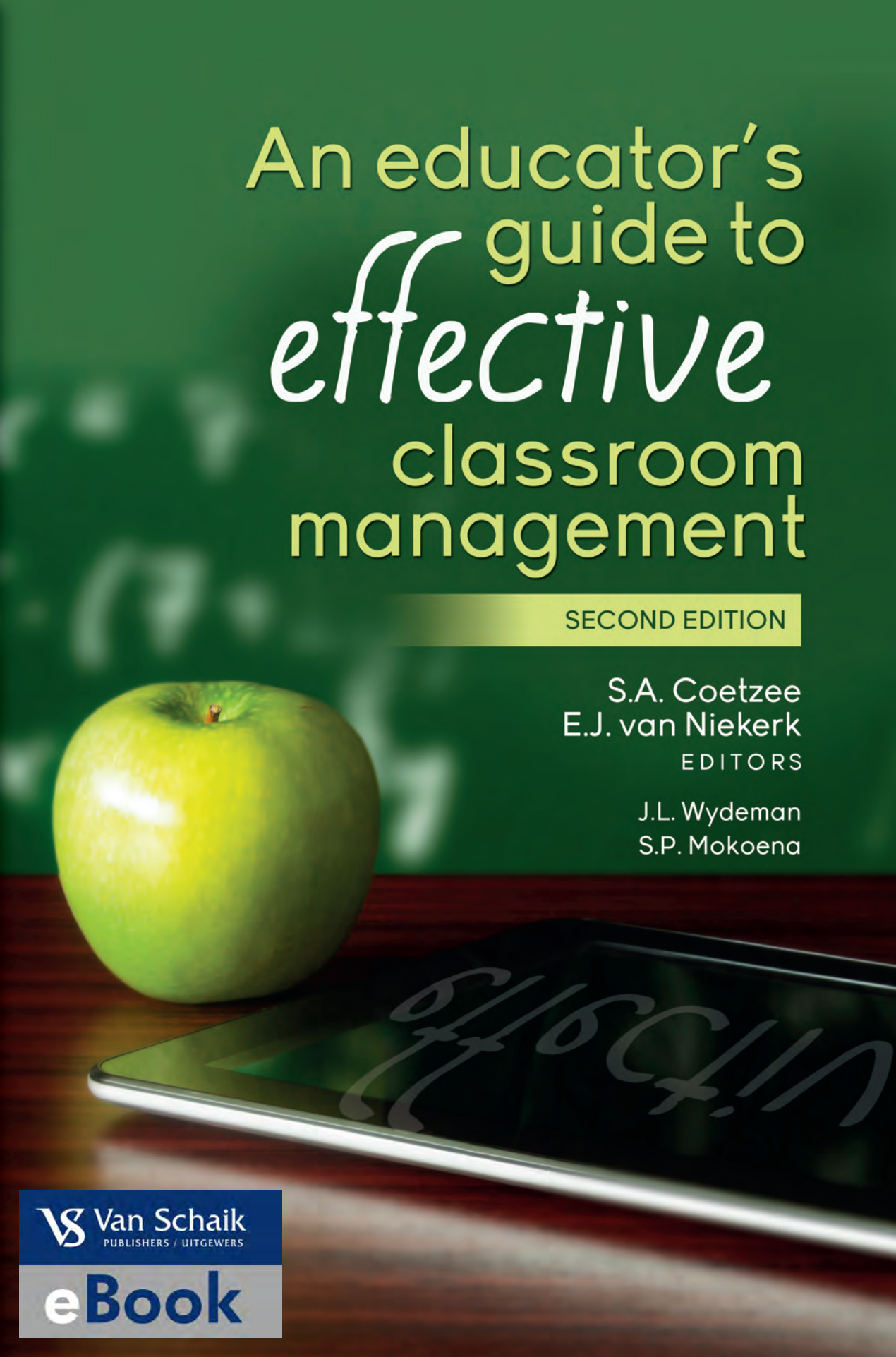
An educator's guide to *effective* classroom management

SECOND EDITION

S.A. Coetzee
E.J. van Niekerk
EDITORS

J.L. Wydeman
S.P. Mokoena



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AN EDUCATOR'S GUIDE TO

Effective Classroom Management

SECOND EDITION

S.A. Coetzee
E.J. van Niekerk
(Editors)
J.L. Wydeman
S.P. Mokoena

Van Schaik
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LIST OF ABBREVIATIONS AND ACRONYMS

ARSO	Aksie Reformatoriese Skoolonderwys
C2005	Curriculum 2005
DA	Developmental Appraisal
DOE	Department of Education
DSG	Departmental Support Group
ELRC	Education Labour Relations Council
EMD	Education Management Development
FCS	Family violence, Child protection and Sexual offences unit
FET	Further education and training
GDE	Gauteng Department of Education
HOD	Head of Department (the head of an Education Department of a province; in legal documents it is sometimes also referred to as Head of Education)
IQMS	Integrated Quality Management System
MEC	Member of the Executive Council (the member of the Executive Council of a province, i.e. the minister, who is responsible for education in that province)
OBE	Outcomes-Based Education
PGP	Personal Growth Plan
RCL	Representative Council of Learners
RNCS	Revised National Curriculum Statement
S	Section of an Act
Ss	Sections of an Act
SACE	South African Council for Educators
SAHRC	South African Human Rights Commission
SANTS	South African National Tutor Services
SAQA	South African Qualifications Authority
WCED	Western Cape Education Department
WSE	Whole-school evaluation

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INTRODUCTION

Aim of the book

An educator's guide to effective classroom management is designed to equip you with the knowledge and skills for reflecting critically on various theoretical and practical aspects of classroom management, and also on how these aspects can contribute to better education practice. The legal framework in which classroom management takes place is also examined. The primary aim of the book is to help you to become a more effective practitioner in your institution.

Structure of the book

In order to achieve the aim of the book, the focus will be on understanding, reflecting on and applying two broad themes: Part A considers classroom management tasks per se, and Part B discusses the legal framework within which classroom management should take place in South Africa.

Each part comprises a number of chapters discussing relevant aspects, theories and/or approaches. These discussions are integrated by means of activities designed to guide and assist you in applying your understanding to your teaching practice.

Overview of the content

The following overview will give you a general idea of what to expect in each part. Note again that all the aspects under discussion will be integrated by means of activities. To gain maximum value from this book, it is essential that you take the time to work through the relevant activities as you go through the text.

Part A: Effective classroom management
S.P. Mokoena, J.L. Wydeman & E.J. van Niekerk

Chapter 1: The Millennial Generation: understanding and engaging today's learners
Chapter 2: Self-management for the educator
Chapter 3: Introduction to classroom management tasks
Chapter 4: Planning effective classroom management
Chapter 5: The educator as leader
Chapter 6: Managing the classroom environment
Chapter 7: Managing learner participation in the classroom
Chapter 8: Managing parental and community involvement
Chapter 9: Managing classrooms through effective administration and teamwork
Chapter 10: Establishing your own classroom management plan

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Part B: Managing classrooms legally

S.A. Coetzee

Chapter 11: Education law sources regulating classroom management
Chapter 12: Constitutional provisions regulating classroom management
Chapter 13: Education law provisions regulating classroom administration
Chapter 14: Education law provisions regulating learner discipline
Chapter 15: Education law provisions regulating learner safety
Chapter 16: Education law provisions regulating the employment of the classroom manager

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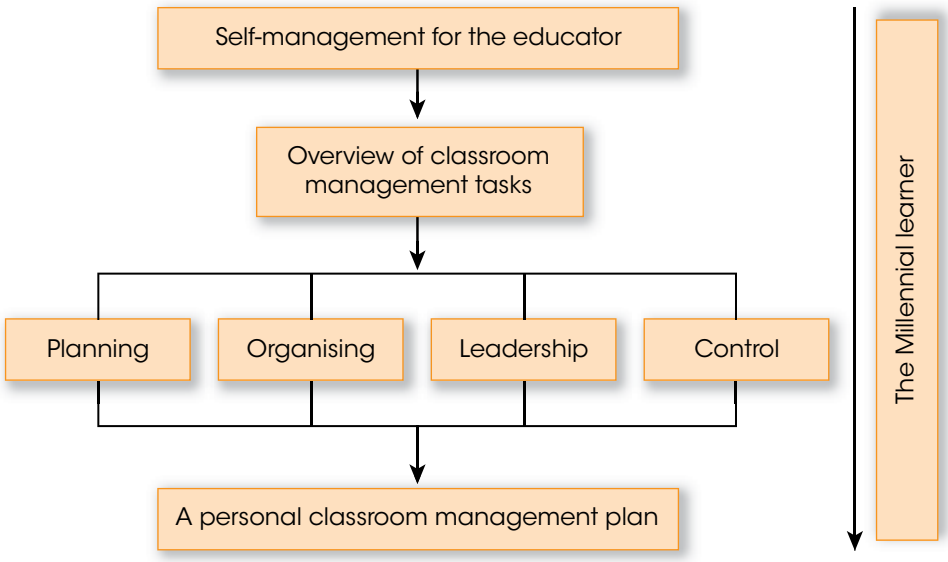
PART

A

Effective classroom management

S.P. Mokoena, J.L. Wydeman & E.J. van Niekerk

A visual representation of Part A



S.P. Mokoena

1 The Millennial Generation: understanding and engaging today's learners

INTRODUCTION

It is not unusual for even veteran educators to express some bewilderment about teaching today's learners. Pedagogy that these educators have been using seems no longer effective. Seasoned educators say that many of today's learners seem to have changed, and suggest that innovative pedagogical initiatives may be useful in teaching them (Weimer 2003; Spence 2001; Sporer 2001). A literature review by Coates (2007) itemised a need for educators to review their approaches to teaching in order to be successful in this new educational environment. Educators cannot expect to meet the challenges of today with yesterday's tools and expect to be in business tomorrow. A large number of today's learners are growing up in a fast-paced, technological, outcome-orientated environment. As a result of their development within this environment, it may be argued that they have acquired a number of distinctive traits. The overwhelming amount of media messages that they have received in their lifetimes has led them to develop a significant level of scepticism towards any information that they receive. Educators should consider this generation as an opportunity to question and enhance their approach to teaching and reduce the bureaucracy of their classrooms. Chapter 1 aims to assist educators to understand, engage and connect with this cohort of today's learners. This is achieved by:

- Introducing and describing the emergence of the Millennial Generation
- Describing the learning style of the Millennial Generation
- Describing strategies on how to engage and motivate the Millennial Generation

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1.1 EMERGENCE OF THE MILLENNIAL GENERATION

While no exact definition of the Millennial Generation exists, many agree that it is the generation of children born approximately between 1981 and 1995. Some sources say Millennial Generation children are those born between 1977 and 1996, while others say they were born between 1976 and 2000. By many accounts, the beginning and ending dates defining the parameters of the Millennial Generation vary from the beginning year 1982 to the ending year 2003. This cohort is known by different names, which include: Generation-D, Net Gen, Gen Y, Newmills, Nexters, Generation Next, Echo Boomers, and the Digital Generation (Wilson & Gerber 2008). They are the first ubiquitous cohort of learners raised on and confirmed as experts in the latest, fastest, coolest, greatest, newest electronic technologies on the planet. Along with being the most diverse group of children, some characteristics of this generation are their tendencies to

- communicate more through technology than in person; they blog, Google, tweet, chat, and use Wikipedia to acquire sources of information
- work and learn in teams and possess high energy
- seek career advancement, desire flexibility and higher pay
- work hard but also enjoy pleasure
- share what they have learnt through collaboration in small groups
- be financially savvy
- multitask proficiently – working with content and simultaneously interacting with others
- take on different roles in learning – learner, instructor and supporter
- spend a lot of money – most Millennial Generation high school learners and university students have credit cards with fairly high limits (Mokoena 2012).

As can be seen by the list generated above, there are many characteristics pertaining to the Millennial Generation. Probably the starkest difference between the Millennial Generation and any other generation is the availability and accessibility of information. This generation believes that knowledge is power, and all knowledge can be found quickly through the internet (Wong & Wong 2007). With all of these characteristics in mind, Howe and Strauss (2000) believe that the following seven core traits can be linked to the Millennial Generation:

- They are made to feel they are *special*.
- They have been *sheltered* by their parents and society.
- They are *confident*, with high levels of trust and optimism.
- They have developed strong team building skills (*team-oriented*).
- They are *conventional*, following rules and standards.
- They have been *pressured* to study hard and excel.
- They are high *achievers* and highly educated.

Table 1.1 contains the descriptions associated with each core trait.

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TABLE 1.1 Millennial traits

Trait	Description
Special	Have always been treated as special and important. This generation of children has been the most wanted. Every milestone in their lives has been marked with celebrations and praise. They may carry a sense of entitlement about themselves and have an expectation of frequent positive feedback. It has been instilled in them that they are vital to the nation and to their parents' sense of purpose. They feel they are here to solve world problems that older generations have failed to solve. They may claim they want privacy, but they crave attention.
Sheltered	Highly protected as children. Grew up in a time of increasing safety measures (car seats, baby on board signs, school lockdowns). They were rarely left unsupervised. They were sheltered from having to take care of their own conflicts as parents advocated on their behalf, and "spared" them from unpleasant experiences. As school learners or university students, they may expect teaching staff to shelter, protect, and nurture them – and resolve their conflicts for them.
Confident	They are motivated, goal-oriented, and confident in themselves and the future. They expect a school to help launch them to greatness. They may brag about their generation's power and potential. They have high levels of optimism and they feel connected to their parents. They are assertive and believe they are "right".
Team-oriented	They are group-oriented rather than being individualists. They may sacrifice their own identity to be part of a team. They prefer egalitarian leadership, not hierarchies. They form a tight-knit generation. While they are group-oriented within their own cohort, they may "politely" exclude other generations. They do not want to stand out among their peers; they want to be seen as part of the group. They dislike selfishness and are oriented toward service learning and volunteerism.
Conventional	Respectful to the point of not questioning authority. They are civic-minded and believe the government knows what is best and will take care of them. They fear being considered non-conformist. Their clothing, music, and cultural markings will be very mainstream. They value their parents' opinions very highly. They support and believe in social rules, and are more in line with their parents' values than most other generations have been. They are trying to invite rules and norms back into the culture.
Pressurised	Tightly scheduled as children and used to having every hour of their day filled with structured activity. This generation may have lost a sense of pure spontaneous play. They may struggle with handling free time and time management in general. In elementary, middle, and high school they have had more hours of homework and less free time than any of the previous generations. They feel pressured to succeed. They have been pushed hard to achieve, to avoid risks, and to take advantage of opportunities. They may take on too much, and then think others should be flexible with them when they want to negotiate scheduling conflicts. They think multi-tasking saves time and is a smart thing to do, but are usually unaware of the poorer quality of results.

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TABLE 1.1 (*continued*)

Trait	Description
Achieving	Grade points are rising with this generation and crime is falling. The focus on working hard, getting good grades, involvement in extra-curricular activities, etc. is resulting in higher achievement levels. They are pressured to decide early on a career. Their focus is more on the world of achievement rather than personal development. The Boomer generation made their mark in the humanities and arts, whereas the Millennials prefer maths and science fields.

Source: Adapted from Howe and Strauss (2000)

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Activity 1.1

List the characteristics and the core traits that you see as the major difference between today's students and those of previous generations. What challenges do those differences present to you as an educator?

The characteristics and the core traits described above provide some background knowledge about differences between the Millennial Generation and previous generations. However, there are two important issues that need to be addressed in this chapter in order to understand the Millennial Generation better, namely the learning styles of the Millennial Generation and strategies to engage and motivate the Millennial Generation.

1.2 LEARNING STYLES OF THE MILLENNIAL GENERATION

Before explaining the strategies for teaching the Millennial Generation, it is important first to discuss and understand the learning styles of this cohort. In the 21st century classroom, the learners want to control how, why, and when a task is completed. Woods, Wilson and Walkovich (2011) identify the preferred learning styles of Millennial Generation learners as follows:

- Experimental activities
- Using technology
- Structure
- Teamwork

1.2.1 Experimental activities

Kinaesthetic and visual learning styles are the most prevalent in Millennial Generation learners. Rather than learning by the traditional transmission or the auditory lectorial learning model, which treats learners as passive receptacles of information, Millennial Generation learners prefer "active learning". They favour learning experiences which actively engage them, and construct their own learning by

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"doing" rather than simply being told. They also prefer multi-sensory media such as diagrams, graphs, video and flow charts, rather than merely text.

Such an approach to learning is effective – learners retain 5 per cent of materials presented in the classroom, 10 per cent of what they read, 20 to 30 per cent of what they see, and 75 per cent of what they do. Consequently, a discovery approach to learning or an approach of process over content increases information retention by lessening opportunities for boredom and increasing learner participation. However, a balance needs to be maintained between didactic and discovery approaches. The goal must be to match the appropriate use of technology with the content and the learners' learning styles (Woods, Wilson & Walkovich 2011).

1.2.2 Technology

Millennial Generation learners are technologically savvy and therefore relate to and appreciate the flexibility and the convenience of an online teaching environment. Like all learners, they engage better with material that is meaningful or anchored within their own experiences. This, together with a greater ability to study at their own time, pace and choosing, is recognised as being important in order to provide an environment for deep learning and understanding. However, more technology is not necessarily better. It is not technology per se that makes learning engaging: it is the learning activity. Therefore, as indicated by phrases such as web "surfing" and "texting", the only innovations valued are those which enable engagement by making learning more active, social and learner-centred.

1.2.3 Structure

Although today's learners want to be entertained, learning has to be "high touch" as well as "high tech". Millennial Generation learners prefer a supportive learning environment which appropriately scaffolds or structures the teaching and learning process. Consequently, presenting material in "bite-sized chunks" or via a step-by-step approach, makes large bodies of text more manageable and more readily processed. Additionally, although tasks may be done online, feedback and monitoring by instructors still fulfil an important motivational role.

1.2.4 Teamwork

Millennial Generation learners gravitate towards activities that promote peer or social interaction. They therefore often prefer group-based approaches to study and activities that encourage cooperative learning. Indeed, the prevalence of online gaming encourages collaboration among players and thus provides a context for the emergence of learning communities. Such collaborative activities improve learner relationships and social development. They also increase academic learning and retention, cognitive development, and active engagement, and provide an authentic learning experience that develops marketable skills, such as communication and teamwork.

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Activity 1.2

Think of today's learners and list and discuss their learning styles or preferences.

1.3 UNDERSTANDING AND ENGAGING TODAY'S LEARNERS

1.3.1 Introduction

When educators get together to talk about their work, the conversation inevitably comes round to the learners they are teaching – their habits, the challenges they are facing and the challenges they pose as learners. One of the best resources on this topic is the video by Michael Wesch, a cultural anthropologist at Kansas State University. In this video (Wesch 2007), Michael asked his students a simple question: "*What is it like being a student today?*" Student responses – at once provocative and disturbing – say a lot about the current generation of college and university students and how educators can create environments that would help them learn. Students seem to feel that they are not being taught in the ways best suited to help them achieve deep, meaningful learning. They seek engagement and connection. Given the characteristics of the Millennial Generation, in this they seem to be typical of Millennial Learners.

That being said, the questions then become, *"How can we understand the learners in our classrooms?"* and when we understand them, *"How can we meet them where they are?"*

1.3.2 Learner-centred learning

Learner-centred learning has the power to motivate and inspire today's learners – Millennial or otherwise – and is a tool for creating the kind of students you would like to teach. It is useful to focus on two elements at the heart of learner-centred learning when discussing how to apply it in classroom situations, namely *understanding learners*, and *engaging learners*, that is, *connecting them with content and each other*. Both of these elements will be discussed below. The purpose is to spur your thinking so that you come up with ideas or strategies that you can try in your classroom tomorrow.

1.3.3 Understanding learners

Understanding learners means taking an interest in them as persons and making clear your commitment to being a partner in their learning. According to Price (2009), Millennial Learners think the ideal educator is energetic, enthusiastic, flexible, tuned into learners, friendly, and approachable. Educators showing these traits were perceived by students as being more in touch with student culture, and therefore better educators.

Another strategy for meeting learners where they are is to use their names during your class. If you cannot remember names (either because your class is too large or you simply do not have the knack for it), there are techniques to help you. Some educators print class rosters with students' pictures so that they can refer

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to students by name whenever possible. Others ask learners to state their names before answering a question or offering a comment. This approach personalises classes in a very important way and shows learners that you care about them as individuals. Finally, you might arrive a few minutes early for class and stay a few minutes late, to greet learners as they enter and leave a class. This is a great opportunity to talk to your learners, learn about them, and show that you are a partner in their learning.

1.3.4 Engaging learners

According to Price (2009), the number one characteristic the Millennial Generation desires in an ideal learning environment is that it be interactive and participatory. In other words, it connects learners to content and to each other in meaningful ways.

CONNECT WITH CONTENT

Today's learners value content that they can access anywhere, anytime. Online resources appeal in ways that traditional, printed textbooks do not. It is important to assign complex reading to learners, but you might ask yourself whether you can balance this with other kinds of resources: videos, podcasts, or other forms of multimedia.

You might also set assignments in which learners themselves generate content that is used to teach their peers. In one Biology class, learner groups were responsible for researching a topic assigned by the educator. These groups were required to create a video presentation of their information, along with five questions, for the rest of the class. These videos were uploaded to YouTube where other class members watched them. The educator then assigned learners to discuss the questions online and in class. This particular approach shows a good intersection of engagement and participatory learning.

CONNECT LEARNERS WITH EACH OTHER

Today's learners clearly value social connections and use technology to facilitate these. Why not leverage that in your classroom? Build formal and informal cooperative learning activities into your teaching material and encourage learners to come up with ways to establish a community of practice. They may start Facebook groups or use other social networking platforms to collaborate. They may use blogs or wikis or Google Docs as platforms for shared knowledge creation. When you employ student-centred principles of this kind, learners are more likely to be inspired by your teaching. Interestingly, it is just as likely that you too will become more inspired by using these approaches.

Activity 1.3

Think of today's learners and list and discuss strategies you would use to *engage and connect with them* in or outside the classroom situation.

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CONCLUSION

In this chapter you have learnt more about the emergence of the Millennial Generation, their characteristics and learning styles. Finally, the strategies on how to engage, connect and meet Millennial Learners where they are, were highlighted. A mind map of the major aspects of this chapter is provided – see Figure 1.1. It can be used to reflect on what you have learnt as you worked through the chapter.

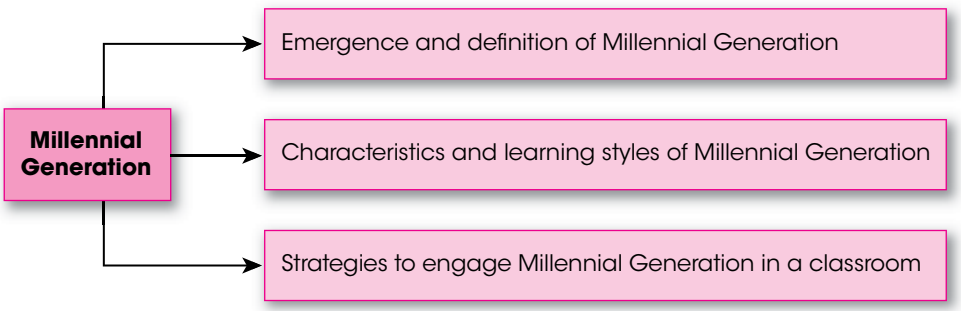


FIGURE 1.1 A summary of Chapter 1

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2

E.J. van Niekerk

Self-management for the educator

INTRODUCTION

Good self-management enhances efficient classroom management. According to Kruger and Van Schalkwyk (1997: 167), educators can only manage their classrooms when they can manage themselves, as this is where all management starts. As this is really something significant to reflect on, this chapter will focus on the following aspects of self-management:

How to manage your

- career in a holistic way
- approach to work
- work objectives
- development as an educator
- emotions
- time
- motivation.

Self-management within the education context pertains to the success with which educators do things to help them achieve work objectives. It should be kept in mind, however, that a person's non-occupational life is intimately intertwined with his or her working life; therefore the scope of self-management should be extended. Self-management can then be broadened to include the attempts of an educator to attain life and work objectives. This is an important shift in emphasis, as life should form a meaningful whole as far as possible, and our working lives should be meaningfully integrated into our lives as a whole. This is especially significant for educators, whose task it is not only to teach school subjects to the next generation, but also to show learners how to lead meaningful lives. Educators should therefore be well-balanced individuals.

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Activity 2.1

Life should be lived as a well-integrated, meaningful whole. Reflect on the meaning of this statement for yourself, and then attempt to answer the following questions:

- Do I have an inspiring vision for my life?
- Do I have separate visions for the various aspects of my life?
- How do these relate to the encompassing vision for my life?
- How can I help myself to attain my vision in the various aspects of life through good self-management?
- How does my work as an educator relate to all this?

In its broadest meaning, a sense of purpose relates to a person's view of life and world view. If you want to lead an integrated life, your vision in all aspects of your life should be well-integrated with your view of life and your world view. Clearly defined personal, family and life goals are important aspects of self-management, because your personal goals influence the way you see yourself, your self-development, what you want to achieve in life, and therefore also your work objectives and work performance.

According to Coetzee (2002: 154–155), a holistic approach to life excellence requires a balance of all dimensions of the self in living and working. She identifies six general areas of living and working that need to be balanced, namely the professional dimension, the financial dimension, the social dimension, the cultural dimension, the creative dimension and the personal dimension. Demartini (2012: 29–32; 2010: 19–55; 2008b) identifies the spiritual, mental, vocational, financial, familial, social and physical dimensions as those that every individual should pay attention to. Your whole life actually impacts on how you approach your work as an educator. The way that you manage your own life will therefore affect the way you manage your classroom. Strive to manage your life well, because an educator also has the responsibility, apart from teaching, to set an example to learners of how to manage their own lives. Your example in the classroom will be a valuable cue to learners for their self-management. If you manage yourself and your classroom well, they will also be inclined to manage their learning better.

2.1 HAVING A LIFE AND WORK VISION

You may have identified various aspects of your life that need to be managed and integrated into a life plan that makes sense to you. A vision is a most important part of your life and work. It is worthwhile to spend time on envisioning because it

- creates energy
- focuses energy
- structures
- prioritises

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- provides purpose and meaning
- has a pull effect
- acts as educator
- directs
- binds.

Some educators may wonder how big their visions may be. As you influence the learners in your class, it may be as big as you desire, and may even encompass impacting on the entire world and beyond. Through your influence as a subject educator and an educator of individual persons, you may have a positive or negative effect at the level of the local environment through the lives of your learners, and also at provincial and national level. Even the entire globe may benefit from what you do in class through the impact of the various things that your learners may do later (Demartini 2008b: 143–144). Part of our problem in education in South Africa may be that educators think in too limited a way, and do not work as inspirational creators of a better future for their learners and society. Educators do not always realise that they, in a very real and meaningful way through their daily work, impact on the future.

Here are some steps and ideas for creating a vision for your life and its various aspects (De Kock 2004: 119–120):

- Your vision must make sense to you and you should believe in it passionately, because this will make the difference.
- Use your imagination to establish what type of life you would like to live in future.
- At this stage only answer the What? and Why? questions relating to your vision.
- Do not allow your inner critic to limit your dreams.
- Do not allow irrational thoughts and expectations to influence you.
- Use your insight into yourself and the feedback from your partner and friends to help you create your vision.
- Formulate an outline of the person you would like to be and the life you would like to live.
- Do not be too general; rather be more specific.

Activity 2.2

Formulate your vision by completing the following sentences. This exercise may give some direction to your formulation process (De Kock 2004: 121–122):

- I would like to be …
- I would like to live a life that is ...
- In my relationships ...
- In my work I would like to ...
- I would like to be remembered as ...
- I would like to learn/achieve ...

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Some educators are notorious for their scepticism and for having a fixed pattern of doing things – a pattern that has actually become a rut in which they are trapped. Prevent this type of work approach by envisioning and following your dreams. Educators need to project confidence and the impression that they are on a meaningful journey. Manage your life in a visionary way. In Chapter 5 more detailed attention will be paid to creating and communicating a vision as part of the leadership task of the educator.

As already alluded to, envisioning also relates to the broader context of society; being an educator involves you in contributing to society in a meaningful way. In other words, through your working life you are integrated into the community and its future well-being in a very real sense. Therefore it is important that educators conduct themselves according to the highest standards of their profession. A worthwhile vision, coupled with good self-management, will assist you in getting your personal and working life in order so that you can make a contribution to society.

2.2 MANAGING YOUR APPROACH TO WORK

Wheeler (2005: 24–26) discusses self-management as an approach to one's working life; she calls it "be[ing] yourself for a living at work". This concept is based on three cornerstones. The first cornerstone concerns the individual: you. It relates to the individual's self-actualisation, optimal development, successes, and what the individual enjoys and is good at. The starting point is to identify those aspects of education that you like best and are good at, and to build on them as a starting point for developing your career.

The second cornerstone relates to making a meaningful contribution to the world through the work that the individual does. Educators usually do not find this difficult to understand, for many of them join the teaching profession exactly for this reason, namely to be of service to the community. Being of service attaches a higher-order meaning to the individual's work, as it provides satisfaction associated with making a significant contribution.

