	0,17
12	125680	126812	7212	0	0,057	0,943

Table A2: KZN Province Promotion and Dropout rates 2011

Grade	Enrolment2011	Enrolment2012	Repeaters2012	PromotionRate	RepetitionRate	DropOutRate
1	267777	271486	34635	0,8	0,129	0,071
2	213820	232277	17877	0,9	0,084	0,016
3	207152	207042	14848	0,93	0,072	-0,002
4	210030	207650	15557	0,91	0,074	0,016
5	209178	203372	11363	0,93	0,054	0,016
6	207729	205498	10012	0,94	0,048	0,012
7	209584	203990	8508	1	0,041	-0,041
8	233696	229506	20382	0,86	0,087	0,053
9	236217	231709	30615	0,88	0,13	-0,01
10	249007	258394	50881	0,7	0,204	0,096
11	203466	218578	43092	0,61	0,212	0,178
12	126812	131011	7497	0	0,059	0,941

Table A3: KZN Province Promotion and Dropout rates 2012

Grade	Enrolment2012	Enrolment2013	Repeaters2013	PromotionRate	RepetitionRate	DropOutRate
1	271486	272379	39120	0,82	0,144	0,036
2	232277	241460	19208	0,91	0,083	0,007
3	207042	224969	14067	0,94	0,068	-0,008
4	207650	207404	12846	0,93	0,062	0,008
5	203372	202196	9697	0,94	0,048	0,012
6	205498	199986	8149	0,95	0,04	0,01
7	203990	202485	7005	0,97	0,034	-0,004
8	229506	220799	22010	0,87	0,096	0,034
9	231709	225402	26497	0,92	0,114	-0,034
10	258394	261624	49275	0,71	0,191	0,099
11	218578	217943	34731	0,68	0,159	0,161
12	131011	154119	6425	0	0,049	0,951

Table A4: KZN Province Promotion and Dropout rates 2013

Grade	Enrolment2013	Enrolment2014	Repeaters2014	Promotion Rate	RepetitionRate	DropOutRate
1	272379	295100	38947	0,91	0,143	-0,053
2	241460	270943	23972	0,98	0,099	-0,079
3	224969	254188	18163	1,01	0,081	-0,091
4	207404	244436	17428	1	0,084	-0,084
5	202196	220546	13328	1,02	0,066	-0,086
6	199986	216922	11221	1,03	0,056	-0,086
7	202485	214017	8392	1,05	0,041	-0,091
8	220799	236298	22820	0,96	0,103	-0,063
9	225402	240080	27467	1,02	0,122	-0,142
10	261624	286474	57075	0,79	0,218	-0,008
11	217943	249066	43214	0,72	0,198	0,082
12	154119	163537	6604	0	0,043	0,957

Table A5: KZN Province Promotion and Dropout rates 2014

Grade	Enrolment2014	Enrolment2015	Repeaters2015	Promotion Rate	RepetitionRate	DropOutRate
1	295100	262599	34623	0,72	0,117	0,163
2	270943	238653	24754	0,78	0,091	0,129
3	254188	231229	19882	0,81	0,078	0,112
4	244436	224933	19510	0,79	0,08	0,13
5	220546	207313	13468	0,8	0,061	0,139
6	216922	189337	12023	0,82	0,055	0,125
7	214017	188042	11078	0,84	0,052	0,108
8	236298	204928	24136	0,75	0,102	0,148
9	240080	204779	28735	0,79	0,12	0,09
10	286474	241701	51157	0,64	0,179	0,181
11	249066	227890	45248	0,61	0,182	0,208
12	163537	167310	15076	0	0,092	0,908