The third cornerstone relates to earning money to provide for oneself and one's family by adding value and being enterprising and innovative. Being yourself for a living at work is a combination of these three cornerstones.

Wheeler (2005: 25) describes the accomplishment of being yourself for a living at work as follows:

> The process is threefold: firstly look at who you are, outside your job and in it; secondly, look at the trends, needs and gaps in your context, your organisation and broader environment; and thirdly, align the one with the other.

Self-management in education can be enhanced if educators take note of the three cornerstones and implement the process of being yourself for a living at work. It encompasses a good self-management technique and a healthy way of managing your approach to work, as it essentially combines earning a living with being yourself and being of service. The work of John F. Demartini gives valuable guidance on managing your approach to work (Demartini 2008a; 2008b).

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2.3 MANAGING YOUR WORK OBJECTIVES

It is important that your work objectives be directly aligned to your vision for your work. Managing personal work objectives is important because it relates directly to your achievement in the workplace. It gives direction, ensures that you do what needs to be done, helps you to focus on important things, ensures that outputs are achieved and helps you to control and evaluate work (Steyn & Van Niekerk 2012: 244). Objectives should actually break your vision down into specific goals that are accurately described and achievable.

This is done by formulating SMART objectives (Steyn & Van Niekerk 2002: 122; De Kock 2004: 125–127):

S Specific (your goal should be very specific and well-described)
M Measurable (in terms of money, time, input, numbers, etc.)
A Achievable (within the environment or circumstances)
R Realistic (you must be able to attain your goal; it must not be irrational)
T Time-limited (there must be a definite date of completion and intermediate dates leading up to it)

An example of a positive SMART goal is the following: Draw up a workable classroom policy according to the guidelines provided in this book in collaboration with the classes you teach, in the first week of the new school term.

Activity 2.3

Now is your chance to formulate a work objective.

Set a work objective in terms of the SMART acronym and then answer the following questions about your goal:

- How does it support my vision?
- How does it support my values?
- How will it improve my personal fulfilment and self-esteem?

If you reach the goals that are important to you, according to De Kock (2004: 125), you increase your self-esteem and your happiness and start a positive cycle of higher self-esteem, more happiness, feeling good about yourself, having more confidence in your ability to attain goals, etc. Therefore, if you want to look like and be a professional educator, play your part in attaining your goals. In his recipe for happiness, De Kock (2004: 124) even describes happiness in terms of goal achievement:

- Find a goal in life to which you can devote yourself.
- Work hard at achieving this goal.
- Make sure that this goal is in line with your values, principles and priorities.
- Devote yourself to an evolving goal, something that constantly challenges you, that grows and tests your skills, dreams and aspirations.

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- Find people who will celebrate your achievements and who will cheer you on.
- Find people who will help and support you when the going gets tough.

Education must surely provide enough scope for educators to formulate their own visions and goals that can evolve with time and challenge their many talents and skills. By formulating your goals well, you will definitely improve your classroom management skills.

It also helps to think of education as a somewhat "seasonal occupation". It is rather like farming. There is a time every year for sowing, nurturing young plants, watching them grow and, in the end, a time for harvesting. Every school term can also be seen in this way, with the series of tests or the examinations as the time of harvesting. A great deal of satisfaction can be derived from this image of education, for there is always the harvest to look forward to – the time when learners show what they have learnt during the term or year. Work objectives can also be assigned according to the term and year outcomes that must be achieved. This can really help you manage your class in a fantastic way. There are many aids available to the educator, such as the curriculum and the term plan, some of which are discussed in later chapters.

Of course, there is also a time for celebration and for rest, which will hopefully be the greater part of the weekends and the entire holiday period after each term. When you have attained your objectives, you deserve the rest in order to recharge and recuperate!

In managing work objectives it is also important for educators to know how to manage those aspects of teaching that they do not like. Many educators, for instance, do not like administration. Demartini (2006: 23–31) provides good advice on how to love all aspects of your job; he states that those problematic aspects need to be linked to your highest priorities and your life and work vision that you love aspiring towards. Every job has those aspects that are less attractive if not aligned to your overall vision, but when you see how those very aspects serves you in working towards your vision, it becomes something that you can also do with an attitude of gratitude. In order to experience life and work fulfilment, it is necessary that you strive to love all aspects of your job.

2.4 MANAGING YOUR DEVELOPMENT AS AN EDUCATOR

Your classroom management will improve as you develop your talents and skills as an educator. If you improve your classroom management, you will make a valuable contribution to your school by moving on to reach its vision and mission of effective teaching and learning. This is discussed more extensively in the next chapter. All the changes that took place and are taking place in South African education necessitate the training and development of educators to equip them for new challenges. All these changes have brought many opportunities for in-service training, upgrading of qualifications and improvement of skills. Educators should make use of these.

The Integrated Quality Management System (IQMS 2003) has put in place a

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means for educators and their managers to determine where the development needs of individual educators lie. This can then form the basis of the further development of the educator. Educators can also determine their development needs by other means. For example, they can become familiar with the criteria in the area for evaluation in the *Evaluation guidelines and criteria for the whole-school evaluation policy* (Department of Education 2001) which specifically relate to the classroom work of educators. This specific area for evaluation is called *Quality of teaching and learning and educator development.*

Activity 2.4

The following criteria are applied in the area for evaluation called *Quality of Teaching and Learning and Educator Development* to determine the quality of teaching and educator development:

- How well do the educators plan and do they have high enough expectations?
- Are the educators knowledgeable about their subjects?
- Do the educators employ appropriate teaching strategies for all learners?
- Do the educators use resources appropriately?
- Do the educators manage the class well and create a good working environment?
- Do the educators assess learners in a way that helps their teaching to be effective?
- Do the educators make good use of homework?
- Have the educators any means of evaluating the success of their lessons?

Answer the above questions to determine your own development needs and those of the educators in the learning area in which you teach.

The educator roles described in *Norms and Standards for Educators* (Department of Education 2000) and retained in the *Policy on the minimum requirements for teacher education qualifications* of 2011 (Department of Higher Education and Training 2011: 7) also provide a good indication of what is currently expected from educators.

Activity 2.5

Analyse your development needs in view of the following educator roles as reflected in the above policies:

- Learning mediator
- Interpreter and designer of learning programmes and materials
- Leader, administrator and manager
- Scholar, researcher and lifelong learner
- Community, citizenship and pastoral role
- Assessor
- Learning area/subject/discipline/phase specialist

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Morrison (1998: 89) provides the following list of main focus areas for initial and in-service training for educators to promote the ideal of a quality education for all:

- Subject knowledge
- Subject application
- Planning the curriculum
- Class management
- Pupil learning
- Teaching strategies and techniques
- Assessment and recording of pupil's progress
- Further professional development
- Relationships with children
- Pastoral care
- Departmental management
- Leadership

Activity 2.6

Make a list of activities in which educators can participate to enhance their self-development.

Add the following to your list, if they do not already feature (Buchel 1992: 32):

- Coaching
- Attending in-service training courses
- Reading books and periodicals on education
- Distance education/learning
- Participating in discussions
- Attending lectures and debates
- Trying new experiences and methods
- Talking to experts
- Attending workshops, seminars and conferences
- Organising school development programmes

To manage their self-development educators should identify their needs, the type of development desired and suitable providers for their development needs. After the development training they should implement what they have learnt, evaluate their progress and discuss it with their manager in order to determine whether the progress is satisfactory, or whether further development in the area is required.

With the Integrated Quality Management System (IQMS 2003) in place, it is hoped that educators will not only have a better idea of what their development needs are, but will also be empowered to do something about their own improvement in order to become better educators. This is an essential aid to managing your own development. You also need to take an active interest in and create your

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own opportunities for self-development; you should not have the attitude that your managers are the only people responsible for creating opportunities for you.

2.5 MANAGING YOUR EMOTIONS

2.5.1 Defining emotional intelligence

Teaching is not an easy profession – the educator must be a mature person to be able to handle all the emotions involved in educating learners in an intelligent way. Some of the positive emotions you may experience as an educator are: being fulfilled, calm, confident, satisfied, encouraged, empowered and grateful; but you may also experience feelings of anger, impatience, anguish, nervousness, frustration, depression, and irritation. You have to handle the feelings of colleagues and learners, who experience similar emotions, as well as your own feelings, on a daily basis.

Teaching is a person-oriented calling, which is what makes it so rewarding but also so challenging. Only the emotionally fit can best handle teaching.

According to Minnaar and De Kock (2003: 6) and Weisinger (1998: 27), you are an emotionally intelligent educator if you are a person who can

- understand your own emotions better
- manage your emotions more effectively and thereby increase your own quality of life
- understand others (including learners!) better, and in this way interact more comfortably with other people
- on all levels and in all walks of life, build more satisfying relationships with other people and thereby improve your personal power and productivity.

It is clear from the above definition that emotional intelligence is an essential skill for effective classroom management, but it is also an ingredient of self-management. A person can only manage himself or herself optimally if he or she manages the many emotions in everyday life in an intelligent way. The emotionally intelligent educator will experience less stress and anger and consequently be more productive in the long run. The emotionally intelligent educator will also have more satisfying relationships with learners, colleagues, managers and parents.

In the classroom, emotional illiteracy can lead to the following:

- Poor decisions
- Poor classroom atmosphere
- Too slow or too fast tempo of work
- Lack of discipline or too strict discipline
- Inappropriate leadership style
- Lack of motivation
- Depression
- Inappropriate competitive climate
- Lack of cooperation
- Learner alienation from the educator

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Emotional literacy on the part of an educator will bring about the opposite of the above and can, among others, have the following positive results on classroom management (Gregory & Parry 2006: 11):

- Attractively decorated classroom
- Examples of learners' work displayed
- Sunshine colours and a class full of light
- Encouraging educator
- Time allowed for thinking before an answer is required
- Comforting and relaxed classroom atmosphere
- Constructive feedback
- Appropriate challenges
- Use of a variety of focus techniques
- Diversity of learner learning styles being taken into account

Emotionally intelligent educators are therefore a great asset to the teaching profession. Emotional intelligence is essential to leadership, because leadership entails influencing people, and all educators are the leaders of the learners in their classes. The connection between emotional intelligence and leadership is discussed briefly in Chapter 5. However, emotional intelligence covers a very wide field and it is also a very complex topic. The brief discussion in this section can only make readers aware of the importance of emotional intelligence to self-management. Those who wish to develop emotional intelligence will have to do their own reading on this topical subject.

2.5.2 Stress management

Stress and anger are two barriers to emotionally intelligent behaviour and it is therefore disturbing that educators experience such high stress levels (*Pretoria News*, 2 December 2002: 1). It is essential that they learn to cope with stress and anger in the most efficient way. To determine your level of stress and to become more aware of the role of stress in your life, you first need to determine the causes of stress. After that you can investigate stress-relieving techniques and put into practice skills and techniques to prevent stress from reaching levels that inhibit your functioning and damage your health.

Activity 2.7

Learn about your stress by formulating your own life history of stress as follows:

- Identify and describe the stressors.
- Identify and discuss the consequences of stress.
- Describe past and present coping strategies.
- Discuss whether the coping strategies have worked for you.

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In this section we will only discuss stress in the working environment, although this cannot be separated from the broader context, which you can investigate on your own.

In the international context, Joseph (2000: 141) identifies the following principal causes of educator stress:

- Bad management
- Staff employment conditions
- Lack of subject knowledge
- Excessive workload
- Lack of time
- Excessive paperwork
- Inadequate resources
- Too many meetings and not enough action
- Lack of parental support
- Poor communication systems
- Lack of discipline
- Lack of common courtesy/respect/manners
- Lack of support
- Unqualified management
- Lack of recognition

You can compare what you find in your own stress history with these causes and with the findings of the South African study presented next.

Olivier and Venter (2003) identify the following stressors:

PROFESSIONAL DISTRESS

- Inadequate salaries

DISCIPLINE AND MOTIVATION

- Learners' lack of discipline and motivation
- The abolishment of corporal punishment

WORK-RELATED STRESSORS

- Rationalisation (right-sizing)
- New learner-educator ratios (large classes)
- Lack of space, infrastructure and resources
- A high noise level; general rowdiness in class

TIME MANAGEMENT

- Unnecessary wasting of time
- Neglect of personal interests
- Feelings of guilt if time is wasted; consequent increase in workload

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PROFESSIONAL INVESTMENT

- Educators not given the opportunity to air their opinions
- Their authority being thwarted
- Being left in the "cold" and becoming despondent

EMOTIONAL MANIFESTATIONS

- Feelings of depression
- Suicidal thoughts and suicide attempts

CARDIOVASCULAR AND GASTROLOGICAL SYMPTOMS AND FATIGUE

Only some of these stressors are dealt with in this book, especially those associated with the classroom situation, such as learners' lack of discipline and motivation, large classes and time management. Life events and personal factors are not discussed, but these, together with the organisational and work-related factors discussed here, can also contribute to stress.

There are numerous consequences of stress, but they can be categorised into physical, psychological, behavioural and organisational consequences (Harris & Hartman 2002: 407):

PHYSICAL

- Cardiovascular disorders
- Gastrological disorders
- Headaches
- Physical fatigue

PSYCHOLOGICAL

- Anger
- Depression
- Low self-esteem
- Inability to concentrate

BEHAVIOURAL

- Drug abuse
- Alcohol abuse
- Overeating or undereating
- Aggression
- Vandalism
- Poor interpersonal relationships

ORGANISATIONAL

- Tardiness
- Absenteeism
- Missing deadlines

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- Forgetting appointments
- Making unnecessary mistakes

Activity 2.8

Under each of the above headings (physical, psychological, behavioural and organisational), add more consequences that you have come across in your professional career and otherwise.

There are many coping strategies for handling stress. The most important first step is to decide whether you need professional help or whether self-help is enough (Minnaar & De Kock 2003: 54). According to Joseph (2000: 119–120), you should consider all of the following points when managing your stress:

- It is important at all times to keep a positive self-image and not engage in negative self-fulfilling prophecies.
- You should learn to be assertive.
- Make time and use it wisely for forward planning to anticipate, innovate and excel.
- Whenever you attempt a new method of coping with stress, identify the successful and unsuccessful elements of the strategy.
- Recognise the true and relevant sources of stress and not simply the often wrongly assumed source.
- Identify a stress rEducation technique that has worked previously.
- Widen your social circle in order to network and reduce stressors through social support.
- Try to bring feelings out into the open where possible.
- Try to say no to unnecessary demands.
- Try to come to terms with each individual situation.
- Get your priorities right about what is important to you.
- Enjoy yourself with your friends and family.
- Learn to delegate.
- Make small but regular changes to your lifestyle, but do not embark on a crash "stress diet".
- Seek the support and advice of your doctor if you are worried about your health.
- Get to know yourself better. Find out what is right for you.
- Treat yourself when appropriate.
- Think realistically about what is achievable and what is not.
- Get involved in activities where the negative stressors are partially or fully removed from your mind for a while, such as sport or hobbies.
- Try where possible to improve your lifestyle, diet and sleeping habits.
- Make space and create time for action.

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Also keep the following in mind to reduce negative stress (Demartini 2002; 2004; 2006; 2007; 2008a; 2008b; 2009; 2010; 2012):

- Align all aspects of your job to your vision and your values.
- Be thankful for both the challenges and the support in your life and job, since you need both to become what you can and should be.
- Love your learners and colleagues and all other people for who they are, and not for what you would want them to be.
- Learn how to build satisfying relationships in all spheres of your life.
- Master the art of renewing your mind at any given time through balancing your emotions and through relaxation techniques.
- Use time according to your highest priorities.
- Master personal financial management.

If you have learnt to live a grateful, inspired, enthusiastic and loving life, it is a sure sign that you have learnt to master stress. To assist educators further to master their stress, they may use the following stress management techniques (Sharman 1995: 209–214):

- Eliminate or modify stressors in your environment.
- Alter your perceptions of stressors.
- Change your own stress-producing behaviour.
- Alter aspects of your lifestyle.
- Regularly practise relaxation techniques.
- Air your concerns in a supportive environment.

Activity 2.9

Using the above stress management techniques, do the following:

- Suggest something for each point, which you can do to reduce stress in your own life.
- See how many of Joseph's suggestions, as well as suggestions by Sharman, above can be accommodated in the above techniques.

Unfortunately, as an educator you will always experience negative stress if you are not able to handle interpersonal conflict in an assertive manner. Improving assertiveness, which will be discussed in section 2.5.4, is vital for reducing your personal and work-related stress.

Effective self-management and managing your stress adequately are closely related. One of the major causes of stress is not doing what needs to be done competently and in good time. If you therefore do your work as educator well and in an inspired way, and are ahead of schedule rather than behind, you will be in a much better position to cope with stress.

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2.5.3 Anger management

When faced with a frustrating or anger-producing situation, one can either avoid the situation, deal with the situation destructively or constructively, or change one's attitude (Minnaar & De Kock 2002: 84). It is sometimes possible to avoid people, topics or situations that make one angry.

One can deal with anger in a negative or destructive way and get immediate relief from anger, but this might end in broken relationships and lead to a pattern of not solving problems. The following is a list of negative behaviours that may be displayed by educators in their classes in order to deal with their anger (Minnaar & De Kock 2002: 85):

- Physically assaulting learners
- Scolding, lecturing or abusing learners
- Nursing anger by holding grudges
- Engaging in vengeful thoughts and behaviour
- Criticising and blaming learners, not acknowledging their own mistakes
- Cursing, calling learners names or ridiculing them
- Making sarcastic remarks
- Denying anger and repressing feelings
- Exploding, throwing a tantrum
- Being irritable with learners
- Dwelling on negative thoughts
- Indulging in hostile fantasies
- Putting learners down
- Sulking
- Dominating learners
- Feeling depressed
- Experiencing feelings of inferiority

Educators can deal with anger in a constructive way (Minnaar & De Kock 2002: 86–87) by

- becoming aware of and acknowledging their anger
- choosing to pause and select a constructive way of dealing with their anger
- determining whether their anger is appropriate or inappropriate
- accepting that they alone can manage their thinking, emotions and behaviour
- consulting their list of calming thoughts
- handling the situation in a more appropriate way.

We need to consider changing our attitude when the anger trigger is not worthy of our anger, when our anger is not justified or appropriate, or when we can do nothing constructive about the situation. We can use a cognitive restructuring process in which we identify negative, irrational beliefs and replace them with truthful, rational statements. The following is an example in the education context: instead

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of thinking, "Learners are lazy, rowdy and disruptive", the thought can be transformed into a somewhat more truthful statement, for example, "Some learners are lazy, rowdy and disruptive, but fortunately most would cooperate and work hard under the right guidance". In this way we learn to develop a more positive and truthful thinking pattern. Self-management will be enhanced by more effective anger management in the classroom, and productivity and classroom climate will improve.

2.5.4 Becoming assertive

Assertiveness means being aware of your needs, opinions, feelings and beliefs and expressing yourself appropriately, calmly, clearly, directly and honestly, so that both you and others can keep your/their dignity and self-respect (Amos 1999: 48–49). This is not only important when dealing with learners, but also when dealing with colleagues, managers, parents and others.

Because assertiveness relates directly to one's style of communication, it may be strongly culturally conditioned, so when reading through the following advice on being assertive, you should relate it to your own cultural context and adapt it accordingly.

When you are making requests, be brief, direct and open; believe you have the right to make reasonable requests; give a brief reason for your request; respect the right of others to say no and make sure they know you respect it (Amos 1999: 53).

When saying no, acknowledge the request and the person's right to make it; ask questions if you need more information before making a decision; be brief, but not curt; be honest with the reason you give for refusing; personalise your decision and do not hide behind rules or other people; say it nicely; ask for more time if you need time to decide (Amos 1999: 53–54).

When disagreeing with people, accept that you have the right to your own opinion; be firm, honest, polite and open-minded; realise that an opinion is not necessarily right or wrong, it is just someone's opinion; separate facts from opinions; stick to logic, not emotion (Amos 1999: 55).

Activity 2.10

Formulate directions on assertiveness that will be meaningful and helpful to educators in your cultural context.

The goal of assertiveness is to choose your behaviour and not to be at the mercy of your emotions and feelings. The ability to respond assertively means managing your emotions, thoughts and behaviour in an appropriate way (Amos 1999: 57). One method of learning assertiveness is the PLANT method given in Table 2.1, which is designed to help educators respond assertively in difficult situations.

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TABLE 2.1 Assertiveness

P	PREPARE in advance. Unless the situation arises without warning, prepare the way in which you will handle it. Go through the other four steps and decide how you can handle things assertively. Think how to deal with potential problems. Decide exactly what you want to achieve. Even if you are surprised by a situation, you can always ask to discuss it later, which will give you time to prepare.
L	LISTEN actively to the other person and what he or she has to say. Make sure you have understood and ask questions if necessary.
A	ACKNOWLEDGE what the other person has said. Tell him or her that you have understood. This is vital to make the other person listen and not interrupt. People often interrupt because they think you have not understood and they are more likely to listen to you if they know you have listened to them.
N	NOW IT IS YOUR TURN to put across clearly, calmly and concisely what you want to say, your opinion, how you feel, or the facts as you see them. This is where you get to make your own point.
T	TRY TO AGREE. Lastly, indicate what you want and try to come to an agreement or compromise. At least show that you are willing to go on and discuss the issue. Then let the other person speak and you start listening again.

Source: Amos (1999: 52)

In order to improve assertiveness, while at the same time reducing stress and anger in your school and classroom environment, educators should learn how to communicate well in crucial situations. The book *Crucial conversations* by Patterson, Grenny, McMillan and Switzler (2012) provides some good advice in this regard. It is recommended that all educators take note of its content in order to improve their communication.

2.6 MANAGING YOUR TIME

One of the best ways to improve your self-management is to improve your use of time. The introduction to this chapter gives some indication of the demands placed on educators. Good time management will give you a feeling of being in control and will at the same time make it possible for you to get through the day more calmly.

The most effective way of improving time management is to identify time wasters that apply to you, work out ways of eliminating them and then apply your strategy for making better use of time. Once you have applied your strategy for some time, you will need to evaluate the results and then come up with an improved strategy if there is room for improvement.

Activity 2.11

Potential time wasters are listed below. Identify their possible causes and provide solutions to each. You should spend extra time on those that apply to you specifically.

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Time wasters	Possible causes	Suggested solutions
• Lack of planning		
• Lack of priorities		
• Overcommitment		
• Management by crisis		
• Paperwork and reading		
• Indecision		
• Unclear objectives		
• Postponed decisions		
• Procrastination		
• Lack of delegation		
• Lack of self-discipline		
• Unnecessary meetings		
• Lack of classroom management skills		
• Inconsistent actions		
• Socialising and interrupting others		
• Cannot say no		
• Daydreaming		

Source: Commonwealth Secretariat 1993: 31–32; Kruger & Van Schalkwyk 1997: 159–160

The following questionnaire will give you some indication of how you use time and help you identify time wasters that you may have overlooked in the list in Activity 2.11.

Activity 2.12

How do you use time? Tick the most relevant column	Regularly	Now and then	Never
1. Do you make a list of things to do every day?			
2. Do you indicate the most important things on your list?			
3. Do you always complete all the activities on your list?			
4. Do you cope well with interruptions?			
5. Do you allow time each day to work quietly on your own?			
6. Do you allow yourself breaks?			
7. Do you complete tasks at the last possible moment?			
8. Do you try to foresee and prevent problems before they arrive?			

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How do you use time? Tick the most relevant column	Regularly	Now and then	Never
9. Do you complete projects/assignments long before target dates?			
10. Are you always on time?			
11. Can you continue working easily after an interruption?			
12. Do you do something aimed at reaching your own goals every day?			
13. Can you relax during your leisure time without worrying about your work?			
14. Do people know when they are allowed to disturb you?			
15. Do you do the important things when you have the most energy for it?			
16. Do you always start and complete assignments on time?			

Your time count can be worked out by awarding 4 points for each "Regularly", 2 points for every "Now and then" and 0 for every "Never".

Add up your points and compare your score with the scale below (Everard & Morris 1990: 128):

45–64: You manage your time well.
33–44: You sometimes manage your time well.
21–32: You will benefit from better time management.
0–20: You do not manage your time well at all.

Brain profiling research (Lotter 2005–2012) reveals that one's use of time may be related to one's specific brain profile, and that it might be good to take note of behaviour in this regard related to one's brain profile. The following questionnaire can give you an indication of your own tendencies, which you can then respond to by taking appropriate action.

BRAIN PROFILE TIME MANAGEMENT QUESTIONNAIRE

I waste time because:	Always true	Often true	Sometimes true	Never true
I daydream a lot				
I avoid sorting out emotional problems				
I cannot focus when I hear or see someone being unhappy				
I leave matters until the last minute				

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I waste time because:	Always true	Often true	Sometimes true	Never true
I do not make a to-do list every day				
I do not plan my day/week/year in detail				
My thoughts easily wander				
I am easily distracted by what I hear or see				
I cannot say no to people				
I hate working according to a fixed schedule				
I do too many things at a time				
I get distracted by noises in the environment				
I cannot work optimally in open office space/ classrooms				
I have poor energy management				
I stress a lot				
I get upset by emotional reactions of people				
I talk to others too much				
I like socialising in work time				
I assist others too often/too easily				
My workplace is cluttered/disorganised				
I work in restless surroundings				
I am a perfectionist				
I cannot control my thought processes				
I am a scatterbrain				
I procrastinate				
I am not systematic and logical in my approach				
I start new things before finishing off other tasks				
I cannot follow routine/structure/a fixed time-table				
I easily get bored with tasks				
I feel overwhelmed				
I do not do tasks in a step-by-step way				
I get distracted by what others say/think of me				
I have little emotional energy				
I cannot focus on doing routine work				
I just dive in without any plan				
I find problem-solving and decision-making problematic				
I cannot delegate				
I hate relinquishing control				

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I waste time because:	Always true	Often true	Sometimes true	Never true
I like doing everything myself				
I am a control freak				

Those aspects that you have marked in the first and second column are those that you need to work on. As they may relate to your brain profile, it may be very difficult to change these aspects, and therefore you need to consciously maintain any change that you embark on for at least 21 days.

As self-management and classroom management can be greatly improved by better use of time, we include the following guidelines on how to use time optimally. They will also help you in your attempt to formulate a strategy of improved time use that will work for you (Kruger & Van Schalkwyk 1997: 158–160).

- *Make use of all the time available*. Start your lesson immediately and keep up the tempo throughout.
- *Thoroughly plan an activity*. Lessons and all other activities need to be planned well in order to use all the available time well.
- *Apply self-management*. Do what you have learnt in this chapter, discipline yourself and apply good working habits.
- *Formulate objectives and work according to them*. This provides structure and motivation in your work.
- *Concentrate, be alert and show interest*. Undivided attention can greatly help one in doing tasks, and will make them more interesting as far as this is possible.
- *Do things in the correct manner*. Be as efficient as possible when doing a task by using the best method to do it.
- *Do every task at the most suitable time*. Do the difficult tasks when you are at your best and routine jobs when you are tired.
- *Delegate to the right people*. You know the learners in your class and how best to utilise their talents.
- *Set time limits*. Give yourself reasonable time limits in which to complete tasks.
- *Do not give in to time wasters*. You know your weaknesses and you are the only one who can manage them.
- *Set tasks clearly and ensure that learners know how to perform them*. Learners must know exactly what to do.
- *Motivate learners*. They will save time if they work in a motivated way.
- *Avoid interruptions*. You know the interruptions that occur in your school and you should plan to compensate for time lost, or avoid the interruptions.
- *Delegate tasks*. There are learners who can help with certain tasks, but make sure to delegate the right tasks in the right way.
- *Learn to say no*. You must learn when to say no, and how to do it.

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Two important ways that educators can save time warrant further discussion, namely by delegation, which is mentioned above, and by improving your decision-making and problem-solving skills.

When you delegate to learners, make sure that you have a clear grasp of the task that you want to delegate and then delegate it in such a way that the learner clearly understands what is expected. Make sure you delegate to the right person who is willing and competent to perform the task, and also follow up on whether the task has been properly done. Be sure to give credit to a learner who performs a delegated task well (Van Deventer & Kruger 2003: 121).

Educators are confronted on a daily basis with many decisions that have to be made and many problems that have to be solved. So, if they could master good decision-making and problem-solving skills, they will save time. The following are steps that you can follow in the process of decision-making and problem-solving (Kruger & Van Schalkwyk 1997: 54–55; Van Deventer & Kruger 2003: 98–99):

- Precisely define the matter that you need to take a decision on or the problem that you need to solve.
- Gather the type of information that will assist you to understand the matter in the best possible way.
- Weigh up the various alternatives/choices/solutions and their consequences.
- Choose the best alternative.
- Implement your chosen alternative.
- Evaluate your decision or solution.

2.7 ENERGY MANAGEMENT

If you are an emotionally intelligent person who can manage your emotions (for example, anger), stress, and time well, and if you are assertive, you will have sufficient energy to do the demanding work of an educator. It is, however, important to know what you can further do to enhance your energy levels.

Activity 2.13

Write down from your own experience those things that energise you.

The items in the following list provide a checklist that can give you some indication of what energises you, and this may be associated with the specific needs associated with your brain profile (Lotter 2005–2012). Compare what you have found above with this list of items, and then add to your own list those aspects that energise you:

- Acknowledgement
- Interaction with people
- Challenge and change
- Thinking

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- Hearing sounds/music
- Hearing yourself/talking
- Seeing beautiful things
- Hearing nice things about yourself
- Reaching goals
- Seeing/hearing that people are happy
- Your own company/time
- Doing something creative
- Security and routine
- Little interaction
- Pleasing people
- Emotional warmth
- Success
- Rest/sleep/relaxation

Once you have determined the things that impact on your energy levels, you can start a conscious effort to energise yourself by taking steps that will improve your energy management.

2.8 MOTIVATING YOURSELF

People who believe that they have control over what happens to them, and who think that they determine the rewards and punishments that they receive in life, are inclined to meet the challenges of life and succeed in their endeavours. They have an internal locus of control and they will likely be self-motivated individuals who realise the things that they desire (Minnaar & De Kock 2003: 50). To be able to manage themselves effectively and take control of the classroom situation, educators must have this basic attitude to life. This means that they must reject the culture of blaming others, the system, the department or anything else for everything that goes wrong in education. It implies that they accept accountability for what they should do and work in a motivated way.

Managing your thoughts is an important aspect of motivating yourself positively. To do so, you need to talk and think positively, not negatively; focus on the future and not on past failures; accept your limitations and focus on your strengths; and be optimistic, not pessimistic.

There are three basic things that motivate people according to Amos (1999: 15–17), namely that they want to achieve, they want to belong, and they want to influence. These are positive forces. According to Demartini (2002: 55), inspiration as a motivating force transcends avoiding pain and seeking pleasure as motivators, as the latter both spring from desperation.

An educator needs to find out and reflect on what motivates him or her and then apply this in the working environment to become motivated by his or her work.

It is significant to note that Dalton writes (in Coetzee 2002: 164) that true success is about satisfying one's calling, not one's ambition, and that one has to deter-

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mine a personal meaning for one's own particular life. This brings us back to the discussion at the beginning of this chapter. Success in education is achieved in the same way as success elsewhere, namely through committed and focused effort, involving all physical, mental, emotional and spiritual dimensions of the self.

To close this chapter, an example is presented of affirmations that educators may want to compile for themselves and may want to pin up somewhere where they can see it every day in order to motivate themselves.

Teaching affirmations

I awaken love in my learners for their work.

I love to disseminate knowledge.

I assist my learners in discovering profound truths which they apply in their lives.

I promote a mindset of continuous growth in my learners.

I make my learners focus on meaningful activities.

I give my learners "wow" experiences of enlightenment.

I inspire and empower my learners to be lifelong learners.

I teach my learners universal principles and laws of knowledge in my field.

I unveil the divine order of reality to my learners.

I share with my learners what I know and who I am.

I inspire my learners to love what they do.

I inspire my learners to do their personal best.

I have embarked on a growth path of continuous development as an outstanding educator.

CONCLUSION

Self-management has been discussed in this chapter with a view to improving your effectiveness as an educator and with a view to enhancing your career. Effective self-management will increase your job satisfaction and will result in a feeling of being in control of your own destiny. It will, of course, also have many benefits for those whom you teach and educate. It is essential for effective classroom management.

A mind map of the main aspects of Chapter 2 is given in Figure 2.1. Use it to reflect on what you have learnt when working through Chapter 2 and to assess where you are in terms of your own self-management.

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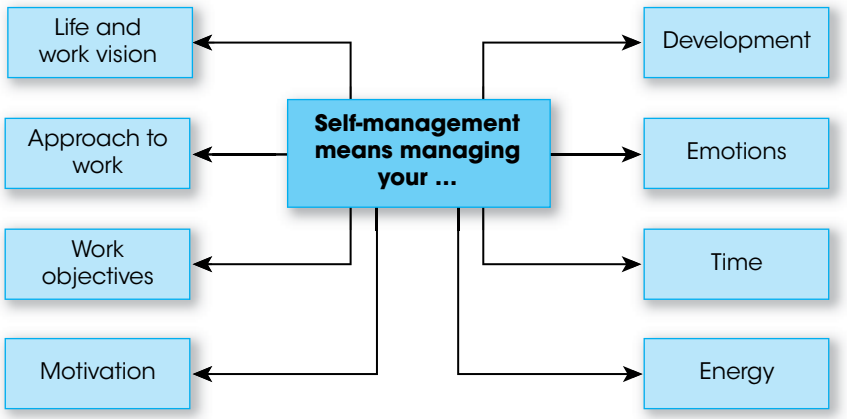


FIGURE 2.1 A summary of Chapter 2

With this knowledge you are now ready to enter the world of classroom management.

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3

J.L. Wydeman

Introduction to classroom management tasks

INTRODUCTION

Although the characteristics of an effective classroom manager are clear and even somewhat obvious, what might not be clear is **how** you become an effective classroom manager. Fortunately, research evidence supports the assertion that good classroom managers are made, not born. In fact, effective classroom managers are educators who understand and use specific techniques. Awareness of and training in these techniques can change educator behaviour, which in turn changes learner behaviour and ultimately affects learner achievement positively (Marzano 2003: 10).

This chapter is an introductory discussion of classroom management activities. Attention is paid to theoretical aspects in each case, but great care is taken to integrate the theory with practice by providing practical activities that will improve the reader's knowledge, understanding and skill concerning each aspect, which will be immediately useful and applicable. This is achieved by

- explaining the function of classroom management
- describing the task of the educator as a classroom manager
- differentiating between the various approaches to classroom management
- identifying the general management principles that might guide the educator in classroom management
- identifying a variety of skills that the educator will need to be a successful classroom manager.

Although there are many views on management, the following tasks are usually seen as the fundamental management tasks:

- Planning
- Organising
- Leadership
- Control

All management activities discussed from here onwards fall under one of these fundamental management tasks.

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3.1 THE NATURE AND AIM OF CLASSROOM MANAGEMENT

Classroom management refers to the wide variety of skills and techniques that educators use to keep learners organised, orderly, focused, attentive, on task and academically productive during a lesson (http://edglossary.org/classroom-management, 2013: 1).

Managing a classroom therefore makes many demands on an educator. In fact, the educator has to take full responsibility for the effective management of everything that happens in the classroom. This implies that the educator must manage the following (UNISA 2006: 5):

- Tasks (things to be done)
- People (learners)
- Time (timetable, target dates)
- Resources (teaching media, parent support)

Van Deventer and Kruger (2003: 18) define classroom management as planned, organised activities and procedures which allow for effective teaching and learning to take place. It is characterised by

- well-planned and varied lessons
- minimal disruptions and disciplinary problems
- calm and efficient problem-solving
- differentiated instructions for learners with different needs
- established routines for specific behaviours
- an atmosphere of respect
- consistency.

The most widely accepted viewpoint on the functions of a manager is that the manager decides **what** has to be done and **how** it should be done, gives **instructions** that it should be done and **determines** whether it has been done. In managerial language this relates to the terms **planning, organising, leadership** and **control** (Pretorius & Lemmer 1998: 55).

Although these functions will be discussed as separate aspects, it must be kept in mind that in practice they are intertwined and do not always have clear boundaries.

3.1.1 The connection between teaching and management

By now it should be clear that the aim of classroom management is to plan, organise, lead and control the teaching and learning process in such a way that the learner will get the maximum benefit from the process.

Doyle (1986: 395) describes the relationship between management and learning as two goals that co-exist in the classroom. Educators do things in their classrooms for at least two reasons. Firstly, they wish to accomplish some instruction. Secondly, they wish to achieve some control over their learners. In fact, educa-

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tors must control their learners effectively in order to facilitate a positive teaching-learning environment. The Glossary of Education Reform (http://edglossary.org/classroom management 2013: 1) found that when classroom management strategies are executed effectively, educators minimise the behaviours that impede learning for both individual learners and groups of learners, while maximising the behaviours that facilitate or enhance learning.

3.1.2 Keeping teaching-learning environments going

According to DiGiulio (2000: 11), educators are leaders. They get things going, keep things moving, keep learners safe and run the show well enough to be able to actually teach and get learners to learn. Educators should strive to create the best situation in which learners can learn and educators can teach.

Educators are expected to facilitate learning in a controlled environment. This means that the educator must direct a stream of activities, which includes interactions among the educator and his or her learners. This stream of activities should include several key strategies (Louisell & Descamps 1992: 217):

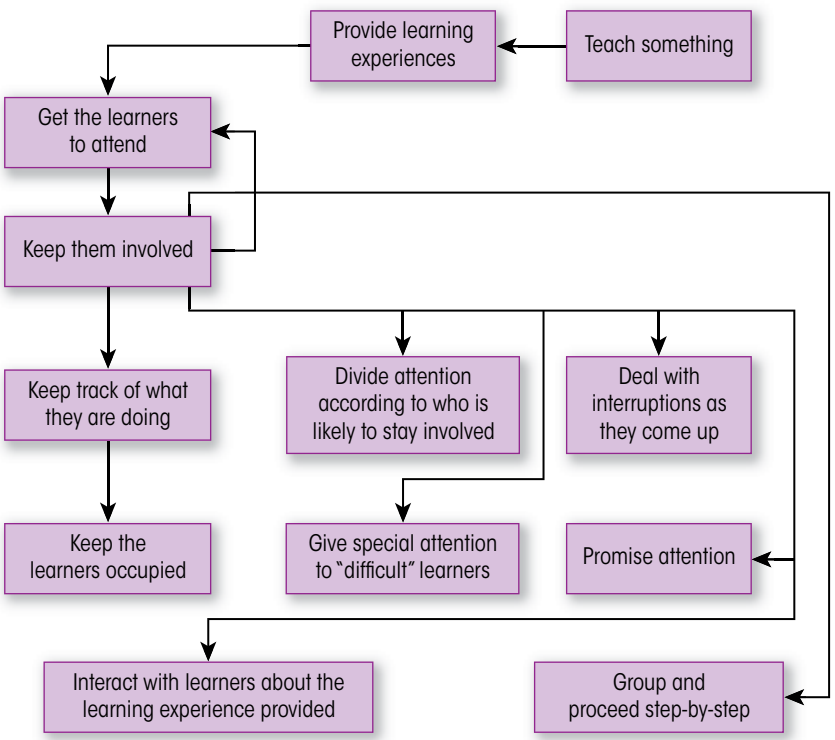


FIGURE 3.1 Management concerns in the classroom

Source: Adapted from Louisell and Descamps (1992: 72). *Developing a teaching style: methods for elementary school teachers*. Published by Allyn and Bacon/Merrill Education, Boston, MA. Copyright © 1992 by Pearson Education. Adapted by permission of the publisher.

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3.1.3 The educator's management of time in the classroom

With experience, educators acquire the ability to estimate and manage their time requirements, reaching a balance between teaching, involving learners and keeping them occupied. Refer to Chapter 2 for a more detailed discussion of time management.

3.1.4 The socialisation process

In addition to teaching and managing, the task of the educator has a third goal. Many educators spend much of their time teaching learners to be responsible and behave appropriately to prepare them for successful participation as adults in their society. Refer to Chapter 7 for a detailed discussion of the socialisation process.

3.1.5 The importance of routines

In every classroom the educator and learners should adjust to one another. The educator should accustom the learners to the rules and routines of the classroom and the learners should be given the opportunity to "teach" the educator about their own needs and how they are accustomed to functioning in class. Developing set routines and rules will help the classroom to run itself. This aspect is addressed in more detail in Chapter 6.

Activity 3.1

Use Figure 3.1. Next to each step (or block), write down the things you do in your class to ensure that the activity described in that block or step is carried out effectively.

3.2 APPROACHES TO CLASSROOM MANAGEMENT

Most educators develop their own approach to classroom management by trying out strategies they remember from their own school years as learners, or by imitating strategies said to have worked for other educators. Essentially, each educator has to find or develop an approach that fits his or her own teaching style.

Ornstein (in Jacobs, Vakalisa & Gawe 2004: 357–360) states that personality, philosophy and teaching style directly affect the educator's approach to classroom management. He identifies the following classroom management approaches:

Approach	Description	Advantages	Disadvantages
Assertive approach	The educator knows the way and the learners need guidance.	• Learners will feel safe • Learners will respect educator • Learning objectives will be addressed	• Learners afraid to ask questions • Classroom activities will be educator-centred

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Approach	Description	Advantages	Disadvantages
Business-academic approach	If the learners are fully engaged in meaningful learning activities they are less likely to fall into disruptive behaviour.	• Learners know exactly what is expected • Optimum time management is ensured • There is order in the classroom • Learners are actively involved	• Stressful on learners and educator due to strict adherence to time schedules • Interruptions have a negative effect on concluding activities
Behavioural modification approach	Good behaviour is rewarded and bad behaviour punished in an attempt to modify learners' behaviour according to acceptable standards.	• It stimulates acceptable behaviour • Rewards could motivate learners • Norms, values and attitudes can be addressed	• It can take up valuable teaching time
Group managerial approach	By fostering a sense of "allegiance to the group" among learners, educators can lessen the likelihood of disruptive behaviour.	• It can create a healthy classroom atmosphere • It can improve teamwork among learners	• Learners disciplined in front of others may become discouraged
Group guidance approach	Unacceptable behaviour of individual learners is seen as manifestations of a malfunctioning group, a problem which is solved by counselling the whole group.	• Educator becomes a safe fortress for learners	• Guilty learners may be protected with this approach
Acceptance approach	This approach is based on the belief that a learner's misbehaviour is often a cry for acceptance.	• Educators work with learners as individuals • Learner's attitudes and self-concept become positive	• It is time-consuming • Most educators are not qualified as counsellors
Success approach	Success is one of the basic needs of a human being and plays a big role in developing a positive self-concept. The educator should therefore – through successful classroom management – optimise the opportunities for each learner to experience success.	• Learner's attitudes and self-concept become positive • Learners know what is expected of them	• If educators do not comment on successes, those learners may feel that they are not important

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Activity 3.2

Write down an explanation of which approach you believe to be the most successful for classroom management.

Which approach do you in fact mostly follow in your classroom?

These approaches provide a starting point for an educator's thoughts about his or her own approach to classroom management, keeping in mind that each class is different and needs an individual approach to ensure successful teaching and learning. In Chapter 9 you will be guided to develop or determine your own approach to classroom management.

3.3 MANAGEMENT FUNCTIONS IN THE CLASSROOM

3.3.1 Planning as a management function in the classroom

Planning is the point of departure for the classroom manager. This function (planning) determines in advance what learning must be achieved at a specified time in the future and how this will be achieved. In this regard, three important aspects of planning must be mentioned:

1. For each learning subject, the education departments predetermine the objectives to be reached at the end of a specific level or grade. When planning, the educator has to keep these objectives in mind, guiding learners towards achieving them at some or other stage in the future. In reality, this boils down to dividing the learning programme into units that must be studied during each term, week and lesson.
2. The second aspect of planning involves the decisions that have to be made on how these learning objectives might be reached most effectively. This entails reflecting on and designing the most effective methods, approaches and resources to be used.
3. In the third instance, educators should be aware of the future perspective of planning – there is a connection between that which learners have to achieve beforehand (present) and that which they will have to achieve in the future.

According to Pretorius and Lemmer (1998: 55), planning is indispensable. They provide a number of guidelines for effective planning:

- Do all planning in writing (see specified departmental formats).
- Study the syllabus stipulated for your learning subject carefully.
- Do your planning before the beginning of a school year, term, week, day or lesson.
- The plan must specify all the key elements: content, alternative methods, breakdown of amounts of work to be completed in required periods of time, teaching aids, methods of assessment, etc.

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- Planning in groups is imperative, e.g. per subject, per department and/or per school, even per district, etc. Planning should take into account other subject areas in the same grade, as well as other educators who are teaching in the same subject.

Planning lays the foundation for the educator's managerial task, as it gives direction to management efforts. Without planning, all activities are haphazard and without direction.

In general, written planning consists of different kinds of documents that are developed to guide instruction in the classroom (UNISA 2006: 8):

1. First is school-level planning. This document is a curriculum that arranges content in particular patterns, assigns it to certain subjects and standard levels and puts it into identified sequences.
2. Second is grade-level planning. This document usually contains the guidelines for programming in the different learning subjects at different levels.
3. Third is classroom-level planning. This includes the lesson plan or learning programme that educators plan, prepare and present in the classroom. Each learning programme should have
   - a rationale (to explain why it exists)
   - aims (to explain what it will achieve)
   - learning objectives (to indicate what learners will need to know, understand, do and appreciate)
   - content statements (to indicate the content areas to be used as vehicles for learning)
   - teaching strategy statements (to indicate how learning activities will be organised)
   - assessment guidelines (to indicate how learners' achievements will be assessed).

Activity 3.3

Do you have a copy of each of these documents on file?

Compare one of your recent lesson plans to the bulleted list above. Does it provide all the information required?

In Chapter 4 planning is discussed in more detail and the emphasis shifts to much more practical matters related to planning.

Even the most thorough planning, however, will come to nothing if it is not immediately followed by proper organisation.

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3.3.2 Organising as a management function in the classroom

Organising can be described as the creation of a mechanism to implement the planning discussed above. Issues such as which activities to put into action, which resources to apply, how this should happen and who should be responsible must be attended to.

For the educator, this management function amounts to the creation of an environment for effective teaching and learning. An orderly and organised classroom situation must be created to make effective teaching possible. This means that the learners are placed in the classroom where the teaching task should be performed to the maximum effect, while the patterns of communication and order are fixed democratically.

The result of organisation is an organisational structure. This is a formal framework for pursuing the tasks that stem from the outcomes in a coordinated and controlled manner and within the required lines of authority.

Pretorius and Lemmer (1998: 56) provide the following guidelines for the organisational function of the educator:

- Take into account the tasks that the educator as well as the learners need to complete to achieve the necessary learning success.
- Follow democratic steps to create order regarding the conduct of learners, seating arrangements in the classroom, learner leadership, communication patterns and the delegation of tasks to learners.
- Exercise firm, yet democratic control over the manner in which learner activities and tasks are carried out.

Kruger and Van Schalkwyk (1997: 39) identify the following aspects of organisation in the classroom:

- Determining, analysing and systemising various tasks
- Allocating duties and responsibilities
- Establishing channels of communication
- Forming relationships
- Announcing arrangements

In practice, these translate into

- creating a physical learning space (Chapter 6)
- creating a positive classroom atmosphere (Chapter 6)
- managing learner participation (Chapter 7)
- maintaining discipline in the classroom (Chapter 6)
- managing diversity in the classroom (Chapter 7)
- organising parental involvement (Chapter 8)
- participating in educator teams to optimise teaching (Chapter 9).

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Activity 3.4

Do you have a plan in place for each of the following classroom management aspects?

Classroom management concern	Yes/No
Creating a physical learning space	
Creating a positive classroom atmosphere	
Managing learner participation	
Maintaining discipline in the classroom	
Managing diversity in the classroom	
Organising parental involvement	

The various aspects of organisation will be discussed in more detail. Theoretical and practical aspects will be integrated to improve your knowledge and skills.

3.3.3 Leadership as a management function in the classroom

The third function of the educator is to lead when plans are to be converted into reality. He or she gives direction to ensure that the required tasks are performed effectively. Leadership involves the function that the manager performs to enable others to carry out their tasks effectively. In short, leadership describes the influential relationships that you have with others and the skills, knowledge and experience you bring to these interactions (Hook & Vass 2000: 6).

To be able to lead successfully, the educator must know the most important components of the leadership functions of management:

- Leadership qualities
- Motivation of learners
- Control of groups
- Competent communication

Activity 3.5

With a mark out of 10, rate your own knowledge, skills and competence relating to the leadership functions in the table below.

Leadership function	Mark allocated
Managing yourself	
Giving instructions	
Motivation of learners	
Control of groups	

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Leadership function	Mark allocated
Competent communication	
Delegating tasks	
Enhancing learner performance	
Exercising discipline	
Handling conflict	
Creating learning environments	

These and many more aspects of the educator's role as leader in the classroom are discussed in detail in Chapter 5.

3.3.4 Control as a management function in the classroom

Control is the final management function in the efficient management cycle and is seen by many as the most important requirement for effective planning. In planning a lesson or an activity, it is the educator who decides what learning needs to be achieved. The use of control mechanisms to check whether such learning has been realised is an integral part of planning, but is at the same time a management activity.

All the measures that an educator takes to determine whether learners have acquired the desired learning effectively may be seen as control. Control normally takes place in three stages.

1. The first is control prior to activities. This kind of control includes all activities aimed at ensuring that the teaching-learning event moves in a successful direction, for example sound planning activities.
2. The second stage is control exercised during activities. This kind of control is seen as the most important, as it is applied on the spot and possible problems are remedied immediately.
3. The third stage is the conclusion of these instructional events and normally takes the form of some or other kind of assessment.

The following comments describe the requirements for control and control mechanisms in general:

- Control mechanisms need to be suited to the specific character of the learning subject, learning content, learning environment and class group.
- Those subject to control, namely the learners, need to know what will be assessed and how it will be assessed.
- All control tasks and assessment activities are aimed at correcting behaviour or improving ability – not finding fault.

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- Control needs to be exercised in a timely fashion to allow for adjustments or expanded opportunities to learn.
- The ultimate responsibility for control lies with the person in charge: the educator.
- Control should lead to changed or improved performance by the learners and the educator.

Pretorius and Lemmer (1998: 57) add the following guidelines to the requirements given above:

- Control should not be seen as a negative function which regiments, disciplines and punishes.
- Measures of control before and during instruction are better than control applied at the conclusion of the instructional activity.
- Self-control and self-discipline are much more effective than control and punishment imposed by the educator.
- Control requires good motivation, effective communication, a healthy educator-learner relationship and democratic leadership.

Activity 3.6

Refer to the stages of control mentioned above. At which stage do you normally exert or apply the most control in the classroom?

Various aspects of control are discussed in the following chapters. Discipline is discussed in Chapter 6 and assessment in Chapter 9.

CONCLUSION

This chapter provided a brief overview of classroom management to get you thinking about your own classroom management strategies. Classroom management may be seen as all the provisions and procedures that an educator uses to create and maintain a classroom environment in which teaching and learning can occur successfully.

Nearly everybody expects educators to be good classroom managers.

n Principals and school management teams often consider those educators who exert strong control to be the best educators.

n Parents and the community, on the other hand, expect that learners will be taught self-discipline and self-control.

n Learners expect educators to exert control and to establish a positive learning environment.

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- Educators, for their part, feel frustrated by and dissatisfied with teaching when they do not succeed with classroom management.

Where do you fit in?

A mind map of the main aspects of this chapter is given in Figure 3.2. Use it to reflect on what you have learnt by working through Chapter 3.

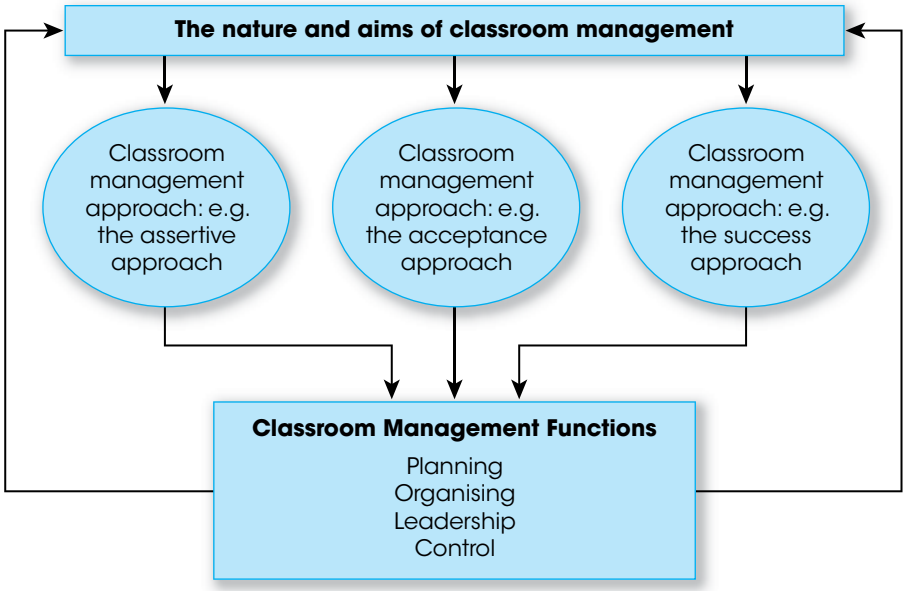


FIGURE 3.2 A summary of Chapter 3

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4

J.L. Wydeman

Planning effective classroom management

INTRODUCTION

Planning is a process for accomplishing purpose, in this case, effective classroom management (www.studymode.com 2013: 2). Thorough planning promotes learning because it takes into account the diverse backgrounds, interests and abilities of learners in the class. A well-thought-out plan is more likely to attract and maintain the attention of learners and to facilitate learning, given the learning objectives and the available resources. Planning therefore increases the likelihood that learners will be interested, will learn and will be satisfied. Careful planning is also more likely to maximise the use of time and facilities and thereby minimise possible confusion and disruptions. Having planned properly, an educator should feel more relaxed and more excited about the teaching that will follow.

The purposes of planning (http://educgo.educ.ttu.edu/educweb/clinicalexperiences-/resources/planning_for_teaching) therefore include:

- Clarification of the objectives to learners
- Provision for individual differences
- Development of means for stimulating interest
- Provision for a logical instructional sequence
- Provision for flexibility
- Enabling the educator to teach with confidence

Arends (1998: 43) mentions four positive consequences of good planning:

- Planning provides direction for instructional processes.
- Planning provides focus and instructional intentions to learners and parents.
- Planning results in smoothly run classes.
- Planning provides the means to assess learning results.

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In this chapter we focus on a number of issues that will assist the reader to plan thoroughly. These include

- taking note of different approaches to planning
- understanding planning in the classroom
- implementing planning in the classroom
- reflecting on planning for practical issues in the classroom.

4.1 DIFFERENT APPROACHES TO PLANNING IN THE CLASSROOM

Cruickshank, Bainer & Metcalf (1995: 130) identify two main approaches to planning in the classroom. The two approaches differ considerably, but can be seen as being at the opposite ends of a continuum. These two approaches are the *process approach* and the *product approach*.

4.1.1 The process approach

Planning done in this way is usually more "general". The educator can see the advantages of providing certain learning experiences, but can only plan them in a general way, allowing for things that could happen to change depending on what, when and how the learning experience will be conducted. This allows for more spontaneity and flexibility and learners are given an opportunity to influence the learning that is taking place.

4.1.2 The product approach

The other end of the continuum can be labelled the product approach. Educators who use this approach feel better when they have a detailed plan. They are willing to sacrifice some flexibility and spontaneity in order to feel more certain that learners are likely to gain some specific knowledge and insight. So, in contrast with the process approach, learning experiences are carefully structured to ensure that learners will succeed in reaching important set goals.

4.1.3 An outcomes-based approach

Most curriculum planning systems are structured around a hierarchical framework of long-term and short-term objectives and aims. (Refer to Chapter 5 for information on long-term and short-term leadership.)

According to Jacobs et al. (2004: 93), long-term objectives are necessary to set out the general purposes of education so that educators are aware of the ultimate goals towards which they must direct their learners. These objectives are usually based on the "image" of the kind of citizen the country wants to develop and include values such as a virtuous life, a sense of responsibility, critical thinking, the willingness to earn a living, service to others and a well-rounded personality.

On the other hand, learners and educators need short-term aims to be able to focus on something more precise, concrete, definite and attainable.

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Curriculum planners use medium-term objectives to connect long-term and short-term objectives. These are more precise than long-term objectives, but more general than short-term aims. Table 4.1 illustrates the interconnectedness between the various kinds of objectives and aims.

TABLE 4.1 Connection between long-, medium- and short-term objectives and aims

Long-term objectives	Medium-term objectives	Short-term aims
Very vague	More specific	Very specific
Contained in the national curriculum	Contained in the subject syllabus	Contained in the lesson plan

4.2 PLANNING TEACHING AT DIFFERENT LEVELS

It is necessary to look at teaching and learning in a completely new way. There are four major approaches to educational planning. Each one is briefly described in Table 4.2.

TABLE 4.2 The four major approaches to educational planning

Approach	Description
1. The social demand approach	This approach attempts to forecast future demands for seats for learners, keeping in mind social and educational trends as well as demographic changes. The underlying assumption is that expansion of education is beneficial to the economy and that additional expenditure will not create a burden.
2. The social justice approach	This approach emphasises justice to the disadvantaged sections of the society. It aims at making special provisions for the socially, economically and educationally disadvantaged communities for a longer duration.
3. The rate of return approach	This approach holds that investment in education should take place in such a way that the returns on investment are equal to the returns on other kinds of investment of capital. Education is treated as an investment in human capital and uses rate of returns as a criterion for the allocation of financial resources. It is difficult to apply because it is difficult to measure the rate of return in education.
4. The man-power planning approach	This approach asserts that the system of education produces the right quality of human resources with desirable knowledge, skills and attitudes in the right numbers, and therefore is directly linked to economic development.

Source: Verma (2013: 1–5)

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Educators should clarify for themselves what they see as their tasks in their schools. The answer to this question will have an effect on how they teach. In this section practical ways in which educators can prepare themselves, their learners and their classrooms are explored to allow effective teaching and learning.