Table A6: KZN Province Promotion and Dropout rates 2015

Grade	Enrolment2015	Enrolment2016	Repeaters2016	PromotionRate2015	RepetitionRate2015	DropOutRate
1	262599	258199	38160	0,83	0,145	0,025
2	238653	244915	26196	0,9	0,11	-0,01
3	231229	235839	21264	0,93	0,092	-0,022
4	224933	237023	22049	0,91	0,098	-0,008
5	207313	220270	15591	0,94	0,075	-0,015
6	189337	206630	12065	0,95	0,064	-0,014
7	188042	191771	11190	0,99	0,06	-0,05
8	204928	212143	26490	0,86	0,129	0,011
9	204779	205953	30042	0,9	0,147	-0,047
10	241701	244405	60039	0,72	0,248	0,032
11	227890	227811	54932	0,69	0,241	0,069
12	167310	172576	15900	0		

Table A7: KZN Provincial Dropout Rate 2010 - 2015

Grade	DropOutRate 2010	DropOutRate 2011	DropOutRate 2012	DropOutRate 2013	DropOutRate 2014	DropOutRate 2015
Gr 1	0,091	0,071	0,036	-0,053	0,163	0,025
Gr 2	0,015	0,016	0,007	-0,079	0,129	-0,01
Gr 3	0,007	-0,002	-0,008	-0,091	0,112	-0,022
Gr 4	0,007	0,016	0,008	-0,084	0,13	-0,008
Gr 5	0,007	0,016	0,012	-0,086	0,139	-0,015
Gr 6	0,016	0,012	0,01	-0,086	0,125	-0,014
Gr 7	-0,057	-0,041	-0,004	-0,091	0,108	-0,05
Gr 8	0,058	0,053	0,034	-0,063	0,148	0,011
Gr 9	-0,028	-0,01	-0,034	-0,142	0,09	-0,047
Gr 10	0,067	0,096	0,099	-0,008	0,181	0,032
Gr 11	0,17	0,178	0,161	0,082	0,208	0,069
Gr 12	0,943	0,941	0,951	0,957	0,908	

Table A8: Pinetown District Enrolment 2011 - 2015

Grade	1	2	3	4	5	6	7	8	9	10	11	12
Enrolment 2011	33103	26265	25976	25512	25687	25717	25950	28201	29870	33539	24844	14745
Enrolment 2012	35229	29780	26477	26353	25895	26162	26006	29267	28320	33923	28734	16177
Enrolment 2013	35855	30674	28823	26411	25961	25718	25937	29095	28694	32284	27532	19932
Enrolment 2014	35705	32287	29703	28110	25849	25432	24906	27564	28076	32644	27112	19570
Enrolment 2015	35602	32474	31405	29389	27416	25429	25372	26842	26663	31344	28056	21218

Table A9: Pinetown District Dropout Rate 2013 - 2015

Grade	2013 Rate	2014 Rate	2015 Rate
Grade 8	0,008111359	0,006203744	0,011698085
Grade 9	0,014567505	0,008833167	0,012526722
Grade 10	0,016819477	0,012284034	0,016302961
Grade 11	0,01296673	0,011102095	0,009837468
Grade 12	0,003361429	0,004649974	0,008153455

17 March 2017

Mrs Doris MM Akombelwa 211528515
School of Law
Howard College Campus

Dear Mrs Akombelwa

Protocol reference number: HSS/0273/016M

Project Title: Children's Right to Education in South Africa: A Case of No School Fee Policy in Durban

FULL APPROVAL – No Risk / Exempt Application

In response to your application received 16 March 2016, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully



.....
Dr Shenuka Singh (Chair)
Humanities & Social Sciences Research Ethics Committee

/pm

Cc. Supervisor: Willene Holness
Cc. Academic Leader: Dr Shannon Bosch
Cc. School Administrator: Ms R Louw/Mr P Ramsewak

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4000

Telephone: +27 (0) 31 260 3587/8350/4557 Facsimile: +27 (0) 31 260 4609 Email: ximbap@ukzn.ac.za / snymanm@ukzn.ac.za / mohunp@ukzn.ac.za

Website: www.ukzn.ac.za



1910 - 2010
100 YEARS OF ACADEMIC EXCELLENCE