4.2.1 Planning teaching and learning

Three levels of planning take place in a school (Department of Education 2002a):

4.2.1.1 School-level planning

This level of planning involves the school management team, the School Governing Body and all the educators. The aim is to establish a plan for the whole school by agreeing on the content of each subject in each grade to ensure that learners will achieve the learning objectives as stipulated by the National Curriculum.

Whole-school planning includes a number of areas (UNISA 2006: 9):

- Basic functioning of the school
- Leadership, management and communications
- Governance
- Parent and community involvement
- Safety, security and discipline
- School infrastructure
- Curriculum provision and resources
- Learner achievement
- Educator development

4.2.1.2 Grade-level planning

A grade plan describes what will be learnt during each year within a specific learning area in a specific grade. It shows how the learning aims stated in the specific learning subject will be achieved at the levels specified by the assessment standards for each grade. It also shows the sequence of lesson plans or learning experiences. It follows logically that the educators who teach a specific grade draw up grade plans together. This ensures that what is planned for each learning subject supports rather than clashes with what is planned for other learning subjects.

Activity 4.1

Obtain a copy of one of your school's learning subject grade plans. Compare it with the example given below. Discuss the advantages and disadvantages of your grade plan in relation to the example.

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Subject ..... Grade .....

Educator ..... Year .....

Topic	Learning aims	Assessment standards	Summary of learner activities	Kind of assessment evidence to be produced	Learning experience duration (period/day/week)

FIGURE 4.1 Example of a grade plan

Source: Department of Education (2002a)

4.2.1.3 Classroom-level planning

There are two levels of planning for the classroom. The first involves the planning of the actual teaching-learning experience, in other words, the lesson itself. The second level involves planning the environment or circumstances in which the lesson will take place.

Classroom plans or lesson programmes should include the following (UNISA 2006: 10):

- The learning aims towards which learners will be working
- The content that is targeted – the assessment standards and the knowledge focus framework for each grade, which are normally described in a subject syllabus
- The activities that the learners will be involved in
- What will be assessed and how this will be done
- The resources needed
- The time needed for each teaching, learning and assessment activity

There is no single correct way to draw up plans for the classroom, as educators have personal preferences. The guidelines for classroom plans may also differ from school to school. A good test of an effective classroom plan or lesson programme is whether another educator could use it to deliver the same lesson as you would have done. It is possible to give some common guidelines for what should be in an effective plan, whatever form it takes (Department of Education 2002a, in UNISA 2006: 10):

- Plans should be written down.
- When you plan, do not plan for 100 per cent of the time. Allow some time for unplanned questions, disruptions and other events.

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- The steps we take when planning classroom teaching and learning are similar to those we take when we design lesson plans. Even if the lesson plans are adapted from examples provided in textbooks or Department of Education guidelines, the educator needs to plan how to implement the lesson plan in his or her own class, school or cluster.

4.2.1.4 Lesson programme planning

Without discussing this aspect in too much detail, a lesson plan or programme planning involves the following steps (UNISA 2006: 12):

TABLE 4.3 Steps for lesson or programme planning

Planning steps	Actions
Step 1: Refer to the grade plan	Choose a learning experience from one of the grade plans you have helped to develop. Discuss with other educators in the grade team what learning aims need to be achieved, what content needs to be learnt, the activities the learners will be involved in, and what will be assessed.
Step 2: Refer to the subject syllabus	Go back to the curriculum and the learning subject syllabus and make sure what the skills, knowledge, values and attitudes are that learners should develop through the learning experience(s).
Step 3: Activities and assessment	Discuss and select individual activities that can be used to develop conceptual understanding. You are dealing with the details, so bear in mind the time needed and the order of delivery. Identify what learners will produce as evidence of learning during these activities. Identify what will be assessed. Identify how you will assess and how you will record achievement for each activity.

Example: Learning programme (lesson plan) template

<table>
<tr><td colspan="5">School:
Grade:
Subject:</td></tr>
<tr><td colspan="2">Learning aims:
•
•</td><td colspan="3">Assessment standards (content):
•
•</td></tr>
<tr><td>Educator's actions:</td><td>Learners' activities:</td><td>Resources:</td><td>Assessment strategies:</td><td>Time allocation:</td></tr>
<tr><td colspan="2">Expanded opportunities:
Special needs:</td><td colspan="3">Enrichment:
Homework:</td></tr>
</table>

FIGURE 4.2 Template of a lesson plan

Source: Department of Education (2002a)

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Activity 4.2

Obtain an example of your lesson planning. Compare it with the example provided.

- Are there any features in the example that you think are unnecessary?
- Are there any features that you would like to add?

In summary, by following the steps in Figure 4.3 you will be able to make sure that you do not miss any important aspects during your planning process.

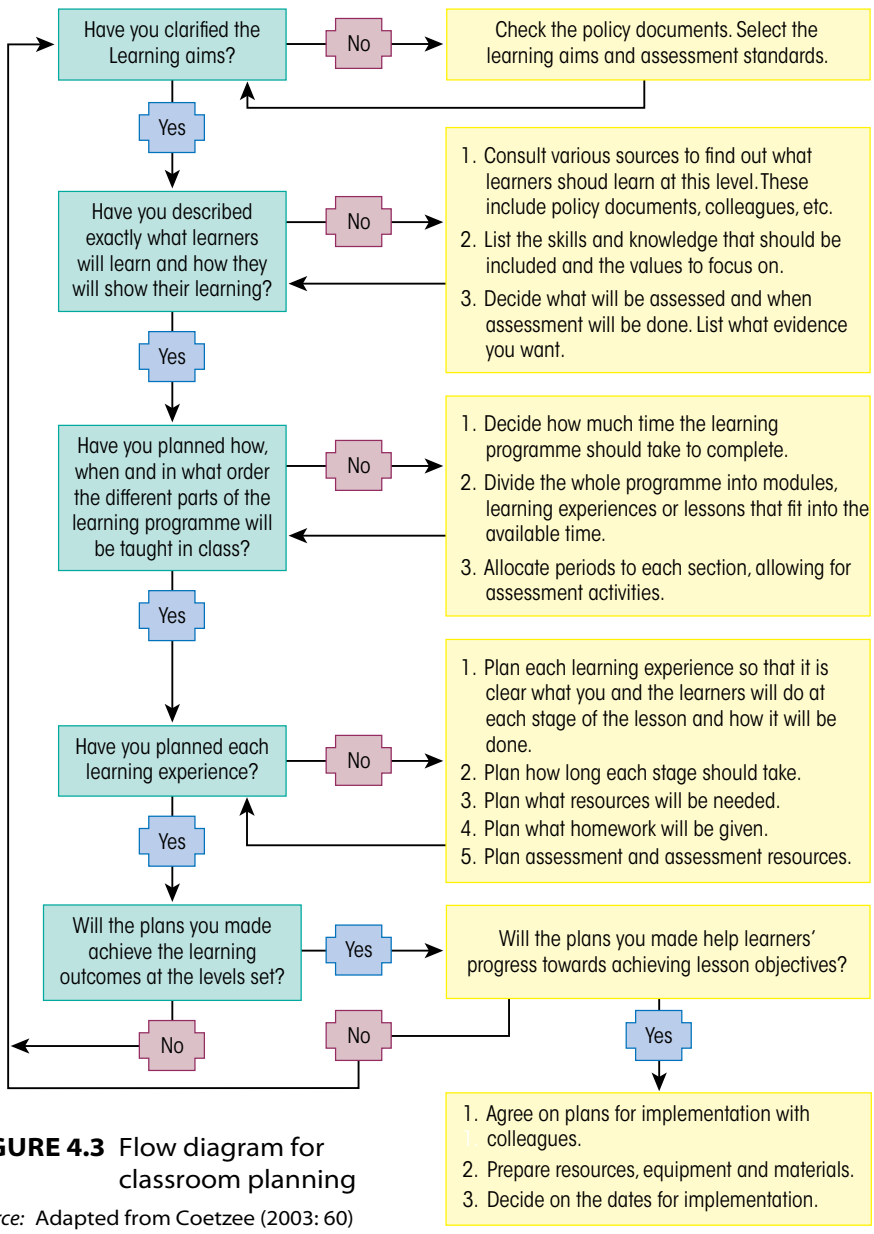


FIGURE 4.3 Flow diagram for classroom planning

Source: Adapted from Coetzee (2003: 60)

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4.2.2 Planning for other practical issues in the classroom

Managing teaching and learning for large classes of diverse learners needs careful planning. Educators should decide how to deal with each of the practical issues below (UNISA 2006: 13).

4.2.2.1 Planning resources

Questions that need to be answered about resources will include:

- What learning support materials are needed?
- Are they available or do they need to be developed?
- What equipment will be needed?
- What learning aids will be needed?
- How many of each?
- Can role models from the community be invited?
- Can other educators participate?

Take into account the time needed to prepare the necessary resources.

4.2.2.2 Planning the physical arrangement of the classroom

Questions such as the following may need to be considered:

- When will learners be working alone, and when will they work in groups?
- If they are going to work in groups, how many in each group? Will learners be allowed to group themselves, or will the educator group them for particular purposes?
- How many sets of resources will be needed for each group?
- How will the learning space be arranged? If space allows, desks could be arranged for group work, for work stations, in a U-shape, in a circle or in any other shape. Learners could even be taken outside.
- Where will the practical activities take place? Inside the classroom, while visiting other areas in the school grounds, or on field trips?

4.2.2.3 Planning time in the classroom

Sufficient time should be provided for the successful completion of each learning activity. Plan how much time should be spent on every lesson activity.

4.2.2.4 Planning assessment

Plan what learners should produce as evidence of learning during these activities. Identify how the assessment will be done and how the achievement of each learner will be recorded. This planning should include selecting assessment methods such as tests or tasks and selecting the correct assessment tools to use. Decide how the assessment evidence will be recorded.

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4.2.2.5 Planning for diversity in the classroom

Education policies have recognised that all learners are not the same and that they do not all have the same needs. Educators need to be aware of the various policies that recognise diversity and guide educators in coping with diversity. Some of the aspects that need to be planned during the development of learning activities are the following (UNISA 2006: 13):

DIVERSITY IN LEARNING STYLES

Various teaching methods should cater for a variety of learning styles to avoid becoming repetitive and boring.

MANAGING THE PACE OF LEARNING

Plan to accommodate both slow and faster learners. This may require optional learning activities, such as additional reading and research.

DIFFERENT LEVELS OF ACHIEVEMENT AND DEVELOPMENT

Learners in the classroom are at different levels of physical and cognitive development. Educators therefore need to provide optional or additional activities, challenges and materials that cater for these differences.

LANGUAGE DIVERSITY

It is essential to ensure that learners who are learning in a second language are not disadvantaged.

GENDER DIVERSITY

Educators need to be very careful not to discriminate inadvertently against boys or girls in the classroom.

CULTURAL DIVERSITY

Educators need to be sensitive to cultural diversity in the classroom and use it as a resource for learning.

4.2.2.6 Planning for active learning in the classroom

In general, education has become much more constructivist and learner-centred, which promotes active learning in the classroom. This means that educators need to plan opportunities for learners to engage all their senses and their thinking in the process of learning. To promote active learning, pay attention to the following:

PRESENTATION

How, or in what way, will the task be presented for assessment?

FORMATION

How will learners be arranged to do the task?

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LOCATION

Where will the task be done?

DURATION

How much time will learners need to complete the task?

4.2.2.7 Planning the management of poor progress and barriers to learning

South Africa has adopted a policy of inclusive education that recognises and caters for learners' special needs in class. Planning should include strategies for addressing obstacles to learning and for helping learners who have difficulties or who have special needs. There are also many resources and support services available from district offices, other educators and service providers.

4.2.2.8 Planning class work and homework

Constructivist and learner-centred teaching sees activity-based learning (learning by doing different kinds of tasks) as an important method of learning. While this is an important teaching strategy, it does take more time than traditional educator-centred approaches. This, in turn, makes homework even more important. Homework must therefore be planned carefully. Educators need to plan not only what learners will do at home, but also what resources will be needed, how much time will be needed and what form of assessment will be applied (UNISA 2006: 14).

Activity 4.3

While the planning of the actual teaching-learning experience is of major importance, bear in mind that it is only the culmination of the planning that has to be done for a wide range of aspects in the classroom. Have you, for example, made provision for the following in your plan?

- The grade plan
- The subject policy
- Activities and assessment
- Management of resources
- Arranging the classroom
- Managing time
- Managing assessment
- Managing diversity
- Managing active learning in the classroom
- Managing poor progress and barriers to learning

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CONCLUSION

In this chapter, planning was discussed as one of the classroom management functions. The planning process in schools is summarised in Figure 4.4.

School-wide Planning

- Planning that shows what learners at the school will learn in all grades.
- Schools should have a single school plan that summarises the curriculum intentions of educators in each grade.
- It may even specify some common themes.
- School management is responsible for developing the plan and maintaining it during the year.

Grade Planning

- Planning that shows what learning will happen in each grade/level in all subjects.
- It summarises the skills, knowledge, attitudes and values that learners will develop.
- As this plan shows the intended curriculum for the whole grade, it should be developed collaboratively by all educators who teach in the grade.

Classroom Planning

- Planning that shows details of every lesson programme that the classes will be involved in during the year.
- The plans show
  - what learners will learn
  - how educators will manage learning
  - what tests, tasks or other assessments will provide evidence of learning
  - resources and time needed, so that a consolidated continuous assessment strategy is properly implemented.
- Plans should be in writing.
- Sufficient time should be allowed for completion of learning activities.

FIGURE 4.4 Summary of the planning process in schools

Source: Adapted from Coetzee (2003: 34)

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Activity 4.4

Reflect on Chapter 4 by working through the following lesson planning checklist:

Have I	Yes/No
1. Checked policy documents for curriculum requirements?	
2. Selected learning aims for the learning subject and relevant assessment standards?	
3. Considered related learning aims and assessment standards from other subjects?	
4. Decided on a logical set of knowledge and skills for the lesson?	
5. Included values, attitudes, opinions, decisions, predictions and other personal, higher-order thinking in the lesson?	
6. Balanced skills, knowledge, insight and personal learning in the lesson?	
7. Checked that the lesson is at the appropriate level of rigour, depth and breadth for the grade, age and level of development of the learners?	
8. Decided on tasks and/or tests as the assessment strategy for the lesson?	
9. Developed an overall teaching, learning and assessment plan for the lesson?	
10. Planned each of the learning experiences as follows: • Planned and prepared resources for each of the learning experiences? • Put everything in the plan into a sequence of delivery? • Added time limits to every section (to a maximum of 80 per cent)? • Referred to what learners already know about the topic? • Balanced the direct and the learner-centred activities? • Planned learning activities that create assessment evidence? • Allowed learners to be able to assess their own progress? • Balanced group and individual work? • Planned for learners to read, write, speak and listen? • Included integrated activities that are realistic and feasible? • Referred to real-world applications and contexts? • Catered for different learning styles? • Thought about homework and projects? • Listed, provided, checked and reproduced resources? • Identified any new, difficult words? • Included questions that test comprehension, logic, etc.? • Prepared assessment instruments and checked them? • Checked alignment with the curriculum objectives?	

Source: Adapted from Coetzee (2003: 59)

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A mind map of the major aspects of Chapter 4 is given in Figure 4.5. Use it to reflect on what you have learnt by working through Chapter 4, and assess where you are in terms of your own self-management.

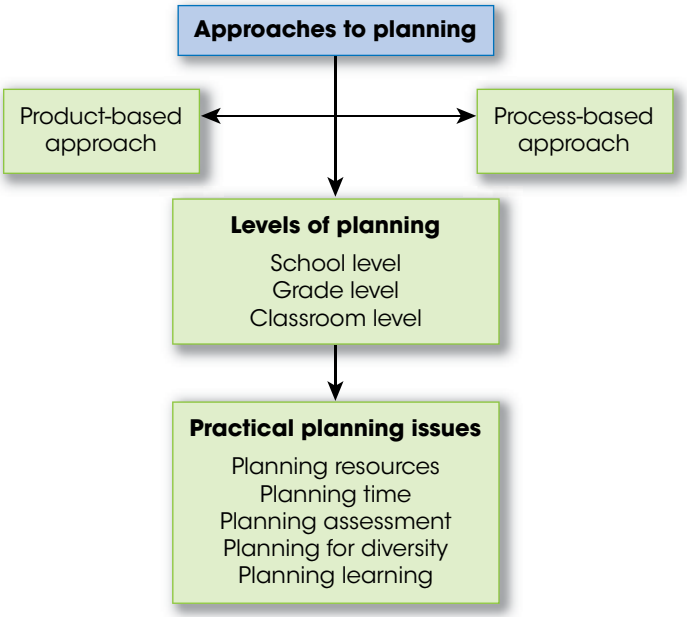


FIGURE 4.5 A summary of Chapter 4

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5

E.J. van Niekerk

The educator as leader

INTRODUCTION

Educators exert a great influence on learners in schools. Being a leader is part of the work of an educator, as educators not only have to lead learners so that they make progress in their schoolwork, but also have to provide leadership to parents and colleagues in various contexts.

The most important leadership task of the educator lies in the classroom. Here the educator must lead learners to become responsible adults. This means, among other things, that learners must be led to become independent in their learning and take an increasing measure of responsibility for their own learning. Once they are adults, these learners will have to plan their own development and careers, and the foundation for this is laid at school. Learners have to become lifelong learners and the school is the place where they will learn to take up the challenge of being adults in the 21st century.

A serious leadership challenge for educators is to assist learners to cooperate willingly and enthusiastically in their own learning to reach the outcomes of the learning programme. Because of the challenging nature of the educator's role in the 21st century, many people shy away from becoming educators. Learners make unique demands on those who have the courage to take up the challenge of becoming educators. Learners continually challenge their leaders to keep up with the demands of the times in which they are growing up.

This chapter aims to enhance the reader's leadership knowledge and skills by concentrating on:

- Understanding and describing each component of the long-term model of educator leadership
- Understanding and describing each component of the short-term model of educator leadership
- Improving the leadership provided to learners and others by applying the model of educator leadership

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Activity 5.1

> "Leadership is about inspiring persons or groups to such an extent that they willingly and enthusiastically work to accomplish set aims" (Van Niekerk 1995: 4).

Taking the above definition of leadership into account, answer the following questions:

1. Can educators be considered leaders?
2. Why?
3. Provide examples of educator leadership.
4. Which functions/tasks do educators perform as leaders?

People will provide different reasons for regarding educators as good leaders. One possible answer is that excellent educators know precisely where they want to lead their learners, that they communicate this effectively to learners and that they establish those values that contribute towards a positive climate of learning in their classes. Furthermore, they develop and empower the learners in their classes to carry out their learning tasks effectively. This is what long-term leadership is all about (Van Niekerk 2006a: 96–98). In the short term, good educator leaders know how to handle specific situations effectively en route to their long-term vision (Van Niekerk 2008). You will learn a lot more about these aspects of good leadership in this chapter.

5.1 THE FUNCTIONAL TASK OF THE EDUCATOR AS LEADER

We need to establish what the real nature of an educator's work is before we can reflect effectively on the educator as a leader.

Activity 5.2

1. What do learners do in schools?
2. What do educators do in schools?
3. Why do they do this?

The words "educator" and "learner" give some indication of the core functions of schools. One may say that educators educate, which is a rather wide concept. They educate through their teaching activities, which encompass the didactic part of the job. The activity of facilitating learning provides the opportunity to educate learners to become mature adults – this is ultimately the purpose of education.

Educators are very well aware that the school's function is effective teaching and learning (Mentz 2003: 6). They are in schools primarily to see that the work of effective teaching and learning is done.

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If we reflect on these issues more deeply, we may argue that educators introduce learners to various aspects of reality. In the Mathematics class the focus is on numerical and spatial aspects; in the Biology class the focus is on the phenomenon of life; in the History class learners study humankind's past actions, and in the language classes the focus is on linguistic aspects of reality. Various aspects of reality are linked in the presentation of learning programmes. Learners are introduced to the various aspects of reality with a view to their future participation in the maintenance and development of civilization and to leading a meaningful life within the community (Van Niekerk 2006a: 98; ARSO 2002: 10–11). Educators need to assist learners with their knowledge, skills and attitudes, so that they can develop into mature adults.

When we reflect on the educator as a leader, it is the above task or function that we consider. The educator in the role of leader has to influence learners in such a way that learners take up the challenges associated with their learning task in an appropriate manner so that they can become reasonably independent as learners. This outcome is a tremendous challenge. This is what the educator in the role of leader should focus on. The other leadership functions of the educator, which involve colleagues and parents, relate directly to this basic task. A leadership model is presented below to help educators perform effectively as leaders.

5.2 A LEADERSHIP MODEL FOR THE EDUCATOR

The leadership model developed by Van Niekerk (1995) forms the basis of the discussion in the rest of this chapter. According to Van Niekerk, leadership can be viewed from a long-term and a short-term perspective. Short-term leadership refers to the actions that educators take to handle specific situations effectively, while long-term leadership refers to those actions that the educator takes to steer the class towards the vision set for the class. Both these dimensions of leadership are important, and indeed inseparable, to ensure firstly that the class functions effectively from day to day, and secondly that the long-term vision is realised. The educator as a leader thus has the responsibility to ensure that the class functions effectively in both the short and longer terms. In our discussion, we distinguish between a long-term and a short-term model of leadership for the educator.

5.3 THE LONG-TERM LEADERSHIP TASK OF THE EDUCATOR

The effectiveness of the educator's leadership is determined by evaluating his or her ability to influence the performance of the class as a whole in the longer term. This is all about the positive influence that the educator exerts on the class while they are in his or her class for the school year or longer, to perform in such a way that they show growth and development according to the expectations or vision. The tasks that the educator has to perform in order to achieve long-term success are: the creation of a class vision, effective communication of the vision, creation of a desirable value climate to contribute to the achievement of the vision, training and development of the learners and, finally, empowerment of the learners. These tasks are encompassed in the following model.

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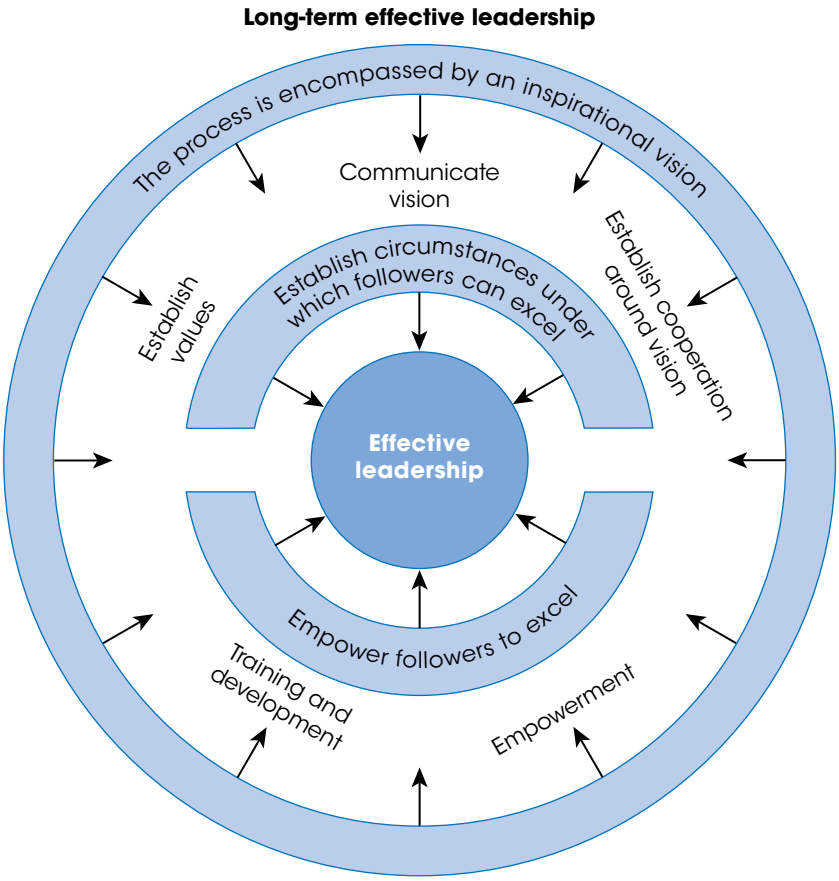


FIGURE 5.1 Model of long-term leadership

Source: Van Niekerk (1995: 48)

According to the model, the educator as a leader influences learners in two ways. First the leader influences the circumstances under which leadership is provided by creating an environment within which the learners can learn to the best of their ability. Secondly, the educator takes actions to empower the learners to develop optimally (Van Niekerk 2006a; Van Niekerk & Van Niekerk 2006: 90–91). These two dimensions of effective long-term educator leadership are discussed in this section.

The educator as a leader exerts an influence on the environment in which leadership is provided by creating the best possible conditions for learner achievement. These conditions are created by holding up to learners an inspiring vision, by effectively communicating the vision and by creating the best value climate or classroom culture in which the vision can be reached. The first task of effective long-term leadership is thus the establishment of an inspiring vision for the class.

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5.3.1 Envisioning

Some educators might find it rather quaint to reflect on a vision for their class,

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but this is normal practice when considering leadership. A visionless leader is one who is leading his or her followers nowhere (Demartini 2006: 87–97). Although educators usually assume that they know where they are going with their classes (because of their professional training), it is worthwhile considering this aspect. Even accomplished educators can learn a lot by purposefully reflecting on their class vision for the subject they teach and writing it down.

The educator as a leader is a person who encourages the development and implementation of a vision in cooperation with the learners. As we have noted, vision and leadership go hand in hand (Demartini 2004: 205–224; Masuku 2012: 100–102). Creativity and imagination are required to visualise the future direction and destination of the class, taking into account the present contextual realities. Commitment, motivation and dedication are required to carry this vision through and in this process the leader plays an important part (Sterling & Davidoff 2000: 16).

Activity 5.3

The creation of desirable conditions under which learners can excel requires the formulation of a vision that will act as a directive inspiration for all classroom activities that have to be performed.

In the light of the above statement, answer the following questions:

1. What is the function of your school and how does this relate to the vision of your school?
2. What is the function performed in your classroom and how does it relate to the vision of your school?
3. How would you go about formulating a vision for your class? Describe the process.
4. Give some reasons why vision building in your class should be a participative process.
5. Formulate a vision for your class.
6. How will your class vision contribute towards creating desirable conditions under which learners can excel?

We have already stated that schools are places where teaching and learning take place. This function of schools may be formulated in different ways, but will always relate to these two basic tasks of a school. Educational leadership implies a focus on the core business of the school, which means building the school as a learning organisation. Developing and maintaining a culture of teaching and learning is really what is required from the educational leader. Literally everything that the leader does and every action in the entire school setting must have this focus, as it must in the classroom. This is why one principal whom the author has met, always carries his school's vision in his jacket's pocket, and why another stated that even such a simple task as painting a wall of the school relates to the school's vision. This same focus on the vision of the class should also be prevalent with educators.

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The vision of the school will always relate to the function of the school as an organisation, which is the ideal of effective teaching and learning. When you examine the vision of your school, this connection should be clear. Visions of various schools will differ because they function in different contexts, but the basic focus on teaching and learning should always be present.

Vision deals with the future desired state of the school or class and has therefore not yet been fully realised. It indicates the ideal towards which the leader and followers are striving. To be inspirational, the vision needs to be both challenging and realistic. The dream should be one that can be realised if everyone works hard and cleverly. It must be based on an analysis of the present situation in which the school or class finds itself, a present which functions as the basis for the projection of future possibilities. There is no such thing as a perfect class or educator and, given the circumstances of many schools, a mere movement in the right direction is already laudable. The vision must, however, be motivational, in other words, every learner in the class must be motivated. It must appeal to the imagination and willingness of learners to strive towards the ideal. The right words to achieve this are important, as is the ability to formulate an inspiring ideal (Sterling & Davidoff 2000: 93–95). According to Neumann and Neumann (1999: 75), envisioning entails, among other things, the ability to see the school's future clearly and completely, the desire to change and the ability to adopt a growth path for the school. This also applies to the educator and his or her class. It is therefore clear that the educator must know precisely where he or she is going with the class.

Because the class vision will relate directly to the school's function of effective teaching and learning, the class vision can be directly linked to the school vision. It is important that the various educators should have their own visions and that these are formulated in the context of the encompassing vision of the school (to which they are contributing). In this way, harmonious integration of intent is ensured as the school moves towards its desired future. The educator and his or her class actually form the basis for the realisation of the school's vision. The educator as leader is the person who facilitates the realisation of the visions of the individual learners, the class and the school. This implies that every learner should be assisted to best realise his or her abilities and talents.

Learners should know precisely what they would like to accomplish and they should then be deliberately guided to achieve this. This is why the educator needs to know what direction to follow and take the learners along the right path in the formulation and implementation of the class vision. Of course this needs to be done at the level at which the learners function and should not be stated in esoteric jargon.

Although the educator has a very important role in the vision-building process, the building, communication and implementation of a vision is essentially a shared process. Both educator and class should imagine what their class would be like once every learner's potential has been fully realised. The following vision-building process has been adapted from Sterling and Davidoff (2000: 94–104) to suit the classroom environment:

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STEP 1: IDENTIFYING THE CORE FUNCTION OF THE SCHOOL AND THE CLASS

This has already been discussed extensively. It is, however, important for learners to realise why they are at school and that it is actually sensible to make the best of their school career. It would be a good thing if the educator could assist them in discovering this for themselves.

STEP 2: UNDERSTANDING THE CONTEXTUAL FACTORS THAT AFFECT THE SCHOOL AND THE CLASS

This implies that learners have a basic understanding of the obstacles and challenges that face them, as well as the factors that they can capitalise on. They will have to show resolve in reaching their vision and it is good if they realise this.

STEP 3: FORMULATING A CLASS AND INDIVIDUAL VISION OF THE LEARNING THAT THE CLASS AND THE INDIVIDUAL LEARNERS WISH TO ACCOMPLISH WITH THE EDUCATOR

Although the prescribed curriculum will be the point of departure, it is essential that the learners find some meaning in what they are going to do. They need to have a clear idea of the outcomes towards which they are striving. The educator will have to approach this in a creative way.

It is essential that each learner should also work out how he or she fits in with the vision of the class by formulating his or her own vision for the learning area or subject. This could be done at a very elementary level and in a non-formal manner. Learners should not even be aware that they are busy with a complicated concept such as a vision.

STEP 4: INDICATING CLEARLY HOW THE CLASS INTENDS REACHING THE VISION

This implies formulating a clear plan. It can relate to all the basics of attaining success in the particular subject.

It is not necessary to follow these steps to the letter, but it is important for learners to be a part of the vision-formulating process, for the following reasons (Sterling & Davidoff 2000: 90):

- If learners are not part of the development process, they might be poor supporters at the implementation level. If they are involved from the outset, they will own the vision and feel part of it.
- If they are not part of the process, they may not abandon negative ideas and attitudes about schoolwork, which may weaken the momentum towards realisation of the vision.
- If the whole class is not involved, the benefit of everyone's creative input in the process will not be obtained. Learners may have wonderful ideas that could contribute towards the formulation of the vision and motivate fellow learners during implementation.
- Since there are many aspects of class life that need to be accommodated in the vision, one must give each learner the opportunity to ensure that none is left out.

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5.3.2 Communication of the vision

Following on the first task of effective long-term leadership, namely envisioning, the second task is communicating the vision. Apart from making learners part of the formulation process, a prerequisite for alignment around the class vision is that it should be communicated to learners. It should be communicated in such a way that learners are inspired by the vision and willingly align themselves with the vision. This entails that learners should be motivated to work towards the vision. The motivation of learners is discussed in Chapter 7. It is important that the educator as leader should use every opportunity to inspire others to strive towards the vision.

The vision should be communicated verbally and in written form to the class in a clear, regular, systematic and convincing way. The educator is the most important communicator of the vision, but may be assisted by the learners. There are many possible ways of communicating the vision; at times learners may even be unaware that the educator is consciously communicating the vision. It is not necessary that they should always know this, as long as effective communication of the vision keeps them aligned with the vision and focused on attaining it (Van Niekerk 2006a: 102–103; Love 1994: 132–133; Masuku 2012: 105–106).

Activity 5.4

Make a list of the various ways in which an educator can communicate the class vision. Discuss this issue with colleagues.

Communication as such is discussed under a separate heading in Chapter 6. When communicating the vision, remember that the manner in which it is communicated is most important. Learners will not accept a vision if it is not communicated in an acceptable way. Trust in the communicator is very important (Van Niekerk 2006a: 103).

5.3.3 Value management

We have so far discussed the first and second tasks of effective long-term leadership, namely envisioning and communicating the vision. A third essential leadership task in creating desirable circumstances for the realisation of the vision is value management. Values are at the heart of what happens in the classroom; therefore the educator must assist with the identification, nurturing and modelling of worthwhile values. This process will help to build a healthy classroom climate, which will in turn help to realise the vision (Van Niekerk & Van Niekerk 2009: 7; Van Niekerk & Dube 2011: 5–6).

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Activity 5.5

The promotion of values in the classroom can contribute towards establishing a classroom climate and culture that is conducive to effective teaching and learning.

Now answer the following questions:

1. Which values need to be promoted for effective teaching and learning to take place?
2. How can values contribute towards a desirable classroom climate?
3. What role will an educator's own educational values play in promoting teaching and learning?
4. How will the educator as leader go about
   - identifying desirable values?
   - nurturing desirable values?
   - modelling desirable values?

The following basic educational values are likely to be instilled into teachers during educator training in most countries (Bush & Anderson 2003: 90–91):

- Enhancing the quality of the learning experience for learners
- Promoting academic excellence
- Educating learners to the best of their ability
- Preparing learners for life after school

This is a very good value basis for educators. If they bring these priorities to life in their interaction with learners, the classroom climate will be conducive to reaching the vision. There are other values too that the educator must establish to promote a climate in which every learner can reach his or her potential. The first that comes to mind is respect. Every person should be treated with dignity and respect and the whole class should know that negative behaviour, such as belittling others, abruptness, discourtesy, name-calling, bullying and rudeness, will not be tolerated. Respect for the talented, as well as for the less talented and academically challenged, is essential for a positive classroom atmosphere. Caring and mutual assistance should be encouraged too, especially since group work is emphasised within the present educational context. Dedication to work is essential for success, so this value should be encouraged, together with perseverance. There are more such aspects that can be enumerated, but every educator will have a specific set of values that he or she considers important and would like to establish in his or her class. Values such as these will only be integrated into the functioning of the class if the educator takes deliberate measures to cultivate them as part of the normal functioning of the class (Van Niekerk 2006a: 103–105; Van Niekerk 2006b; Van Niekerk & Van Niekerk 2009: 7; Van Niekerk 2012: 302; Masuku 2012: 107–109).

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There are many ways in which the educator may attempt to establish these values, but one of the best ways has always been to model these values oneself, and at the same time apply these values to learners in a just, consistent and fair manner. These values can also be integrated into the classroom policy, which will be discussed in Chapter 6.

Educators should have a good idea of the type of behaviour that they expect from learners. Therefore it is essential that an educator should know which values to promote in the class. The educator as a leader must consciously promote a positive atmosphere in the class by promoting appropriate values.

So far, three tasks of the educator as a leader have been discussed. These are the establishment of an inspiring vision, the successful communication of the vision and the promotion of the right type of value climate for the realisation of the vision.

Next, we focus on the second dimension of the long-term leadership task of the educator. This entails firstly that learners be developed and trained in order to carry out their tasks as learners. Once they have mastered the knowledge, skills and values associated with their role as learners, they need to be increasingly empowered to practise and apply these (Van Niekerk 2006b). They must be enabled and allowed to take responsibility for their roles and to work autonomously as far as possible.

5.3.4 The development and empowerment of learners

The educator must assist with the development of the learner's potential in cooperation with him or her, utilising the curriculum, relevant teaching methods and techniques, teaching media and whatever else is required, as effectively as possible. To help the learner to develop, the educator must have a good understanding of the role of the educator and the learner. Even the learner must have insight into the role of a learner in order to make his or her contribution.

Activity 5.6

Educator leadership relates directly to guiding learners to fulfil their roles effectively, in other words, assisting them to become capable learners. Taking the above statement into account, answer the following questions:

1. How would you describe the role of the learner?
2. What obstacles do learners face in fulfilling their roles as learners?
3. How can educators develop and assist learners to fulfil their roles?
4. What must educators know about learners in order to assist them in their roles as learners?
5. How can the educator as a leader prepare learners psychologically for their roles as learners?

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Both educators and learners have a specific office/role to fulfil in the learning process. Clarity on these offices/roles is essential to understand the development task of the educator as a leader. The reflections of Stephen Fowler (Fowler, Van Brummelen & Van Dyk 1993: 113–119) on this will be taken as the point of departure in the following discussion.

Each office within the school community has responsibilities and the associated authority for carrying out these responsibilities. This includes the offices of both educator and learner. A distinct authority is associated with each office. Thus the educator, parent, educational manager and learner possess distinct types of authority relating to the learning process, because each fulfils a unique role in this connection and on each rests the responsibility to conform to unique demands. Educators should therefore respect the office of learner and should assist learners to assume the responsibilities of their office. Learners should honour the office of educator, namely the person who has to take effective control in the classroom situation to guarantee effective learning.

In this way, there is a division of power according to office. In such a context, freedom means mutual interdependence on the effective exercise of authority according to the division of offices. Freedom therefore actually means that the various office bearers have the full authority to fulfil the responsibilities associated with their offices. Seen from this perspective, freedom for learners actually also means that they should subject themselves to the rightful authority of the educator in the learning process. Suppression takes place when one role-player is restricted by other role-players in exercising the authority associated with the role that he or she fulfils. For example, an incompetent educator will place undue restrictions on learners' ability to fulfil their role as learners. A primary school educator who uses poor techniques in the teaching of Mathematics, reading or writing will definitely do learners an injustice, for they will not be able to master these essential skills and their further development as learners will be hampered. If educators show serious character flaws or behave in an unprofessional manner, they will alienate learners, which will have an effect on the learners' achievement and on their development to adulthood. A strict authoritarian or slack, indifferent leadership style may likewise inhibit the learners' desire for self-discovery, which places undue restrictions on their development towards becoming self-sufficient as learners. Leadership styles are discussed in Chapter 10.

Educators should ask themselves how effectively they fulfil the new educator roles identified by the Department of Education (Department of Education 2000: 27–28; Department of Higher Education and Training 2011). These roles are:

- Learning mediator
- Interpreter and designer of learning programmes and materials
- Leader, administrator and manager
- Scholar, researcher and lifelong learner
- Member of the community, citizen and pastoral figure
- Assessor
- Learning area/subject/discipline/phase specialist

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Educators cannot develop and empower learners in an appropriate way if they are not empowered to fulfil their own roles as educators. They should work to develop and empower themselves and use every opportunity provided in this regard; as a result they will be better able to equip learners to fulfil their roles as learners.

Some learners, on the other hand, may experience genuine learning difficulties and may deliberately behave inappropriately or disrupt learning activities by not taking up their learning responsibilities at the level at which they are supposed to. It is the task of the educator to identify learners with learning difficulties and to take appropriate steps to help them develop so that they may take up the challenges of their roles as learners. It is no easy task to be an effective educator in the diverse conditions existing in present-day classrooms. This issue is discussed in Chapter 7.

Learners with behavioural problems who threaten to disrupt efficient classroom learning, or who prevent the educator from fulfilling his or her function properly, should also be guided in appropriate ways to take up the responsibilities of their roles as learners. This can be done in various ways, some of which are discussed in Chapter 6. The ultimate aim of any measure is always to bring learners to the point where they are willing to take up the responsibilities of their roles at an appropriate level. In this way, the learners as well as the educators are empowered to fulfil their respective offices.

Activity 5.7

A pamphlet produced by the Department of Education, which discusses the policy on whole-school evaluation, lists learner and educator responsibilities. Do you agree with the following summary? Motivate why you agree or disagree.

Educators must

- provide quality teaching and guidance that meet the needs of individual learners and the aspirations of local communities and the country as a whole
- plan lessons well
- master the subjects they teach
- employ the right strategy for each learner
- use resources efficiently
- ensure proper curriculum provision
- manage classes and create a good learning environment
- apply assessment that will make teaching more effective
- continuously evaluate the success of lessons
- help learners to achieve the expected outcomes
- guide the progress of learners.

Learners must

- work hard to meet high academic standards
- become lifelong learners
- accept that they will be the primary beneficiaries of whole-school evaluation

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- support all efforts to build an education and training system for the 21st century
- commit themselves to excellent discipline, conduct and hard work.

How does this relate to the educator's leadership task of development and empowerment of learners?

How does the educator's leadership task of development and empowerment feature in the Integrated Quality Management System?

The development and empowerment of the learner to execute the duties associated with the role of learner pose serious leadership challenges. Much is expected of educators in this regard and you will learn a lot about measuring up to this leadership challenge in the rest of this book.

The tasks associated with the long-term leadership role of the educator have now been discussed: the creation of a vision; the effective communication of the vision; the creation of the desired value climate to contribute to the achievement of the vision; the training and development of the learners and, finally, the empowerment of the learners. Revisit Figure 5.1 and ingrain it in your memory for the rest of your working life as an educator.

In conjunction with the long-term leadership role, we now need to pay attention to the short-term leadership role of the educator. This relates to the way in which the educator exercises leadership in specific situations that may crop up on a daily basis in the classroom.

5.4 THE SHORT-TERM LEADERSHIP ROLE OF THE EDUCATOR

As indicated earlier in this chapter, short-term leadership refers to the actions that educators take to handle specific situations in the classroom effectively, while long-term leadership refers to those actions that the educator takes to steer the class to reach the vision set for the class (Van Niekerk 2006a; 2006b; 2008). Both these dimensions of leadership are important, and actually inseparable, to ensure firstly that the class functions effectively from day to day and secondly to ensure that the learners reach their long-term vision. The educator as a leader therefore has the responsibility to ensure that the class functions effectively in both the short and longer term. The examples of effective educator leadership at the beginning of the chapter clearly show that educators face various situations daily that they need to handle from a leadership perspective. In this section we will focus on this situational aspect of educator leadership.

While the school is busy moving towards its vision in the longer term, effective school and classroom management has to be done on a daily basis in order to realise the long-term vision. Leaders are thus confronted with specific situations that they need to handle on a daily basis. The characteristics of the educator as a leader, the characteristics of the learners and a number of factors that determine

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the classroom situation will all affect the circumstances and the events that the educator must cope with on a daily basis (Van Niekerk 2006b; 2008; 2009). These intertwined characteristics have an impact on the effectiveness of the educator's leadership style.

If "educator leadership" is the art of influencing learners to achieve learning outcomes, then the effectiveness of leadership can be measured against the achievement of desirable learner behaviour in the realisation of these outcomes. This implies, among other things, that educators have to be adaptable and be able to change their leadership style, as learners mature and develop while functioning under their influence. This provides a link between effective leadership in specific situations and effective long-term leadership. An autocratic leadership style may, for example, be an effective style in a specific situation with a class of learners who need a lot of direction, but the same situation would be handled in a more participative way at a more advanced stage in the development of the class as the learners grow and mature. It is also important that educators should be able to adjust their leadership style for those learners who show insufficient growth in their approach to learning and those who have a mature approach and fulfil their obligations well.

As already mentioned, the effectiveness of short-term leadership is influenced by the characteristics of the leader, the characteristics of the followers and the characteristics of the situation. A number of factors influence each of these characteristics, as illustrated in Figure 5.2.

A brief discussion of the factors within each category of characteristics that influences short-term educator leadership will make the model more comprehensible and provide direction for successful short-term educator leadership.

5.4.1 Characteristics of the educator

Each educator is a unique person and will therefore approach his or her leadership role in a unique way. The attributes that the educator shows as a leader will be determined by factors such as the educator's view of the learners, whether the educator is task- and/or people-oriented, his or her personality, the level of his or her knowledge and experience and the expectations and trust with which learners are approached.

Activity 5.8

Reflect on the following questions and try to establish how each affects your leadership style as an educator:

1. How do I view the learners in my class?
2. Am I task- or person-oriented in my teaching approach?
3. What is my personality like?
4. What is the level of my knowledge and experience as an educator?
5. Do I trust learners and project high expectations onto them?

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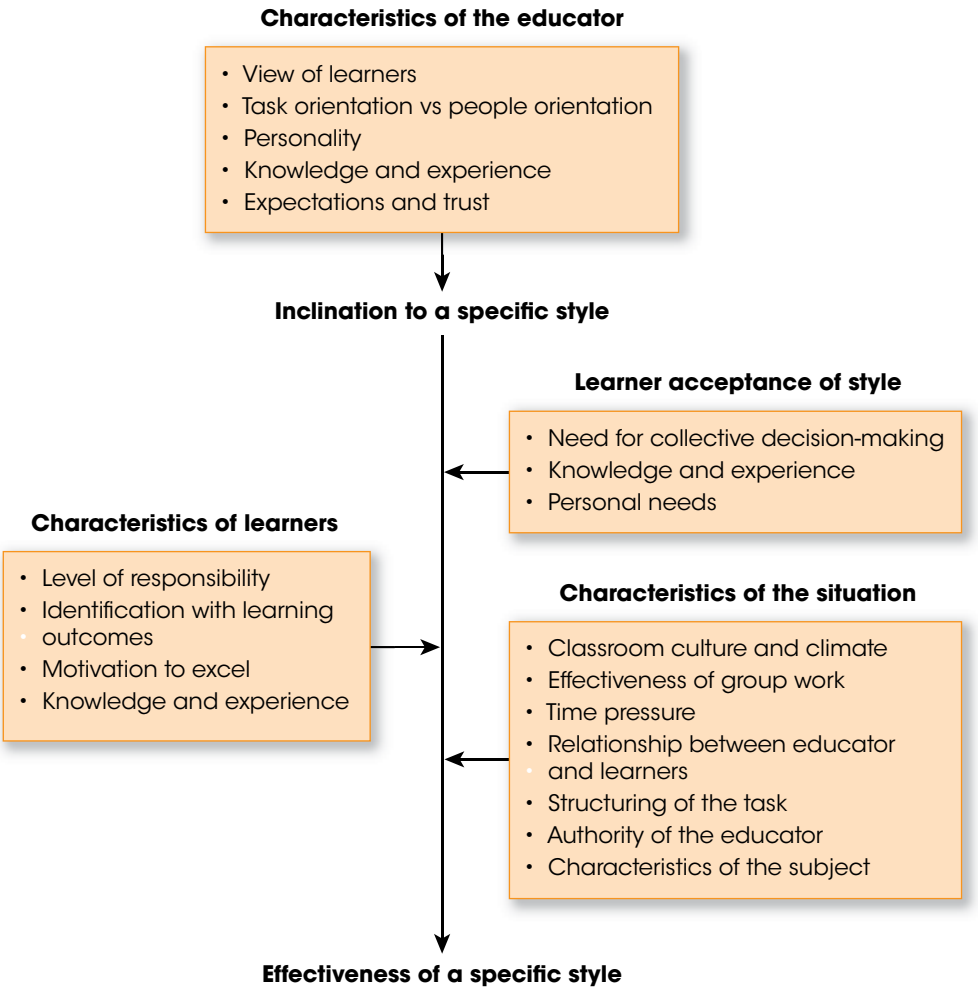


FIGURE 5.2 Short-term leadership

Source: Van Niekerk (1995: 45)

5.4.1.1 View of learners

The educator's view of the learners in his or her class will have an important effect on the way he or she approaches them. This view that the educator has of learners is influenced strongly by his or her view of humankind, which is in turn based on a particular view of life and religious faith directing the life of the educator (Van Niekerk 2008: 275–276; ARSO 2002: 19–22). Educators need to be aware of this and of the fact that a positive view of children, despite their shortcomings, is much more desirable than a negative approach. Educators will be more inclined to allow learner participation in decision-making and class work if they view learners in a positive light, for example as human beings who are able to take a positive approach towards learning and apply themselves to achieve learning outcomes, who can persevere in reaching meaningful goals, who can work in a motiv-

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ated way, and who can take part in problem-solving in a creative, innovative and imaginative way. However, if an educator views learners as people who are negative towards work, lacking ambition, lazy, prone to avoiding responsibilities and unmotivated, and who should be threatened and controlled to reach outcomes, then the educator will also be more prone to act like a dictator. Of course, individual learners pose different challenges and they display different attitudes towards their responsibilities as learners. However, the educator who expects as an ideal that learners will display self-discipline in their learning tasks and who accepts that such self-discipline is normal and possible, will have a more positive approach towards learners (Van Niekerk 2008: 275–276; Steyn & Van Niekerk 2012: 309; Everard & Morris 1996: 23).

Activity 5.9

Reflect on the educators you had as a learner and try to establish which view they had of the learners in their classes. What effect did this have on the way that they tried to influence learners to take up their learning responsibilities?

Did the age, sex or background of learners have an effect on the approach of these educators? Explain.

How do you as an educator view the learners in your class?

Educators know that there are always those learners in their classes who will make it possible for them to move towards a leadership style that is essentially positive because of their own positive inclination towards their schoolwork. The ideal is, however, to take the whole class along and a positive attitude will do much to make this possible. A negative attitude tends to make things worse and will steer the educator in the direction of an aggressive, dominating style of leadership. Both an overly optimistic and an overly pessimistic view of learners should be avoided. A realistic view, based on what we know about the nature of children and the individual natures of the learners in the class, is more desirable. People who work with youngsters need to have a positive attitude and a real desire to work with them. If not, they should consider a career change. Young people do not deserve to be approached with negativity, pessimism or indifference. Optimism, positivity and enthusiasm will inspire them.

5.4.1.2 Task-oriented and/or people-oriented approach

Whether the educator follows a task-oriented or people-oriented approach towards learners will definitely affect his or her leadership style. A task-oriented educator wants to get the job done and will emphasise activities such as planning, directing and problem solving. The following list of task-oriented leader behaviours is typical of such an educator (Love 1994: 37):

- Planning the day's activities in detail
- Maintaining the expected standards of performance

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- Letting learners know what is expected of them
- Getting things done quickly
- Emphasising deadlines
- Keeping the work moving at a rapid pace
- Managing learners so that they follow the class rules
- Seeing to it that work is well organised and coordinated
- Being critical of poor work

People-oriented educators want to establish and maintain sound relationships and will emphasise such things as expressing feelings, teamwork, harmonising and compromising. The following list of people-oriented leader behaviour is typical of such an educator (Love 1994: 38):

- Taking the suggestions of learners into account
- Looking out for the welfare of individual learners
- Being friendly and approachable
- Doing little things to make it pleasant for learners
- Finding time to listen to learners
- Making jokes and friendly comments
- Seeking approval and cooperation before going ahead

The educator's main task is to educate and teach; therefore educators should focus on the task dimension of their calling. In doing this, the educator works with learners and with other people (for example parents, learner leaders, educational managers), and therefore the human dimension needs attention as well. Quality interpersonal relationships need to be maintained and human aspects such as needs, feelings, aspirations and attitudes have to be taken into account. The correct emphasis on these two dimensions in the classroom will lay the foundation for effective teaching and learning (Kruger & Van Schalkwyk 1997: 19–20). It will also affect the educator's style of leadership. The most satisfying learner experiences will be those where the class work is done in a learner-friendly atmosphere.

5.4.1.3 Personality

An educator's personality will affect the type of leadership he or she demonstrates and an educator must therefore be aware of the type of person he or she is. Educators should strive to develop an emotionally intelligent personality, as this will enable them to be excellent leaders of learners.

Emotionally intelligent educators are those who are able to (Minnaar & De Kock 2003: 6–7; Palmer, Jansen & Coetzee 2006: 93–95; Coetzee & Jansen 2007)

- understand their own emotions better
- manage their own emotions more effectively and thereby enhance their own quality of life

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- understand others (including learners!) better and thereby live more comfortably with other people
- build satisfactory relationships with other people at all levels and in all walks of life, thereby improving their personal power and productivity.

The job of educator requires understanding and using one's own emotions to build harmonious relations with learners and other people one has to work with.

Activity 5.10

Consider the following components of emotional intelligence and discuss how you can use skills associated with each to influence learners to become better (Minnaar & De Kock 2003: 6–7):

1. *Self-awareness*
   - Determining one's strengths and limitations
   - Becoming aware of one's emotions and their effect on one's behaviour, as well as the effect one has on others
   - Insight into one's own behaviour and willingness to be introspective
2. *Managing emotions*
   - Acquiring the skills to cope effectively with stress and anger
   - Being flexible and willing to adapt to change
3. *Self-image and self-motivation*
   - Developing a strong sense of self-worth and trusting one's abilities to cope with demands
   - Being motivated primarily by internal factors such as the need for achievement and personal growth
4. *Social skills*
   - Becoming an active listener
   - Tuning in to the feelings of others
   - Preventing emotional "triggers" from adversely affecting one's listening ability
   - Becoming more assertive
   - Dealing more effectively with conflict

It should be clear that an emotionally intelligent educator with a more comfortable and relaxed leadership style would be a better leader and would achieve more with learners. Refer to Chapter 2 where the subject of emotional intelligence is discussed.

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5.4.1.4 Level of knowledge and experience

The level of knowledge and experience of leadership and classroom management will definitely affect the leadership style of educators. Educator leadership can be developed and desired leadership behaviour can be learnt, as good leaders are not

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necessarily born (Bass 2008: 48; Day 2012: 108–140; Maxwell 2007: 33). Improving the abilities of educators as leaders of learners has been neglected in the training of educators for far too long. There is now a possibility for improving this situation with official recognition of this role in the *Norms and Standards for Educators* (Department of Education 2000a: 27–28; Department of Higher Education and Training, 2011). The roles mentioned include the educator as leader, manager and administrator, and it is hoped that training institutions and in-service training of educators will be inclined to focus more on this role. So far this aspect has not been approached in a systematic and satisfactory way. Educators need to make choices regarding the appropriateness of the leadership style they adopt. The success with which an educator exercises this choice will depend on his or her knowledge and experience of leadership (Van Niekerk 2008: 279).

The level of an educator's subject knowledge and of his or her professional educational knowledge and experience is definitely also a factor that will affect leadership style. Incompetence is a fertile breeding ground for an autocratic attitude, as educators who do not know enough will be inclined to discourage learner participation for fear of being shown up if matters are discussed too rigorously in class. It is encouraging that much is being done at this stage about the upgrading of educator qualifications and in-service training by the Department of Education. This is surely an investment that has the potential to enhance educator confidence and leadership (Van Niekerk 2008: 279).

5.4.1.5 Expectations and trust

The measure of trust an educator has in learners and the expectations an educator has of learners will have an effect on the leadership provided. A leader who trusts followers and has realistic but high expectations of them will be more prone to following a democratic leadership style. When an educator has developed and educated learners for some time, he or she will show confidence in both the ability of the learners and his or her own ability to teach by allowing learners to put into practice what they have learnt. In this sense trust is also associated with high expectations. Having high expectations fulfils a psychological function; it builds the confidence of learners and motivates them to excel, because they actually experience the confidence of the educator in their ability when the educator has high expectations of them (Van Niekerk 2008: 279–280; Sousa 2003: 10; Jensen 2007: 74). Not expecting much of learners as far as their abilities are concerned is actually a vote of no confidence by the educator in his or her own teaching. It reflects a lack of leadership.

5.4.2 Characteristics of learners

According to Kruger and Van Schalkwyk (1997: 13), the following are some of the characteristics of learners that educators should take into account when managing a classroom:

- Gender
- Abilities

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- Age
- Socioeconomic background
- Motivation
- Aspirations
- Attitude towards the educator, the learning area, school, classmates, etc.
- Physical condition
- Self-image

The above authors also state that learners depend on educators for help and support in their learning, need to feel safe and secure to be able to participate in the teaching-learning situation, are teachable and want to learn in order to eventually become independent. These are very important characteristics which must be taken into account by educators, as they relate specifically to the context in which educators provide leadership. Learners are very dependent on their educators for fulfilling their roles as learners successfully and for becoming responsible adults. This is the nature of the education relationship, which places a huge responsibility on the shoulders of educators as leaders. It should be clear that the characteristics of learners impact directly on the nature of the leadership that is required.

Activity 5.11

Reflect on the following questions on the characteristics of learners, which may affect educator leadership, and indicate what the effect of each might be:

- What level of responsibility can the learners in my class take for learning?
- Which learners in my class work in a self-disciplined way?
- Do learners identify with learning outcomes and their task as learners?
- How do I handle learners who do not like the learning area I teach and who do not identify with the outcomes?
- Are learners motivated to excel in their learning?
- What is their level of knowledge and experience?
- How will their level of maturity and their age affect my leadership style?

We will discuss only some characteristics of learners as they relate to the above questions.

5.4.2.1 Level of responsibility

Learners' readiness for responsibility will play a role in the effectiveness of a specific leadership style. The leadership style has to be adapted to the learners' level of maturity. One of the criteria for measuring learners' maturity is their readiness to accept responsibility for their own learning. This applies to individual learners or a group of learners (Van Niekerk 2008: 280–281).

Children are delightfully diverse in their approach to schoolwork, something which we discuss in Chapter 7. This poses a tremendous challenge to educators. Not only does their thinking operate differently in many respects, but their per-

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sonalities and preferences regarding schoolwork also differ. Some learners mature later than others, while others will seemingly never mature in their approach towards their schoolwork at all. Younger learners obviously need more guidance and help from educators. It also appears that boys generally mature at a later stage than girls and that they need more support because of this. There might also be factors in the school system itself that hold boys back, such as the overpopulation of the teaching profession by female educators at primary school level.

Some learners experience genuine learning difficulties, such as problems with reading, spelling and Mathematics, which educators and parents only realise once a great deal of damage has already been done. Whatever the reasons for these and other interesting phenomena associated with learning, they affect the leadership role of the educator. The question is how to handle learners with diverse learning needs and approaches. This aspect is discussed in Chapter 7.

As an educator you should study these issues so that you can evaluate your class situation. As a leader you can then find an effective way of dealing with the present situation in your class, while deciding on how to move on to a future desired situation. This may involve adopting different leadership styles for different learners or groups of learners in the class, while trying to move on to a more suitable leadership style as the learners progress. Naturally, it is much easier to lead learners who have attained a measure of self-discipline and responsibility. A lot of courage and discipline on the part of the educator is required to reach this point, but it is very satisfying to reach the goal. It takes a lot of perseverance to handle all the situations that crop up daily in the class on the road to this destination.

5.4.2.2 Identification with learning outcomes

All educators have experienced the leadership challenge of having learners in their classes who are not in the least interested in studying the learning area they teach. One Grade 9 learner recently remarked that she did not know which subjects to take in Grade 10. When asked which learning areas she was interested in, she said: "Quite frankly, I'm not interested in any one of them. Academic work does not turn me on."

She was quite honest and not in the least bit spiteful towards the parent who asked the question. Educators must acknowledge this situation as a reality. Many learners are not academically inclined, but the reality is that they are of school-going age and they will have to find their way as grown-ups in society, which expects people to have been prepared by schools to function properly.

This all actually boils down to a leadership challenge that the educator has to handle every day. Most classes have such learners. Some of them have the potential to become excellent learners, but this will depend to some extent on the leadership provided by the educator. Some have to be forced to do their best. Most learners do not want to end as failures and therefore must be placed on the right track by an educator who cares enough to provide the right direction. In this sense educators have a great responsibility: they must make their classes interesting and must motivate learners in the right way (Van Niekerk 2008: 281–282).

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5.4.2.3 Motivation to excel

Motivation is dealt with in Chapter 7. The ability to motivate learners is very important and every educational leader should master this. The educator as a leader has to deal with the fact that every class will have some learners who are motivated to excel, and others who are not. Learners' motivation to excel in their schoolwork is a significant variable which affects the type of leadership provided by the educator. The ideal would be for educators to motivate every learner to excel according to his or her ability (Van Niekerk 2008: 282–283).

5.4.2.4 Knowledge and experience

Educators should be aware of the level of knowledge and experience of the learners in their class, since it will affect their learning needs and the type of leadership needed from the educator. Learners at a lower level of knowledge and experience, as well as all learners who experience barriers and challenges to learning caused by learning difficulties, will need more direction and attention. Other learners must not be neglected because of this, as they may have different needs, such as participating more fully in their own learning with the educator facilitating where necessary. Gifted children should not be neglected either, as these children have their own set of problems and challenges. The knowledge and experience of learners give an indication of their maturity. The key to successful learning is to meet the learner at the right level, which is the level of knowledge and experience at which the learner finds himself or herself at the time of engaging in learning activities. The type of leadership required also depends on this level (Van Niekerk 2006b; Van Niekerk 2008: 283–284).

The last aspect of short-term leadership that needs to be attended to (because it influences leadership style) is the characteristics of the situation in which the educator as leader finds himself or herself.

5.4.3 Characteristics of the situation

The following characteristics of the situation will affect leadership style:

- Classroom culture and climate
- Effectiveness of group work
- Time pressure
- Relationship between the educator and the learners
- Structuring of the task
- Authority of the educator
- Characteristics of the subject

5.4.3.1 Classroom culture and climate

Classroom climate is discussed at length in Chapter 6. This is an important aspect, because by fostering the creation of a classroom environment supportive of creativity, teamwork and participation, an educator can unleash the inner motivational

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forces of learners. Learners generally experience a positive classroom climate as more conducive to their learning.

Activity 5.12

Make a list of all the factors that affect the classroom climate and discuss their impact on classroom climate and on the leadership provided by the educator.

Kruger and Van Schalkwyk (1997: 105–109) distinguish six factors, namely the educator, the learners, interpersonal relationships, the subject matter and teaching methods, the type of order and discipline maintained, and the classroom environment. The creation of a classroom climate which is conducive to learning is later discussed extensively; its relation to educator leadership is the focus in this section. It should be noted that the classroom climate and the type of leadership provided have a mutual influence on each other. A positive, inviting classroom climate is generally associated with a more participative leadership style, which educators should pursue (Van Niekerk 2008: 285).

5.4.3.2 Effectiveness of group work

Group work is discussed in Chapter 7. The emphasis on this method of teaching/learning in recent years in South African schools has had a huge influence on the type of leadership provided by many educators. If groups do not function well, the educator has to be much more directing and supportive to help them improve. However, if groups are trained well and they function well, the leadership task of the educator can take on a new form, because it is much easier to facilitate autonomous learning groups. Group work also provides opportunities for developing learner leadership, which opens up new vistas for participative teaching and learning. A daunting challenge for educators is, however, to provide the right type of leadership, taking into account the dynamics created in the classroom by group work as a teaching method (Van Niekerk 2008: 285).

5.4.3.3 Time pressure

The time pressure experienced in the classroom affects the conditions under which leadership is provided. A participative leadership style is generally more time-consuming and leaders are less inclined to adopt this style when there is great time pressure. It is not easy to get through a crammed curriculum, especially in the higher grades of secondary schools. Both learners and educators experience the stress associated with extreme time pressure, especially in schools that have a busy extra-curricular and academic programme (Van Niekerk 2008: 285–286).

5.4.3.4 Relationship between educators and learners

The educator-learner relationship refers to the degree to which learners trust and respect the educator and are willing to follow his or her commands. A good rela-

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tionship will make it easier to provide leadership; therefore it is very important for educators to know how to establish desirable relationships.

Activity 5.13

Give a list of techniques that educators can use to establish good relations with learners and explain these techniques.

Kruger and Van Schalkwyk (1997: 91) provide the following list:

- Address learners by their names
- Be genuinely interested in the children
- Avoid criticism and judgement
- Make it seem easy to correct mistakes
- Show honest and sincere appreciation and recognition
- Smile
- Let the children do the talking
- Let the children feel important
- Avoid conflict and arguments (and handle those that do arise in an assertive manner)
- Show respect for the learners' opinions
- Admit your own mistakes
- Be sympathetic
- Be interesting and enthusiastic

Your list and your opinions on good educator-learner relations may differ from the list given above, so some clarification may be necessary to establish why there are differences and whether you have good reasons for differing. For example, some of the methods may not be sound practice in some cultures. It will, however, always be advisable that educators establish good relations with learners to make their leadership task more comfortable and to better manage the situation in which leadership is provided. Consider also that to get along well with learners, educators must establish relationships based on authority and trust and they should get to know their learners well.

5.4.3.5 Structuring of the task

Structuring of the task is the extent to which a task is described and defined. It also refers to the development of communication channels between those involved in the task and the provision of methods of doing the task. The less structured a task, the more uncertain the expected outcome and the more difficult it becomes to provide leadership (Van Niekerk & Van Niekerk 2009: 15).

The degree to which tasks are structured for learners will have a definite impact on their evaluation of the educator's conduct. Effective educators will see to it that tasks are structured unambiguously, logically and clearly, so that learners will

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be able to function well. How this aspect affects the exercise of leadership has been a point of contention in education for some time now, because of all the curriculum changes and the focus on some new approaches and methodologies of education. The ability of educators to structure learning for learners is to some extent influenced by their ability to master all these changes and to integrate them meaningfully into a learning programme. The way in which these innovations were introduced had disastrous consequences in many schools. We trust that this will no longer be a problem in future (Van Niekerk 2006b; Van Niekerk 2008: 287–288).

Fortunately, due to the curriculum being prescribed, the opportunity to use school textbooks, the cooperation of educators in schools and in clusters of schools, the nature of initial educator training and in-service training, it is now easier for educators to structure the learners' learning in a meaningful way. Educators will have to learn how to fulfil their role as *Designers and interpreters of learning programmes and materials* (Department of Education 2000a) under any circumstances, as the meaningful structuring of learners' learning has a direct influence on their leadership style.

5.4.3.6 Authority of the educator

This situational factor, which has an influence on leadership style, refers to the degree of the educators' power in the classroom, which they can use to exert an influence on learners. The more power the educator has, the easier it will be to exert influence on learners. Classroom discipline is discussed extensively in Chapter 6, and in Part B we discuss the legal aspects of the matter. Suffice it to say that the educator's duty to create an orderly learning environment and the learners' rights to be able to learn within such an environment, are imperative for successful learning to take place. Issues relating to this are also discussed in Chapter 6. Those involved in the classroom situation need to understand that it is absolutely essential for them to fulfil their respective roles of educator and learner in a responsible way for learning to be successful.

Legitimate power is also known as position power, which refers to the authority delegated to a position. According to the position that they hold, educators can expect learners to perform their duties conscientiously; if not, the educator can take disciplinary action according to the school rules.

Power by reward is used when rewards are given or withheld. Such rewards include recognition and appreciation, opportunities for enrichment and development, encouragement and special favours such as holding a class party. Educators can use rewards very effectively to motivate learners to reach the learning outcomes.

Coercive power is enforced by inspiring fear, whether psychological or physical, and should be used with great care and only in extreme cases. Corporal punishment is forbidden in the present educational system.

Learners follow an educator with referent power because they like, respect or identify with him or her. Personal qualities such as charisma, friendliness, warmth and a good sense of humour attract people.

Expert power is based on knowledge and expertise, which every educator

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should possess with regard to subject knowledge, methods of teaching and educating children (Van Deventer & Kruger 2003: 140–141).

Activity 5.14

Discuss how the educator can use the following types of power to create an orderly classroom:

- Legitimate power
- Power by reward
- Coercive power
- Referent power
- Expert power

5.4.3.7 Characteristics of the subject

The nature of the subject taught will, to some extent, influence an educator's leadership style. Some subjects are more challenging to learners than others and most have unique requirements and characteristics that affect the way they are taught. This can be illustrated by comparing the challenges of the language class with those of technical subjects where learners work with hazardous equipment. In some respects, educators teaching technical subjects will act more autocratically, for example when learners disobey safety rules while working with or near machinery and endanger their own safety and the safety of others. Technical subjects have a strong practical component, while languages lack this. In some subjects the problem-solving is more theoretical and in others problem-solving is more practical (Van Niekerk 2008: 288).

This section has focused on the situational and contextual factors that affect the short-term leadership provided by educators, namely the characteristics of the educator, the characteristics of the learners and the characteristics of the situation.

All these factors have been derived from existing leadership models (Van Niekerk & Van Niekerk 2013). They will influence the leadership provided in specific classroom situations. The situations in which classes find themselves differ, and so the leadership challenges in the various situations will not be the same. An empirical investigation of a particular situation is therefore necessary before a generalisation can be made about it. It is, however, clear that educational leaders need to consider these factors if they wish to be effective; therefore they are the ones who need to analyse the contextual factors.

Van Niekerk (1995: 46–47) points out that the characteristics of the leader will predispose the leader to a specific style of leadership, such as a more democratic or more autocratic style. The degree to which the leader's style of leadership is accepted will depend on the characteristics of the learners. It will also depend on the degree to which the leadership style takes into account the personal needs of the learners, and their knowledge and experience. Learners may react in one of the following three ways:

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1. They may accept the educator's behaviour, but not be enthusiastic about it.
2. They may identify with the educator's behaviour and show enthusiasm and commitment.
3. They may find the behaviour of the educator so unacceptable that they resist it.

The interaction between the characteristics of the educator and those of the learners thus leads to the manifestation of a specific style of leadership. The effectiveness of the style of leadership that emerges under specific conditions will depend on the characteristics of the learners and the characteristics of the situation.

Characteristics that are vital to the effectiveness of a specific style of leadership will affect the learners' ability to take part in the management of the classroom. A democratic style of leadership, for instance, will be ineffective if learners are unable to take part in decision-making processes. They will also require motivation, a sense of responsibility, knowledge and experience to make a democratic style of leadership work. We know that many learners are still largely immature, so it is doubtful whether a fully fledged democratic style of leadership will work in most instances and in most classrooms. Some aspects of a participative leadership style may work in some situations. Each role-player fulfilling their role conscientiously (as in the exposition provided in section 5.3.4) is the most desirable outcome that can be accomplished using an appropriate leadership style within the existing contextual factors. In other words, the educator should strive towards a situation in which each role-player fulfils the responsibilities associated with his or her role while moving towards the best leadership style, taking the contextual factors into account.

The situation in which leadership is exercised also exerts an influence on the effectiveness of the style of leadership. In some instances, an autocratic leadership style might even work better than a democratic style. As the characteristics of each situation are unique, the factors that affect the situation in which leadership is provided must be taken into account (Van Niekerk & Van Niekerk 2009: 16).

CONCLUSION

In this chapter a leadership model was described that can assist the educator to fulfil his or her important leadership role in a more systematic way. A distinction was made between the long-term and the short-term dimension of the role to help educators handle daily challenges in such a way that they stay on track for their long-term vision. A glance at Figures 5.1 and 5.2 (which summarise these dimensions) will enable the reader to recall all the important aspects discussed in this chapter. More importantly, with this model in mind, you will stay on track as a true educational leader who is purposefully contributing to the upbringing of the next generation. In the following chapters, important matters referred to in this chapter are discussed in more detail.

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Figure 5.3 is a mind map of this chapter which will assist you to reflect on what you have learnt about leadership.



FIGURE 5.3 A summary of Chapter 5

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6

J.L. Wydeman

Managing the classroom environment

INTRODUCTION

"Classroom climate" is, according to Rogers (1998: 198), the tone that the class experiences in its normal daily life. As a class is fundamentally a group of people, the relational dynamic is central to how positive the class as a whole will be and how positive each of its members will feel about belonging to this group. This is underscored by McBer (2000: 15), who describes classroom climate as the collective perception by learners of what it feels like to be a learner in a particular educator's classroom.

Effective educators use their knowledge, skills and behaviour to create effective learning environments in their classrooms. They create environments that maximise opportunities to learn, where learners are well-managed and motivated to learn (Van Deventer & Kruger 2003: 18). Because the class is a group engaged in learning, growing up in a social direction and building a sense of identity and purpose, it is important that the educator seeks out ways in which the class can enjoy a more positive learning and social environment.

This chapter aims to assist educators in this task by helping them to develop a positive classroom environment by

- distinguishing the features of a classroom as a learning community
- discussing the stages for building a positive classroom climate
- reflecting on the classroom as a physical environment
- managing resources for effective teaching
- establishing a positive socioemotional classroom environment by focusing on:
  - communication
  - educator-learner relationships
  - peer relationships
- designing and applying a personal discipline strategy.

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Classroom climates differ widely. The psychological and social "feeling" or atmosphere in a classroom could vary from inviting, friendly and relaxed, to threatening, competitive and tense. Research data indicate that a number of factors could influence the classroom climate. The factors can be clustered into four groups (Van der Horst & McDonald, cited in UNISA 2006: 34):

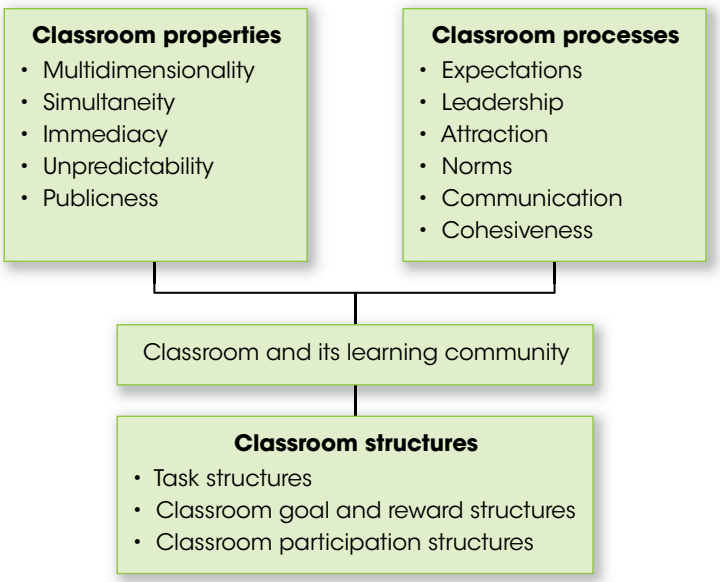
1. *Ecology* – the physical aspects of the classroom – space, furniture, equipment, etc.
2. *Milieu* – that part of the classroom that can be described as the "feeling" of the class
3. *Social system* – the formal and informal rules that guide interpersonal relationships in the classroom
4. *Culture* – the values, beliefs, systems and norms existing in the classroom

6.1 THE CLASSROOM AS A LEARNING COMMUNITY

6.1.1 Features of a learning community

Arends (1998: 81) describes the classroom environment by using a classification of:

- Classroom properties
- Classroom processes
- Classroom structures



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FIGURE 6.1 Three dimensions of classrooms

Source: Arends (1998: 81)

© Arends, R.I. 1998. *Learning to teach*, 4th edition. Boston: McGraw-Hill Companies, Inc.

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In addition to these, McBer (2000: 15) identifies a number of dimensions representing aspects that influence how learners feel in a classroom:

- Clarity about the outcomes of a lesson
- Order within the classroom
- Standards of behaviour
- Fairness
- Participation
- Support
- Safety
- Interesting, comfortable and attractive environments

Educators who are successful at creating a good atmosphere in the classroom exhibit the following human relationship skills:

- Communication skills (Chapter 6)
- Fostering a sense of individual importance (Chapter 7)
- Fostering a sense of belonging (Chapter 7)
- Teamwork skills (Chapters 7 and 9)

Even if an educator understands all the various elements and they are all present, this still does not ensure a positive learning environment. You have to understand that the development of such an environment happens in stages. The various elements mentioned by the different authors only begin to make sense and they only become functional if they are applied correctly at the right stage of developing the climate in the classroom.

6.1.2 Building stages for a positive classroom climate

The key issue for Rogers (1998: 199) is that educators should strive for *consistency*. This can be achieved by understanding that there are different consequential stages in building a positive climate in the classroom.

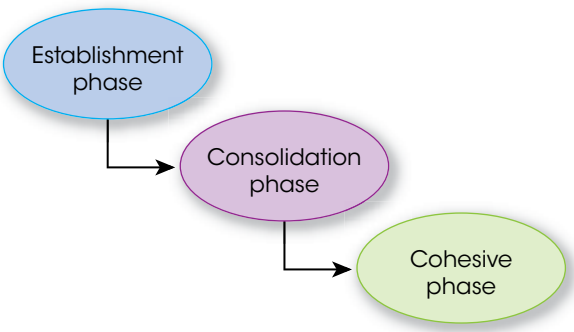


FIGURE 6.2 Classroom climate building stages

Source: Rogers (1998: 199)

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THE ESTABLISHMENT PHASE

During the establishment phase, the focus is preventative. The educator aims at minimising unnecessary disruptions by having a thoughtful balance of rights, responsibilities, rules and routines (Hook & Vass 2000: 29). The agendas that you set at this stage wholly determine your success in implementing a classroom management plan. It will set the daily climate for the academic and social growth of your learners. At this stage, learners are psychologically and developmentally ready for the educator to clarify how the class is supposed to work.

THE CONSOLIDATION PHASE

Learners naturally, and normally, test boundaries, routines and rules. It is important that the educator continue to teach, encourage and maintain what was established. One cannot expect all to be fine just because there is a set of published rules.

THE COHESIVE PHASE

This phase is characterised by strong relational ties with the class and a positive working knowledge of the class and its individual dynamics. Classroom management has now moved into a relational phase. However, to build effective relationships requires effort, commitment and skill, a process that Hook and Vass (2000: 20) call building rapport with your learners. By establishing rapport, you are making a connection with your learners at an emotional level. This means that your learners are comfortable with you and have developed a measure of trust in you.

Through the establishment and consolidation phases learners were enabled to control many aspects of their own behaviour and learning. During the cohesive phase, cooperative learning, classroom meetings and peer-teaching are the norm.

Now that you are aware of the stages of development of a classroom environment, one of the first aspects that you will need to plan carefully is how you will utilise the physical space available to you.

6.2 MANAGING THE PHYSICAL ENVIRONMENT

The way an educator arranges a classroom communicates messages about his or her expectations of how the room should be used. Careful use of the physical space could make a considerable difference to classroom behaviour (UNISA 2006: 34).

When organising the physical layout of the classroom, the educator must keep the following considerations in mind (Louisell & Descamps 1992: 224):

- Visibility
- Accessibility
- Flexibility
- Comfort
- Aesthetics

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An effective seating arrangement should give the educator close proximity to all learners. Several formations are possible (UNISA 2006: 35).

Formation	Use
Horizontal rows	• Useful for independent word presentations and recitations • Learners focus on the educator • Learners work more easily in pairs • Good for demonstrations • A poor arrangement for large group interaction
Clusters of four and circle arrangement	• Best for learner interaction • Also allows for individual work • Circles are good for discussions • Clusters permit learners to talk, to help one another, to share materials and to work on group tasks • Not conducive to whole-group presentations
Stack formation	• Learners sit close together near the focus of attention • Used for short periods of time only as it is not comfortable • Creates a feeling of group cohesion • Helpful for demonstrations, brainstorming sessions, etc. • Useful for seeing a small visual aid

Activity 6.1

What is your preferred seating arrangement for learners in the classroom? What are the advantages and disadvantages of this particular seating arrangement?

While the various arrangements will not guarantee learner participation, it is important to consider classroom space as part of planning for instruction, as space can play an important role in creating an optimal learning environment.

A basic classroom may include the following decorative elements (Marzano, cited in UNISA 2006: 35):

- A calendar
- A place for school announcements and school spirit paraphernalia
- A place for posting expectations regarding the correct format for assignments
- A place for listing daily assignments or the daily schedule
- A place for displaying information about current topics
- A place to display learners' work

Activity 6.2

Compare the space that you make available in your classroom for decorative elements with the list above.

How could you improve this aspect of your classroom at the least trouble and cost?

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6.3 MANAGING RESOURCES FOR EFFECTIVE TEACHING

One of the main predicaments that educators face today is that of class size. The problem is obviously one of quality (instruction) versus quantity. Apart from disciplinary aspects, large classes present a number of difficulties:

- Learners are not sure of the purpose of instruction.
- They do not know whether they are progressing or not.
- They do not know how to improve.
- They do not have the opportunity to read widely.
- They cannot get help from the educator to support independent work.
- There is a lack of opportunity for discussion.
- The educator is unable to cope with the variety of learners and their particular learning needs.
- The educator has difficulty motivating the learners.

A key aspect of managing learning in a large classroom is often the production of appropriate resources. However, the time and attention given to the creation and presentation of various materials and media could trigger the success or failure of a lesson. Resources are often the "lens" through which learners view the learning area and the lesson.

Many lessons are less than successful because inadequate and insufficient resources have been prepared. Your materials and media should be

- accurate
- well laid out
- readable
- interesting and varied
- linked to the outcomes and contents of the lesson
- sufficient
- used constructively.

In conjunction with this, resources should be tied to the age and ability range of the class, the time available, the teaching strategy used, the layout of the classroom and the likely reactions of the learners.

In order to address the problems of managing learning in a large class, you could use "independence" strategies by which learners are motivated to become independent learners. Van der Horst and McDonald (2003: 85) suggest the independence strategies listed in Table 6.1 for problems resulting from large classes.

It should be clear from Table 6.1 that independence strategies will have a direct impact on the resources needed for managing the learning in a large class. While such strategies will certainly lighten the load of the educator in terms of the amount of resources needed, they also mean that much more thought and planning should go into the preparation of resources.

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TABLE 6.1 Independence strategies

Problems resulting from large classes	Independence strategies
Lack of purpose	Use learning outcomes
Knowledge of progress	Self-assessment
Advice on improvement	Peer feedback and assessment
Support of wide reading	Develop learners' research skills
Support of independence	Independent group work
Opportunity for discussion	Independent, learner-led discussion groups
Variety of learners	Establishing support mechanisms, e.g. peer support groups
Learner motivation	Problem-based learning

Activity 6.3

Large classes are a continuing problem in education in South Africa. Compare your experiences with those in Table 6.1 above.

Can you think of other problems resulting from large classes?

What strategies do you apply to ensure that each learner still has the best possible opportunity to reach his or her potential as a learner?

6.4 ESTABLISHING THE SOCIOEMOTIONAL ENVIRONMENT

6.4.1 Introduction

A significant body of research indicates that academic achievement and learners' behaviour are influenced by the quality of the educator-learner relationship. The quality of the educator-learner relationship therefore has a dramatic effect on whether a learner's personal needs are met in the classroom (Jones & Jones 1998: 70). According to Louw and Du Toit (2010: 119), educators should gain learners' respect through academic proficiency (knowledge of subject content) as well as professional proficiency (application of teaching and learning methodology), and not because it is simply expected.

6.4.2 Communication

Communication is essential for any relationship, especially for the relationship between educator and learner. In fact, effective communication skills form the foundation for sound classroom management.

6.4.2.1 What is communication?

Communication can be described as the transmitting of an idea by someone (the sender) and the understanding thereof by another (the receiver).

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6.4.2.2 Methods of communication

People communicate on many levels when they transmit and receive messages. However, communication does not refer solely to the verbal, explicit and intentional transmission of messages. It includes all those processes by which people influence one another. Communication, whether verbal, non-verbal or written, is the link that ties people together.

VERBAL COMMUNICATION

People communicate with each other most often by talking. Verbal communication can be of two types: face-to-face and by telephone. Face-to-face communication is affected by visual and vocal elements, and also by the active listening skills of the receiver. Telephone communication is affected only by vocal elements, while the role of active listening is much more important for successful communication.

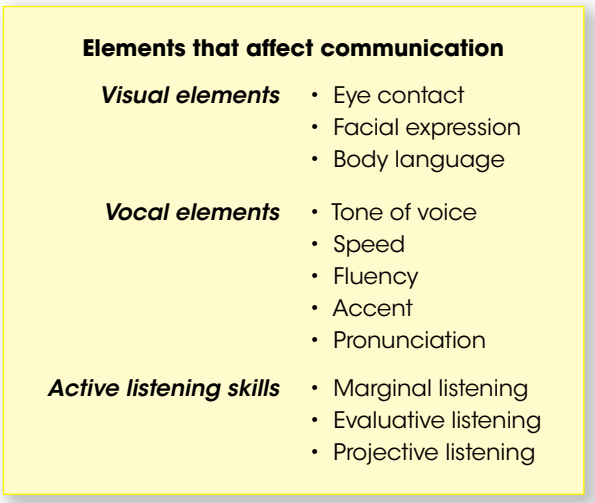


FIGURE 6.3 Elements that affect communication

Source: Adapted from Van Schalkwyk (2001: 120)

Compare, for example, the effect of the following three types of listening on communication:

- *Marginal listening*. This is when the receiver gives the speaker only a small part of his or her attention. It is a dangerous type of listening which can lead to misunderstandings and may even insult the speaker. The educator who pretends to listen to a learner while actually worrying about some other problem is asking for trouble.
- *Evaluative listening*. A person uses the time created by the slowness of speech or the quickness of listening to judge and evaluate the message. The listeners would therefore approve or disapprove of the message. On the negative side, listeners may be so busy *judging* what is being said that they do not really

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understand what is being said. On the positive side, if the time is used correctly, the listeners could ensure that they have understood the message, decide what their opinion is about it and decide on an appropriate response.

- *Projective listening.* While hearing the speaker's message, the listener purposefully avoids any attempt to criticise, approve or disapprove. The listener attempts to project himself or herself into the mind of the speaker and really tries to understand the speaker's viewpoint without evaluating the message at this time. Evaluation of the content of the speaker's message must happen in any communication process, but it should not occur until the listener has heard, considered and understood the meaning of the whole message.

The major advantage of verbal communication is that it is a two-way process. It provides for speedy exchange of ideas with immediate feedback. A major disadvantage is when the message has to be passed through a number of people, because the message tends to become distorted or filtered as it passes from one person to another.

NON-VERBAL COMMUNICATION

Research indicates that only about 40 per cent of our communication is verbal. The remainder consists of facial expressions, body movements, physical appearance, clothing and posture. It is suggested that non-verbal communication carries approximately five times more weight than words, and that when these two forms of communication do not correspond, people tend to rely on the non-verbal signs. The danger of non-verbal communication is that it may be misinterpreted or ignored. On the other hand, the advantages of non-verbal communication are that it is often powerful, it is essentially honest, and it adds a whole new dimension to our communication. The different types of non-verbal behaviour that have been identified are presented in Table 6.2:

TABLE 6.2 Different types of non-verbal behaviour

Type of non-verbal behaviour	Description
Kinesics	This behaviour involves movement of the limbs, hands and feet, facial expression and posture.
Proxemics	This refers to how a person places himself or herself in relation to another during communication. This space depends on factors such as: • Intimacy level • Personal choice • Social indicators • Public or private situation
Chronemics	This behaviour includes the pauses, hesitations and silences that fall between verbal statements.
Oculesics	This refers to eye movements.

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TABLE 6.2 (*continued*)

Type of non-verbal behaviour	Description
Haptics	This behaviour refers to how we use touch to communicate.
Objectives	This refers to how we select and make use of physical objects in our non-verbal communication. It includes physical appearance and clothing.
Time	Different cultures place different emphasis on acts related to time.

Source: Jones & Jones (1998: 72)
Jones, Vern; Jones, Louise. *Comprehensive Classroom Management: Creating communities of support and solving problems*, 5th, ©, 1998. Printed and electronically reproduced by permission of Pearson Education, Inc., Upper Saddle river, New Jersey.

WRITTEN COMMUNICATION

The alternative to verbal and non-verbal communication is written communication. Some forms of written communication are letters, reports, memoranda and circulars, exam papers and homework instructions. The advantages of written communication are that it is permanent and it provides records and references. The disadvantages are that it does not provide immediate feedback and it may take a long time to know whether a message has been received and understood properly. Written messages can also easily be misunderstood because they do not explain the underlying rationale of the message.

6.4.2.3 Types of communication

Communication occurs in a variety of contexts. The literature seems to agree on the following six contexts:

1. Two-person communication
2. Interviewing
3. Small-group communication
4. Public communication
5. Mass communication
6. Organisational communication

Although each of the above contexts has unique characteristics, they all have in common the process of creating meaning between two or more people.

6.4.2.4 A basic model for effective communication

Before communication can take place, a purpose, expressed as a message to be conveyed, is needed (UNISA 2006: 38). This message passes between a source (the sender) and a destination (the receiver). It is encoded by the sender (converted to a symbolic form) and is passed by way of some medium (channel) to the receiver, who retranslates (decodes) the message initiated by the sender. The result is a transfer of meaning from one person to another.

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In a model for understanding communication, the communication process is described as *the steps between a source and a receiver that result in the transfer of meaning.* Seven elements or parts can be identified, which include encoding and decoding during the communication process. These elements can be illustrated as follows:

1. **The communication source** (the educator) initiates the process by encoding a thought (idea, instruction, request) to create a message. An example is explaining a certain concept to the class.
2. **Encoding** refers to converting a communication message into a symbolic form. When the source encodes the thought, four conditions may affect the encoded message: skill, attitudes, knowledge and the sociocultural system.
   - *Skill.* The source's speaking, listening, reading and reasoning skills influence the encoding of messages.
   - *Attitudes.* Attitudes influence behaviour. The preconceived ideas and the mindset of the source will influence the encoding of a message.
   - *Knowledge.* Too little knowledge on a subject limits the source's communication. Too extensive knowledge on a subject may lead to the encoding of a message that receivers are unable to understand.
   - *Sociocultural system.* The values and beliefs of the source will also determine the way in which the message is encoded.
3. **The message** is the actual physical product (sound of voice, letter, notice) coming from the source. It is *what* is communicated. The message is affected by the *code* or group of *symbols* (language) used to transfer meaning, the *content* of the message and the decisions we make in *selecting* and *arranging* both code and content.
4. **The channel** is the medium through which the message travels (personal, telephonic, or written communication) and is selected by the source, who decides whether it is a formal message (e.g. a request to take leave) or an informal message (e.g. greeting someone or inviting someone to lunch).
5. **Decoding** is the retranslating of a sender's communicated message by the receiver. The receiver's decoding is affected by his or her skills, attitudes, knowledge and sociocultural position, as is the case with the encoding by the sender.
6. **The receiver** is the person who decodes the encoded message to assign meaning to it.
7. **A feedback loop** is the final link in the communication process. It means that the understanding of the initial message is communicated back to the source. Feedback is the check on how successfully the intended meaning contained in the transmitted message has been transferred to the receiver. It determines whether or not understanding has been achieved.

The model in Figure 6.4 gives us a basic understanding of the communication process and clearly indicates why perfect communication is virtually impossible.

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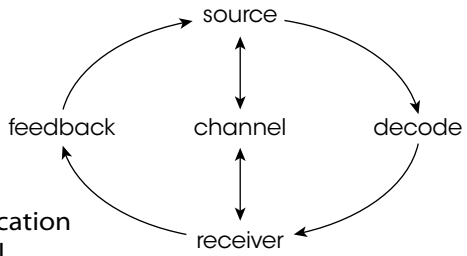


FIGURE 6.4 The communication process model

Source: Adapted from Van Schalkwyk (2001: 122)

6.4.2.5 Barriers to effective communication

There may be other factors beyond the communication process itself that may contribute to ineffective communication. The second step on our way to being more effective communicators is to consider such barriers to effective communication. These barriers include (Van Schalkwyk 2001: 131):

- Filtering
- Selective perception
- Information overload
- Defensiveness
- Language abilities
- Poor listening skills

6.4.2.6 Guidelines for effective communication

Van Schalkwyk (2001: 135) gives the following guidelines for effective communication:

- Give a clear message; include your feelings.
- Listen carefully and actively.
- Repeat the specific message and the feelings expressed.
- Clarify whether you have heard correctly.
- Give of yourself.
- Consider your feelings about the message that you have received.
- Consider your response to the message (both facts and feelings).

Now that you are aware that the way you as an educator communicate with learners impacts on how they experience the learning situation, section 6.5 looks at aspects that could facilitate the development of effective relationships between educator and learner.

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6.5 ESTABLISHING POSITIVE EDUCATOR-LEARNER RELATIONSHIPS

There are four beliefs or values that together constitute a positive educator culture which will facilitate engagement with learners (Jones & Jones 1998: 71):

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1. Educators accept personal responsibility for learners' success.
2. Educators take on an extended teacher role, even outside the classroom.
3. Educators are persistent with learners.
4. Educators express a sense of optimism that all learners *can* learn.

In 1974 Thomas Gordon (cited in Jones & Jones 1998: 75) wrote that the relationship between an educator and a learner is good when it has:

- *Openness or transparency*. Each one is able to risk being honest with the other one.
- *Caring*. Each knows that he or she is valued by the other one.
- *Interdependence*, as opposed to dependency.
- *Separateness*. This allows each to develop his or her uniqueness, creativity and individuality.
- *Mutual meeting of needs*, so that neither's needs are met at the expense of the other's.

Creating good educator-learner relationships would therefore involve:

- Creating open, professionally appropriate dialogue with learners
- Systematically building better relationships with learners
- Maintaining a high ratio of positive to negative statements
- Communicating high expectations
- Creating opportunities for personal discussion

Guidelines for avoiding the negative effects of educator expectations are as follows:

- Use sensitive information on learners very carefully.
- Be flexible in your use of group strategies.
- Make sure all the learners are encouraged.
- Be especially careful about how you respond to low-achieving learners during class discussions.
- Use materials that show a wide range of ethnic groups.
- Be fair in evaluation and disciplinary procedures.
- Communicate to all learners that you believe they can learn.
- Involve all learners in learning tasks and in privileges.
- Monitor your non-verbal behaviour:
  - Show respect.
  - Listen actively.
  - Be enthusiastic.
  - Be consistent.
  - Use positive humour.
  - Avoid sarcasm at all times.

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- Serve as a role model.
- Celebrate accomplishments.
- Display learners' work.

Self-esteem describes the emotional connection to learning. This section will develop the skills an educator needs to create a learning environment that supports the different dimensions of self-esteem. One can make a distinction between self-image, self-concept and self-esteem (Belvel 2010: 76):

- Self-image is the picture that learners have of themselves.
- Self-concept is the idea that learners have of themselves.
- Self-esteem is the feeling that learners experience from their self-image and self-concept.

Self-esteem gives learners a feeling of security, connectedness, competence and power over their own lives. This feeling has three sources, namely heredity, environment, and the perception of both. Because self-esteem is a feeling it can change. Therefore educators should be aware of the environmental factors that have a profound influence on learners' self-esteem. Belvel (2010: 74) identified the following environmental aspects:

1. Parents: Parents fulfil the learner's physical and emotional safety needs from birth. They also make choices about the learner's school and other learning environments that have an influence on self-esteem.
2. Significant others: These are people whom the learner looks up to and trusts; it may include educators, counsellors, family members, etc.
3. School environment: The school plays an important role in how learners feel about themselves, and includes all the staff members who interact with them.
4. Society: Society provides the context and culture for reflecting on where one fits in, and includes the neighbourhood, television, church and other social groups.
5. Peers: Peers influence self-esteem through group pressure and group formation.

Learners who do not feel included in a social group and who feel they have no power over their own lives are victims of their situation; they do not do well academically, as expressed by Rogers (1998: 220) in Figure 6.5.

Belvel (2010: 76) quotes many researchers who have substantiated that feelings of connectedness, autonomy and power are the biggest determiners of learners' success in school and in life. Educators consequently need to create a climate that fosters these aspects. Educators should therefore understand that self-esteem develops in a certain order:

1. Security is first and is created when the environment is consistent, but not rigid.

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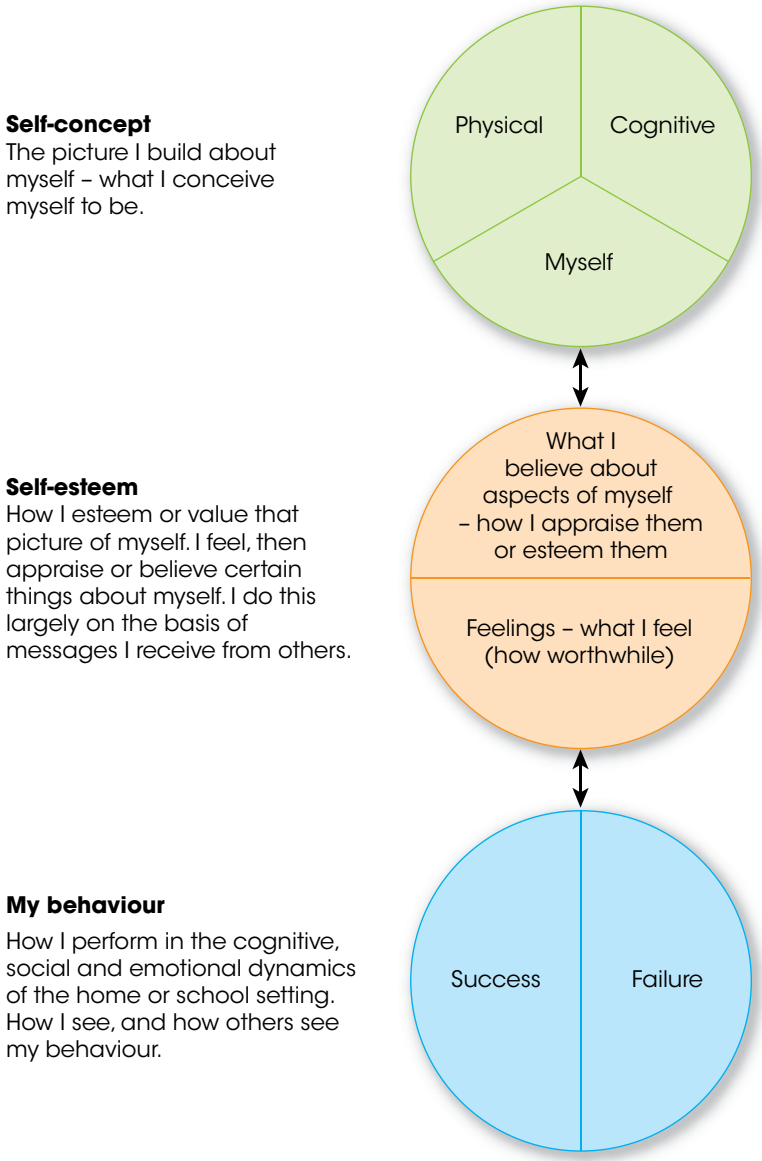


FIGURE 6.5 Self-concept and self-esteem

Source: Rogers (1998: 220)

2. Connection and bonding are second and are related to learners' need to collaborate and work together.
3. Competence is third and is built by experiencing success and knowledge of what one does well.
4. A sense of autonomy and influence or power is fourth; this cannot be developed before the others are developing. It relates to learners' inputs and their participation in decision-making.

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Activity 6.4

What could you do in terms of your communication and your emotional involvement with the class to provide opportunities for such learners to improve their chances for successful learning?

Complete Table 6.3 by adding the practical strategies you would apply to foster the development of the various dimensions of your learners' self-esteem:

TABLE 6.3 Practical strategies to foster learners' self-esteem

Dimension	Description	Your strategies
Sense of security	Need for consistency in the environment	
Sense of connectedness	Need for belonging to a group	
Sense of competence	Need for knowing what you do well	
Sense of power	Need for being included in decision-making	

Source: Adapted from Rogers (1998: 220)

6.6 CREATING POSITIVE PEER RELATIONSHIPS

Peers play an important role in determining the quality of the learning environment. With today's increased emphasis on learners' achievement, educators are often hesitant to spend time on creating positive peer relationships in the classroom. In addition, educator education programmes seldom provide educators with specific skills for developing positive, supportive groups.

6.7 POSITIVE CLASSROOM CLIMATE

However, it is not enough to simply feel good in the classroom without any constructive learning taking place. Learners should not like to be in your class because it is only play and no work. The skill in this case is to get the learning and work done successfully while everybody enjoys being in your class.

6.7.1 Creating a learning milieu

Research indicates that a clear distinction can be made between *work-oriented* and *learning-oriented* classrooms. In the first, the focus is on production. Learners follow instructions carefully to complete their tasks. These classrooms are usually well-managed and quiet, but the responsibility for the learning taking place lies with the educator.

In the second type of classroom the focus is on learning. The learners still have to follow instructions, but they are also encouraged to question directions and explore possibilities. These classrooms are usually noisy, with a lot of learner activity, and the responsibility for learning lies with the learners.

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The educator who values learning, views the classroom in terms of the learning that is taking place, not only the work done. The objectives aimed for are the learners' valued knowledge, skills and attitudes. According to Van der Horst and McDonald (2003: 99), the foundation of such a learning-oriented classroom is a system of critical attitudes.

- The first critical attitude is *respect* for the learners. The educator's concern for the learners as individuals is emphasised.
- The second critical attitude is *credibility*. Educators who are credible practise what they preach.
- The third critical attitude is educators who hold themselves and their learners *accountable* for the learning that is taking place.

6.7.2 Learner motivation

Educators generally believe that learners who are motivated to perform competently on academic tasks will learn in accordance with their academic abilities. While this aspect alone makes it worthwhile to encourage learners' motivation, a beneficial by-product of having motivated learners in class is that they make the educator's task of managing the classroom easier. (See section on learner motivation in Chapter 7.)

6.7.3 Discipline

Research done by Nelson, Martella and Galand (cited in Marzano 2003: 27) indicates that the public consistently identifies the lack of discipline in public schools as the most serious problem facing schools today. Although disciplinary problems impact on the school as a whole, it is the classroom educator who is the first line of defence. Two disturbing facts arising from this research are the following:

1. Educators generally believe that they are not only unprepared for dealing with disruptive behaviour, but that the increasing amount of disruptive behaviour substantially interferes with their teaching.
2. It is estimated that only about half of all classroom time is used for instruction and that disciplinary problems occupy most of the other half.

It is important to point out that addressing disciplinary problems is not the sole responsibility of the classroom educator. Effective discipline is a combination of effective management at the school level and effective management at the classroom level. In the next few sections we focus on some interventions that you as an individual educator could use to ensure more effective discipline in the classroom.

6.7.3.1 Rules and procedures

According to Van der Horst and McDonald (2003: 105), in order to create classrooms that are conducive to learning, there must be an organisation and management plan in place. Educators should therefore establish procedures that will cover the following areas (refer also to Chapter 9):

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- Administrative procedures (attendance registers)
- Learner movement (entering and leaving the classroom)
- Housekeeping (keeping the class clean)
- Routines for accomplishing lessons (handing out and collecting of materials)
- Interaction between educator and learners (respect)
- Communication between learners (group work)

6.7.3.2 Developing a positive classroom discipline policy

The first step is to develop a classroom discipline policy. This is a system that allows you to express the behaviour you expect from learners, as well as what they can expect from you, the educator. The aim of the classroom discipline policy is to establish a fair and consistent way of promoting good behaviour and dealing with misbehaviour. Such a policy usually consists of three parts:

- Rules that learners must follow
- Consequences of breaking rules
- Rewards when they follow rules

A number of requirements must be met for the successful development of a classroom discipline policy.

6.7.3.3 Participation of learners

- The classroom discipline policy or rules should be drawn up by both the educator *and* the learners.
- The various aspects of the policy should be finalised through agreement with the learners.
- Participative compilation of the classroom discipline policy will ensure that the learners take ownership of it.
- The first person, i.e. "we" and "our", should be used in the formulation of the policy.

6.7.3.4 Guidelines for setting rules

Effective rules will be

- few in number and linked to the school rules
- stated positively
- negotiated with learners
- teachable and enforceable
- flexible and open to renegotiation
- frequently read through and referred to
- written and clearly displayed
- stated generally, but illustrated with specific examples.

With this in mind, the logical steps in developing such a discipline policy are the following (UNISA 2006: 41):

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STEP 1: WRITE DOWN EXAMPLES OF BOTH GOOD AND INAPPROPRIATE BEHAVIOUR

Good behaviour	Inappropriate behaviour
1. 2. 3. etc.	1. 2. 3. etc.

STEP 2: DRAW UP A LIST OF RULES FOR DEALING WITH THE BEHAVIOURS IDENTIFIED IN STEP 1

1. 2. 3. etc.

STEP 3: DRAW UP A LIST OF STRATEGIES THAT CAN BE USED TO DISCOURAGE INAPPROPRIATE BEHAVIOUR

1. 2. 3. etc.

STEP 4: APPLY THE KNOWLEDGE YOU HAVE GAINED SO FAR TO DRAW UP A POSITIVE CLASSROOM DISCIPLINE POLICY

Aims and objectives for our classroom: Rules for our classroom: General behaviour of learners: Task division: Discipline and order: Rewards and punishments: Guidelines for the use of punishment:

Activity 6.5

Compare the classroom discipline policy presented above with your own classroom policy or the rules that you apply in your classroom.

It is, however, not enough to have a classroom discipline policy in place if you do not apply it in a consistent and continuous manner.

6.7.3.5 Managing learner behaviour in the classroom

The educator plans classroom activities to accomplish certain learning objectives. When learner behaviour is at cross-purposes with the educator's expectations of achieving these objectives, it could be labelled "misbehaviour" (UNISA 2006: 42).

Louw and Du Toit (2010: 131) identify a number of key factors for maintaining classroom discipline. Effective classroom managers

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- are proactive in their classroom management style
- create a learner-centred classroom
- monitor learners all the time
- make known the learning objectives for each learning experience
- treat all learners with respect and care
- plan and prepare lessons carefully
- punish only in line with the school's code of conduct
- do not sit down when they are teaching
- set positive and reasonable class rules through consultation
- deal with today's problems today
- get help from the school management team to prevent discipline issues getting out of hand
- keep the parents informed.

Whereas Arends (1998: 81) classifies the classroom situation as classroom properties, processes and structures (see Figure 6.1), Froyen (1988: 14) uses the three Cs of classroom management functions, namely the management of *Content*, *Conduct* and *Context*. He also makes a connection between the management functions and the level of *control*, where the level of control varies from *preventive* and *supportive* to *corrective*. This relationship is illustrated in Table 6.4.

TABLE 6.4 Three Cs of classroom management functions

Content Management		
Preventive	*Supportive*	*Corrective*
Educator asks a question, pauses, looks about the room before calling on one learner.	Educator helps the learner to formulate an answer.	Educator asks an inattentive learner to respond to the previous learner's contribution.
Conduct Management		
Preventive	*Supportive*	*Corrective*
Educator makes explicit rules and states consequences for non-compliance.	Educator gives warning before imposing a penalty for the next infraction of the rules.	Educator imposes an unpleasant consequence for a transgression of a rule.
Context Management		
Preventive	*Supportive*	*Corrective*
Educator helps learners to become acquainted with one another.	Educator compliments several learners who use the contributions of peers as building blocks for their own remarks.	Educator works with class leaders to help them increase the acceptance of less-liked peers.

Source: Froyen (1988: 14)

This can also be illustrated as a management triangle – see Figure 6.6.

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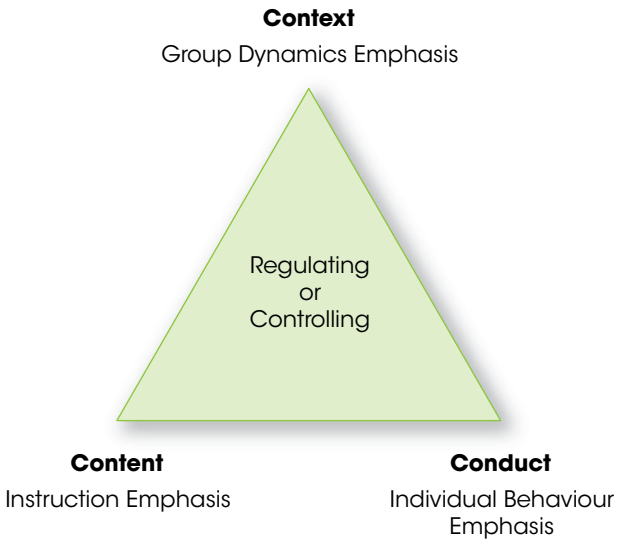


FIGURE 6.6 Management triangle

Source: Froyen (1988: 21)

A number of authors have designed approaches or models to improve classroom discipline and student learning. According to Louisell and Descamps (1992: 229), the most influential of these were B.F. Skinner (1968), T.A. Harris (1969), W. Glasser (1969), T. Gordon (1974) and Lee and Marlene Canter (1979). Each of these authors developed a unique approach to classroom discipline and educator-learner interaction. These approaches are briefly represented in Table 6.5.

Many educators complained that applying one specific approach led to frustration and poor results, as the imposed approach might not be compatible with an educator's own teaching style. A single approach also did not allow enough flexibility to adapt to the wide range of social and moral situations occurring in the classroom.

A comprehensive 20-step system of discipline combining all of the above approaches was therefore developed (Louisell & Descamps 1992: 231). The system was designed to accommodate differences in educators' styles and philosophies, as well as differences in the levels of maturity and moral development of learners. It provides educators with a structured set of alternatives from which to choose in responding to disciplinary situations in the classroom.

Four conditions are necessary for the 20-step model to work:

1. The goals and values of the school must be reflected in the disciplinary approaches used in the classroom.
2. The role of the educator as a professional must be clearly established.
3. The role of the learner must be defined according to the school's mission and goals.
4. The school disciplinary approach must be aimed at helping learners to grow into more advanced ways of behaving.

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The type of behaviour exhibited by the learner determines the type of step that the educator will use in response. When the learner's behaviour is desirable, the educator will focus on *prevention*. If minor disruptions occur, the educator may select *redirection*. When a learner engages in unacceptable behaviour, the educator may choose to impose *consequences*. Lastly, on those occasions when behaviours become severely disruptive, *team-support* steps may be utilised.

The educator's personal style, the learner's personality, the success of past disciplinary approaches with that learner, and the specific circumstances surrounding the misbehaviour should all be considered in determining the most appropriate step to be taken.

A detailed list of the 20 steps in the model, showing appropriate behaviour for the *educator*, is given in section 6.7.4 (adapted from Louisell & Descamps 1992: 254).

TABLE 6.5 Approaches to classroom discipline

Approach or Model	Description
B.F. Skinner *Behaviour modification*	Behaviour can be changed if the circumstances surrounding the behaviour are appropriately modified. Little importance is placed on finding causes for behaviours. Educators must find out what is happening in the classroom environment that could perpetuate learner misbehaviour and how the environment can be changed to bring about desirable behaviour. Change in behaviour is brought about by reinforcement and rewards.
T.A. Harris *Transactional analysis*	Individual behaviour is guided by one of three possible ego states: parent, adult or child. Each ego state has positive and negative qualities. Interpersonal problems occur when educator and learner are operating in different ego states.
W. Glasser *Reality therapy*	Learners should be aware of their own behaviour and plan for success. The role of the educator is to help learners become aware of why things go wrong for them in school, to eliminate situations where learners are likely to fail, and to increase experiences of success in the classroom.
T. Gordon *Teacher effectiveness training*	Behaviour is managed by improving relations between educator and learners through communicating and resolving conflicts in a manner that is fair to both sides. The use of educator authority is minimised as much as possible and the learners' need for autonomy and responsibility is emphasised.
Lee and Marlene Canter *Assertive discipline*	Assertive discipline has predetermined rewards for good behaviour and consequences for misbehaviour. Educators take charge and make sure that learners adapt to their expectations. The educator compiles a classroom discipline plan, setting a few basic rules and several consequences for adhering to or not following the rules. The emphasis is on rewards and consequences.

Source: Louisell & Descamps 1992: 229

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6.7.4 The 20-step discipline model

PREVENTION STEPS

1. *Provide effective instruction*
   a. Post class rules and expectations.
   b. Communicate lesson objectives.
   c. Keep learners on task and cover material extensively.
   d. Provide opportunities for learners to participate actively.
   e. Ask questions that produce many correct answers.
   f. Provide feedback on learner progress during instruction.
2. *Help learners experience more success than failure*
   a. Establish a cooperative learning environment.
   b. Adjust learning tasks to learners' level of ability.
   c. Provide extra assistance to those having difficulty.
   d. Provide many opportunities for practice.
   e. Create an environment in which it is acceptable to make mistakes.
   f. Prepare individualised plans for those learners who are not succeeding.
3. *Recognise and reward desirable behaviour*
   a. Smile at learners.
   b. Praise learners privately.
   c. Recognise learners' achievements publicly.
   d. Provide tangible rewards.
4. *Send a preventative "I-message" communicating desirable behaviour*
   a. Describe the learner behaviour that is desirable.
   b. Describe the effect of desirable behaviour on teaching and learning.
   c. Describe the feeling that desirable behaviour produces in the educator.
5. *Give early attention to potentially disruptive learners*
   a. Make eye contact, smile and say hello.
   b. Walk towards the learner and chat in private.
   c. Compliment the learner in private.
6. *Change circumstances that may produce misbehaviour*
   a. Make changes in the physical environment.
   b. Change the position of the learners.
   c. Remove distracting objects.
   d. Change the order or nature of instructional activities.
7. *Use physical closeness to prevent misbehaviour*
   a. Walk towards or stand by learners who are likely to misbehave.
   b. Survey the work area frequently, making eye contact with the learners.
   c. Relocate potential troublemakers so that they are near the educator.

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REDIRECTION STEPS

8. *Ignore minor disruptions and recognise desirable behaviours*
   a. Focus attention on desirable rather than undesirable behaviour.
   b. Recognise individuals behaving appropriately.
   c. Ignore misbehaving individuals until they begin to behave appropriately.
9. *Send a non-verbal message requesting a change in behaviour*
   a. Communicate through gestures the need to change behaviour.
   b. Approach the learner, stare and point at work to be done.
   c. Move the learner towards an appropriate area, gently.
10. *Ask for status or rule to redirect behaviour, e.g. ask the learner:*
    a. "How is your work coming along?"
    b. "What are you supposed to be doing?"
    c. "What is the rule about ...?"
11. *Request a change of behaviour*
    a. Ask the learner to perform the desired behaviour – politely, making eye contact.
    b. Thank the learner when a change in behaviour occurs.
12. *Isolate the learner to keep a minor disruption from escalating*
    a. Inform the learner that the minor disruption must stop.
    b. Move the learner to a "timeout" area. Return the learner to his or her seat when the learner is ready to work properly.
13. *Send an "I-message" communicating the effects of undesirable behaviour*

> **"I-messages"**
>
> There are three parts to an I-message:
> 1. A description of the condition that the educator finds offensive ("when ...").
> 2. An expression of the feeling that accompanies the condition ("I feel ...").
> 3. A statement of the reason for the feeling ("because ...").

    a. Describe the learner behaviour that is disruptive.
    b. Describe the effect of the behaviour on teaching and learning.
    c. Describe the feeling that this behaviour produces in the educator.
14. *Conduct a conference: no-lose conflict-resolution approach*
    a. Share the effect of the disruptive behaviour.
    b. Ask the learner to share his or her own point of view.
    c. Ask the learner to identify possible solutions to the conflict.
    d. Invite the learner to agree on a solution and make a commitment.

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CONSEQUENCE STEPS

Effective formal consequences (Hook & Vass 2000: 36):

a. Are things that the learner would rather avoid happening.
b. Must contain some form of inconvenience factor.

In applying the consequence steps educators should take care of the following:

a. Don't violate the learner's best interest by harming them physically or emotionally.
b. Actions must be structured and progressive.

15. *Conduct a conference to develop a behaviour-improvement contract, e.g. ask the learner:*
    a. "What were you doing?"
    b. "How did that (step) help you to learn?"
    c. "What were you supposed to be doing?"
    d. "What are you going to do about this next time?"
    e. "What should happen if you do it again?"
16. *Implement a class "assertive discipline" plan*
    a. Apply the rules and consequences to all learners.
    b. Keep a record of every time a learner breaks a rule.
    c. Communicate in a firm, low-profile manner.
    d. Apply consequences consistently.
    e. Reward desirable behaviours frequently.

Rogers (1998: 156) suggests the following procedure to apply the consequences step (see Figure 6.7 on the following page).

TEAM-SUPPORT STEPS

17. *Send the learner for "timeout" to another classroom*
    a. Work out an arrangement with another educator for a "timeout" exchange.
    b. Draw up a contract detailing the work to be completed before the learner may return to the class.
    c. Require the learner to stay out until the contract conditions have been met.
18. *Involve the parents in changing learner behaviour*
    a. Say something nice about the learner when greeting the parents.
    b. Describe the learner's behaviour that needs to be changed.
    c. Accept the parents' feelings and opinions about the situation.
    d. Share data documenting the need for change.
    e. Suggest a plan for parents to follow at home in helping the learner.
    f. Ask the parents to summarise the plan.
    g. Report to the parents weekly on the learner's progress.

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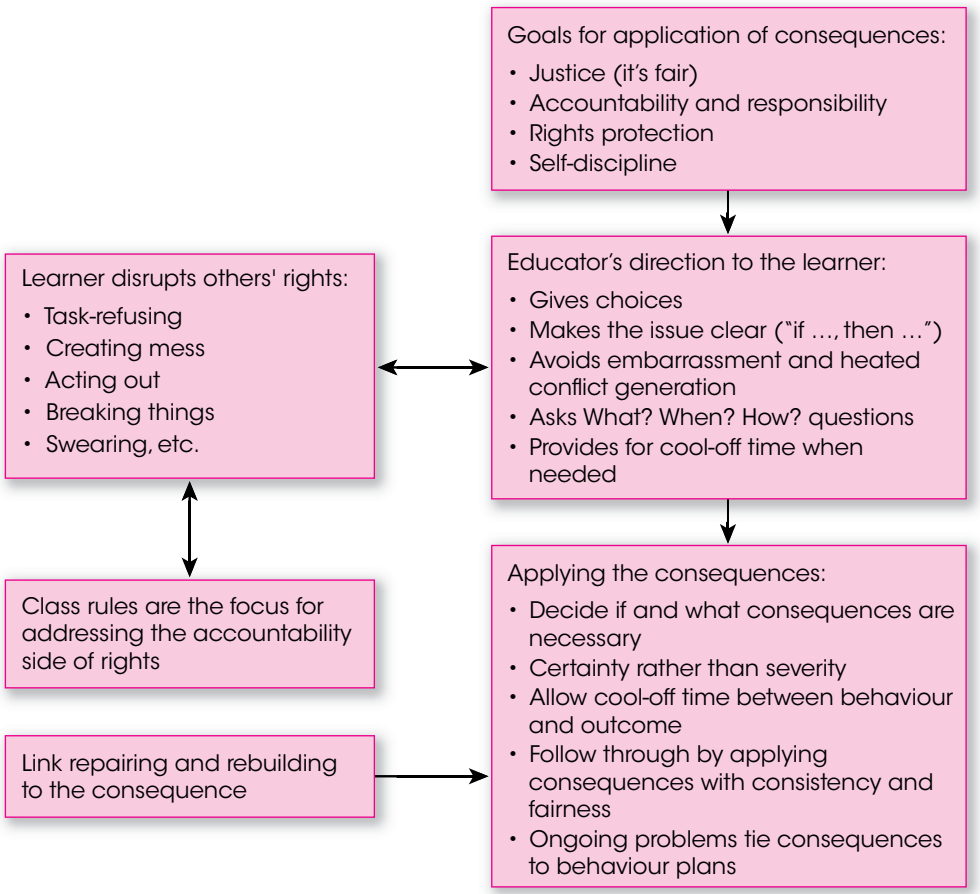


FIGURE 6.7 Steps for holding a learner accountable

Source: Rogers (1998: 156)

19. *Involve the principal in changing learner behaviour*
    a. Consult the principal about actions to address learner behaviour.
    b. Obtain the principal's support for a plan of action.
    c. Keep the principal informed of progress.
    d. Communicate to the learner and his or her parents that the principal supports the educator's actions.
20. *Request that the learner be removed from the classroom*
    a. Document the measures taken in attempting to improve the learner's conduct.
    b. Document the frequency, severity and effect of misbehaviours on other learners.
    c. Meet with the support team to recommend a course of action.

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Activity 6.6

Identify a specific disciplinary problem you have experienced in your classroom. Describe it briefly. Apply the 20-step disciplinary model to see whether you could or should have handled it differently.

The following steps will assist you in doing the above activity:

Step 1: Decide which type of step is most appropriate (prevention, redirection, consequences, team support).

Step 2: Decide which step would be most appropriate, e.g. Step no. 11.

Step 3: Decide which would be the most appropriate action to take from Step no. 11, e.g. 11(a). Ask the learner to perform the desired behaviour.

CONCLUSION

The importance of creating a positive classroom environment was discussed in this chapter. It became clear that the educator who is successful in building learners' confidence, self-esteem, knowledge and skills is the educator who exhibits the following aspects (Rogers 1998: 239):

- Clarity in setting tasks and skills
- Enthusiasm for the learning area
- Care for the individual learner
- Consistency in encouragement and teaching style
- Encouragement to work cooperatively, as well as to learn individual skills
- Utilisation even of failures as learning experiences
- Expectations that learners will succeed

Figure 6.8 is a mind map and an overview of this chapter; it could be used by the reader to ascertain whether all the aspects that create a positive classroom environment have been covered.

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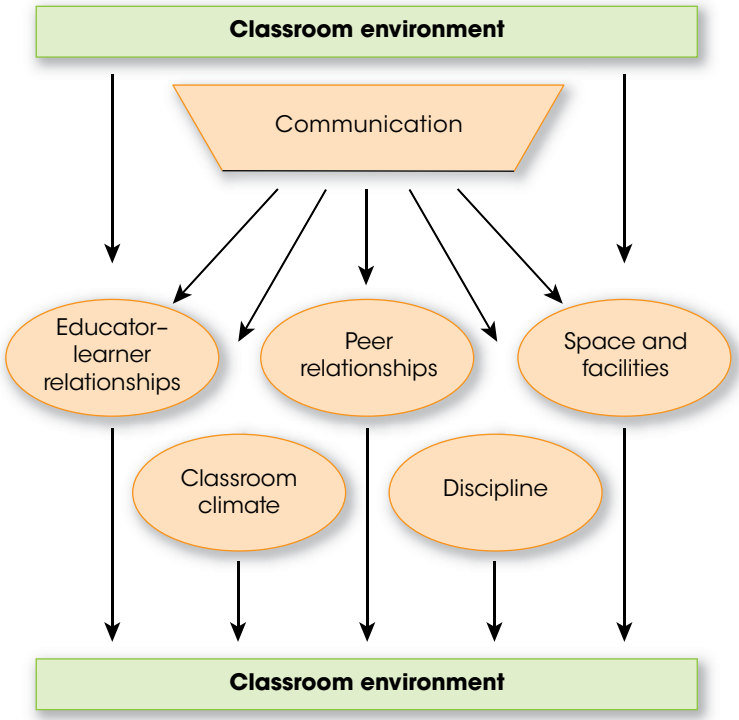


FIGURE 6.8 A summary of Chapter 6

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7

J.L. Wydeman

Managing learner participation in the classroom

INTRODUCTION

Educators may be very knowledgeable about subject matter and teaching techniques, but if they do not know how to get learners involved in learning, their efforts are wasted. In this chapter the aim is to explore aspects of classroom management that empower the educator to engage learners actively in their learning task. To show how this is achieved, we will turn our attention to the following aspects:

- Learner motivation
- Understanding the learning phenomenon
- Applying cooperative learning models
- Utilising diversity in the classroom
- Matching learning styles with teaching styles for maximum learning success

7.1 LEARNER MOTIVATION

If school is not inviting and if the tasks are not clear, interesting and at an appropriate level, how can we expect learners to carry out their tasks?

Jones and Jones (1998: 178) quote several authors who state that lessons that engage and motivate learners are a key aspect of effective classroom management.

Wlodkowski and Ginsberg (cited in Jones & Jones 1998: 180) hold that learner motivation is improved when the learning environment is based on creating the following conditions:

1. Establishing inclusion – creating a learning atmosphere in which learners and educators feel respected by and connected to each other.
2. Developing attitude – creating a learning atmosphere in which learners will not be afraid to fail in their attempts at new learning experiences.
3. Enhancing meaning – creating challenging, thought-provoking learning experiences that include learner perspectives and values.

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4. Engendering competence – creating an understanding that learners are effective at learning something they value.

If educators are to create appropriate learning environments that will motivate learners to learn, they must have knowledge of applicable motivational theories.

7.1.1 Theories of human motivation

Some of the most prevalent theories are summarised in Table 7.1.

TABLE 7.1 Theories of human development

Theory	Theorist	Main idea
Reinforcement theory	Skinner	Individuals respond to environmental events and extrinsic reinforcement.
Needs theory	Maslow, Deci, McClelland	Individuals strive to satisfy needs such as self-fulfilment, self-determination, achievement, affiliation and influence.
Cognitive theory	Weiner	Individuals' actions are influenced by their beliefs and attributions, particularly attributions about success and failure situations.
Social learning theory	Bandura	Individuals' actions are influenced by the value particular goals hold for them and their expectations of success.

Source: Adapted from Arends (1998: 81)

Activity 7.1

With which theory do you mostly identify?

7.1.2 Extrinsic and intrinsic motivation

Extrinsic motivation means that a person is motivated by something external. Intrinsic motivation means that a person works because of an inner desire to be successful at a certain task.

Spaulding (1992: 5) holds that, while both extrinsic and intrinsic motivation exist in most classrooms, most classroom practices promote mainly extrinsic motivation.

With the advent of the post-modern era, learning theories such as learner-centredness, constructivist learning and critical thinking increased learners' responsibility for their own learning considerably. This means that much more attention should be given to supporting learners to develop their own intrinsic motivation to be successful in school activities.

Spaulding (1992: 8) identifies two concepts that explain the functioning of intrinsic motivation, namely *personal competence* (self-efficacy) and *personal control* (self-determination). Intrinsic motivation results when perceived competence and perceived control are experienced simultaneously.

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It would therefore be advantageous to increase learners' intrinsic motivation for academic tasks by creating the opportunities in the classroom that would promote their perceptions of both competence and control. The following principles advance the development of intrinsic motivation (UNISA 2006: 37):

- Provide predictable learning environments.
- Create a balance between easy and challenging tasks.
- Provide instructional support.
- Model activities learners are supposed to do.
- Sub-goaling: break large assignments into smaller tasks.
- Task-sharing: break larger tasks into smaller tasks and allow peers or the educator to do some of the tasks.
- Promote control opportunities – advance learner participation in decision-making.
- Avoid social comparison of learners.

Understanding the following dimensions of learner motivation can help educators to design teaching strategies to motivate learners to learn eagerly (Burden 1995: 148):

- *Interest* – the extent to which the learner's curiosity is aroused by the lesson and sustained over time.
- *Relevance* – the extent to which the instruction is related to personal needs and goals which are perceived as meaningful.
- *Expectancy* – the learner's perceived likelihood of success in learning.
- *Satisfaction* – the learner's intrinsic and extrinsic motivation.

Activity 7.2

Make a list of the strategies you apply to ensure that learners will be interested in learning and that they "stay on task" or stay involved until the learning task has been completed.

How does your list compare with the list given below?

According to Stipek (1988) and Hunter (1982) (cited in Louisell & Descamps 1992: 260), there are ten ways in which educators can increase learner motivation in the classroom:

1. Make the learning task challenging.
2. Place less emphasis on testing and grades.
3. Provide assistance without over-protecting.
4. Move from extrinsic to intrinsic rewards.
5. Use praise appropriately.

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6. Have high expectations of each learner.
7. Provide knowledge of results.
8. Promote successful learning for all class members.
9. Increase the learners' perception that they control the learning situation.
10. Change the classroom goal-reward structure (move from competitive to cooperative/individual goal-reward structure).

Arends (1998: 90) adds the following strategies:

- Attend to factors that can be changed.
- Avoid overemphasising external motivation.
- Create learning situations with positive-feeling tones.
- Build on learners' interest and intrinsic values.
- Structure learning to accomplish flow.
- Use knowledge of results and do not excuse failure.
- Attend to learners' needs, especially their need for self-determination.
- Facilitate group development and cohesion.

Many strategies that educators could employ to ensure learner participation are not available because educators do not fully understand the nature of the learning phenomenon. The next section will explore the nature of learning.

7.2 UNDERSTANDING LEARNING

According to Cottrell (2003: 54), learning has taken place if the following six conditions have been adhered to:

- New experiences supplied
- Learning foundations in place
- Rehearsal/practising opportunities available
- Processing new information
- Moving to another level of understanding
- Demonstrating learning

Without delving too deeply into learning theories (which fall outside the scope of this book), we will look briefly into the constructivist learning theory, followed by an examination of a model of experiential learning.

7.2.1 Understanding constructivist teaching and learning

Constructivist theory views the learning and teaching process differently from the way in which it is viewed by the traditional education system. Knowledge is not transferred from the educator to the learner; instead knowledge is seen as being *constructed* in the mind of the learner. By applying their own prior knowledge and

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experiences, learners make sense of the new knowledge and develop their own original concepts as learning takes place. The *process* of learning is therefore just as important as the end product.

Activity 7.3

Study the diagram on constructive learning (Figure 7.1). How do you believe learners learn most effectively?

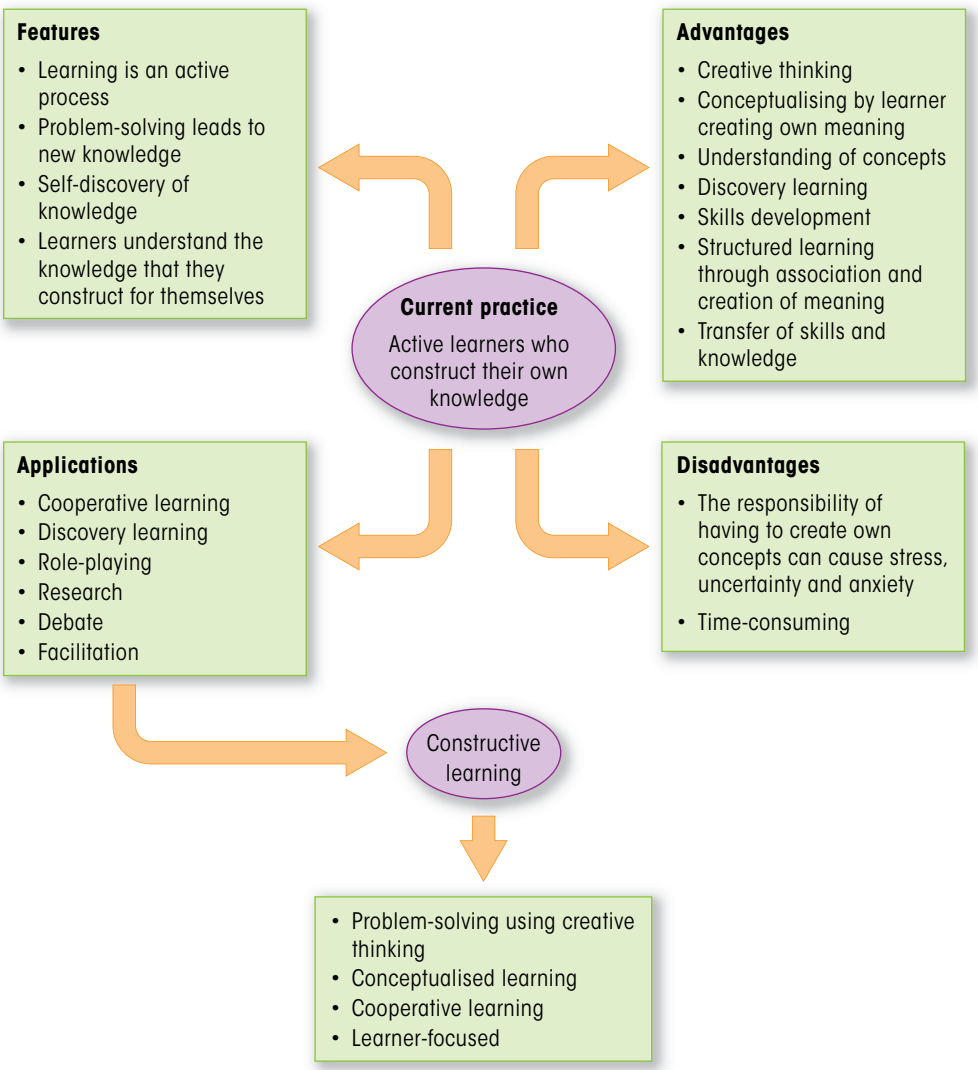


FIGURE 7.1 Constructive learning

Source: adapted from Coetzee (2003: 41)

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7.2.2 Understanding experiential learning

Experiential learning is participatory by nature and is a shared activity where everyone has something to offer with reference to knowledge, skills, experience and values:

- The whole learner becomes the focus: body, mind, thoughts, feelings, actions and spirit.
- Knowledge is constructed by the learners through the facilitation of the educator and is not transmitted by the educator as a specialist.
- Learners are allowed to make mistakes and to learn from, and by making, mistakes.

Successful experiential learning is only possible through involvement, active participation and reflection by learners. Figure 7.2 describes the experiential learning process.

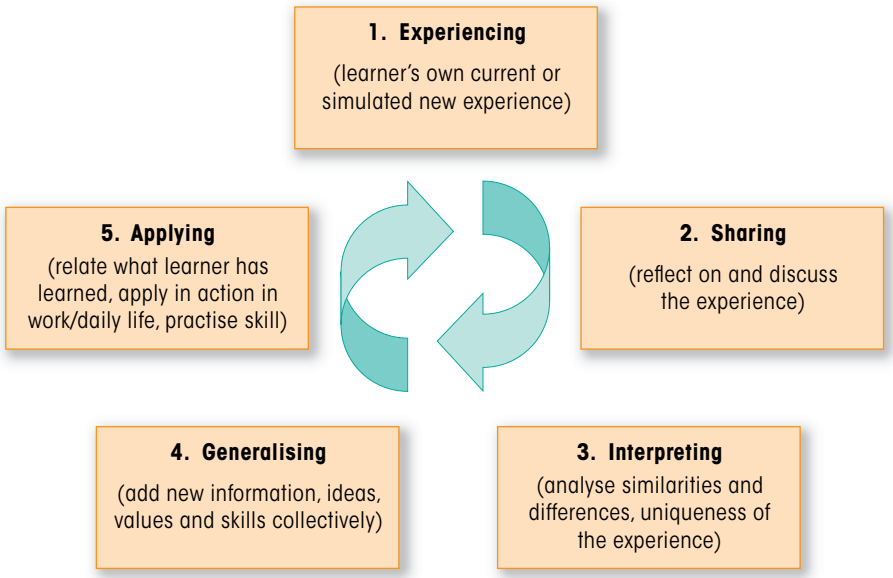


FIGURE 7.2 The experiential learning cycle

Source: Coetzee (2003: 66)

Activity 7.4

Constructivist theory and experiential learning form the basis of cooperative learning strategies as applied in classrooms. Compare the use of cooperative learning (group work) in your classroom to the experiential learning cycle in Figure 7.2. Do you provide opportunities for all the steps as valuable learning experiences?

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7.3 MANAGING COOPERATIVE LEARNING IN THE CLASSROOM

7.3.1 What is cooperative learning?

Literature suggests that there are two branches of group learning theory (Louw & Du Toit 2010: 58). These are group or collaborative learning and cooperative learning. Group work can be described as joint learning (the group is accountable), while cooperative learning is described as a synthesis of work done by individuals (individual accountability). For the purpose of this book the two concepts will be used interchangeably.

Cooperative learning can be defined as a team approach to learning where each member of the group is dependent on the other members to accomplish a specific learning task or assignment. Each member takes responsibility for a specific part of the task which will contribute to the overall success of the group. Simultaneously the group's success is dependent on each member learning all parts of the lesson.

This sense of interdependence and teamwork leads to increases in academic achievement for most learners, and also has the added benefit of providing opportunities for learners to improve their socialisation skills and become more aware of and sensitive to cultural diversity among learners (UNISA 2006: 18).

7.3.2 Why cooperative learning?

The literature and research on cooperative learning suggest that there are many benefits to learning in a group.

Louw and Du Toit (2010: 59) refer to a number of authors to compile a list of purposes for group learning. Group work is intended to

- be a specifically planned, integral part of classroom work
- integrate abilities, genders and cultures
- foster respect among learners for each other and for the educator
- be applicable across the whole school curriculum
- encourage joint learning among learners through social interaction
- create a community of enquirers in the classroom
- provide an opportunity for all learners to participate actively
- afford each learner an opportunity to voice an opinion
- enable the set lesson aims to be met
- shift the locus of control from the educator to the learners
- assist in the development of learners' speaking, listening, reasoning, negotiation, collaboration, leadership and organisational skills
- improve learners' understanding.

In support of this list, the Natal College of Education (UNISA 1997: 148) compiled the following advantages of group work as discovered by educators:

- It enables the educator to manage large classes more effectively.

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- It encourages cooperation.
- Socialising skills are developed. Learners learn to share and to respect one another and to work together.
- Self-study skills are practised.
- Self-confidence is promoted.
- Communication skills are developed.
- It is learner-centred. Learners are active and involved.
- Groups with members of similar ability can work at their own pace.
- Learners learn self-control and self-discipline.
- Learners learn to manage their time.
- Competition is more fair.
- The educator can observe the class and individuals more thoroughly.
- The educator can attend to an individual while the others are busy.

The skills most needed for cooperative learning (and which are of particular importance for classroom management) are communication, trust, leadership and conflict resolution. Learners must learn to accept differing viewpoints and learn to reach agreement within the group. Almost all human endeavour involves the cooperative effort of many people. The potential of the collective mind is vastly superior to that of individuals.

Through small-group work, learners learn to interact with each other, to listen and wait for their turn to speak, to express their own views and respect the views of others, to make decisions which take into consideration the needs of others, to resolve conflict through compromise, to be responsible for carrying out their own tasks within a group, to develop leadership, to work as a team, to value members of another race, ethnic group or gender, and to relate to peers who have a diversity of talents and handicaps (UNISA 1997: 149).

According to Louisell and Descamps (1992: 265), small groups require that learners assume responsibility for their own learning, acquire problem-solving skills and develop critical thinking abilities. They also promote the understanding of subject matter and the learning of concepts and facts. As small groups are mostly learner-directed, they increase the perception in learners that they have the autonomy to make choices about their learning. This provides for very motivating instructional activities. Table 7.2 presents a summary of the principles of cooperative learning.

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TABLE 7.2 Principles of cooperative learning

Principle	Strategies	Description
Positive interdependence (Dishon & O'Leary 1984: 80)	Resource accountability	Educators supply limited resources – learners depend on/share resources.
	Accountability interdependence	The group succeeds if the individual members succeed (Johnson & Johnson 1989: 68).
	Reward inter-dependence	Members are motivated to help each other because of the prospects of reward.
Interpersonal skills acquisition	Intrapersonal communication	The thinking skills and processes that access the internal data that exist within an individual (Solomon, Davidson & Solomon 1992: 105).
	Interpersonal communication	Thinking and social skills needed for communication with other human beings.
	Intra-group communication	• Identify roles in the group. • Share information in an orderly fashion in the group. • Initiate group processes. • Maintain group processes. • Bring closure to group processes (Solomon et al. 1992: 108).
Distributed leadership		It is based on the assumption that all learners are capable of understanding, learning and performing leadership tasks (Anderson 1989: 177).
Heterogeneous grouping		Groups that are heterogeneous with respect to ability are more effective than homogeneous groups (O'Donnell & Dansereau 1992: 135). Heterogeneous groups lead to group cohesiveness, increased caring and concern and feeling responsible for others' achievements (Salvin 1992: 166).
Group autonomy		Cooperative learning is based on the belief that learners' groups are likely to attempt resolution of their problems. If they are not supplied with a solution they learn to become autonomous and self-reliant (Jacobs et al. 2004: 217).

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7.3.3 Components for organising cooperative learning in the classroom

For groups to be productive learning vehicles, it is essential to plan each aspect meticulously. Louw and Du Toit (2010: 60) identify various aspects of group learning that needs to be planned prior to a lesson.

Group learning phase	Planning aspect
Planning prior to group work	• Type of work to be done by the group • Placing group work in the lesson • Planning time limits • Classroom design or setup • Explaining guidelines for group work to learners • Feedback • Assessment • Mark allocation • Group size • Assignment instructions
Educator's role during group work	• Monitoring learners' behaviour
Educator's role: report and reflection	• Sharing the work with other groups • Reflecting on the group learning experience

7.3.3.1 Preparation for cooperative learning

Before beginning cooperative learning, it would be a good thing to do simulation activities with regard to effective group procedures, such as the following (Cangelosi 2004: 35):

- Moving quietly into groups
- Alternating speakers (explain group roles, e.g. rhino system as discussed in section 7.3.3.2)
- Paying attention to every speaker
- Remaining in the group for the duration of the activity
- Allowing all group members to participate
- Getting the group members to state their thoughts clearly, concisely and completely
- Putting listening skills into practice – paying attention, asking clarifying questions, paraphrasing speaker's points
- Being aware of a response to non-verbal messages
- Verbalising thinking step by step as solutions to problems are sought

7.3.3.2 Positive interdependence

Cooperative learning can only take place if learners believe that they are dependent on each other for success. They must realise that they "sink or swim" together.

Organising to achieve this:

- The overall score has to be above ...
- Each member of the group has to score at least ...

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- The group must produce only one product.
- A different resource must be allocated to each member of the group.
- A different role must be allocated to each member of the group (for example the roles according to the "rhino system", where: rhino = leader; hyena = time-keeper; impala = runner; nyala = reporter; oribi = scribe; and springbuck = motivator).

7.3.3.3 Individual and group accountability

Learners have to realise that they are responsible for understanding the concept/solution or developing the skill/attitude, and are accountable to the group for its success. Each member must make sure that the other members are informed or can also do the part for which a particular member is responsible. The purpose of cooperative learning is to make all the members stronger individuals in their own right, and all the members must understand that they cannot "hitch a ride" on the work of others.

Organising to achieve this:

- Keep the groups small and observe and record the frequency of group members' participation.
- Give each learner individual tests and/or give random oral tests.

7.3.3.4 Face-to-face interaction

The opportunity to discuss work is one of the single greatest contributions to success in learning. Learners need both time to work together and a setting that allows this to be done easily.

This means that the groups must meet to work – classrooms have to be rearranged for learners to have face-to-face interaction. This is because people need to look at each other to verify each other's understanding.

7.3.3.5 Interpersonal and small-group (team) skills

To work cooperatively, learners need to learn the appropriate use of interpersonal skills. Educators should recognise that learners do not automatically have the skills to work together in small groups and should make an effort to teach these skills.

The skills needed are:

- Getting to know and trust each other
- Communicating accurately
- Accepting and supporting each other
- Resolving conflicts constructively

7.3.3.6 Group evaluation

If learners are to acquire interpersonal and small-group social skills, they must be given the opportunity and the means to assess their progress in the effective use of these skills.

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This can be done by

- reflecting on a session to discuss which actions were, or were not, helpful
- setting goals for improving effectiveness
- providing structure to group members so that each is held accountable to the others
- allowing celebrations.

7.3.4 Models for cooperative learning

There are many models of cooperative learning, all of which can be broken down into two types: peer tutoring and group investigations.

- In peer tutoring models, learners work together to help each other master tasks and produce individual products.
- In group investigations, learners work together on tasks that involve interpretation, synthesis and the application of information, resulting in group products.

Examples of various cooperative or small-group models include fish bowls, brainstorming consensus groups, in-basket groups, buzz groups, task groups and classroom meetings (see Table 7.3).

TABLE 7.3 Six types of small groups

Type	Purpose	Functioning
Fish bowl	1. To serve as a demonstration or training tool on how to participate in a group. 2. To control a group discussion on a sensitive topic.	This group consists of six or seven members and the educator, and meets in a circle in front of the rest of the class. The rest of the class observe with the purpose of giving feedback on specific aspects of the interaction.
Brainstorming	To gather ideas to solve specific problems.	Once a large number of ideas has been generated, they are classified or grouped and prioritised. Rules for maximum effect: 1. Criticisms, explanations or judgements not allowed. 2. Freewheeling of ideas welcomed. 3. Combinations and improvements of ideas desirable. 4. Quantity of ideas the main goal.
In-basket groups	To solve a classroom problem.	This is a variation on brainstorming. A member of the class, either the educator or a learner, may request this group activity to solve a particular problem. A brief period is allowed for clarifying the problem, then ideas are generated through brainstorming, after which the initiator thanks the rest of the class.

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TABLE 7.3 (*continued*)

Type	Purpose	Functioning
Buzz groups	To provide an opportunity for learners to reflect critically on material presented in the classroom.	This consists of small groups that meet briefly to discuss a topic during the course of a lesson.
Task groups	To attain a particular goal.	Each member has a significant contribution to make. Organisation of the group is very important: • Clarification of the task • Establishment of leadership structure • Availability of resources • Procedures to follow • Individual assignments • Timelines • Criteria for the evaluation of group performance
Classroom meeting	To develop a caring social group that becomes increasingly self-disciplined and committed to improved behaviour.	It involves the whole class in an open discussion. The educator usually acts as leader. The meeting usually has four parts: 1. Opportunity for all the members to share their feelings about the topic. 2. Open discussion during which the educator asks questions to stimulate thinking. 3. Exploration of alternative courses of action. 4. Final activity where each learner makes a public commitment to action.

Source: Adapted from Mandel (2003)

7.3.5 Making groups work

To ensure effective group functioning, the following aspects must be in place:

- A supportive group atmosphere
- An effective environment
- Participative group members

These three aspects are discussed briefly in the following paragraphs.

7.3.5.1 Create a supportive group atmosphere

Cottrell (2003: 102) identifies the following aspects that will contribute to a supportive group atmosphere:

- Remember that people (learners) have feelings – they have anxieties about being criticised.

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- Address anxieties directly – in the first session brainstorm how everyone in the group feels about being in the group.
- Make ground rules about time usage, participation and appropriate behaviour.
- Investigate group strengths.

A supportive atmosphere will be greatly enhanced by a relaxed environment.

7.3.5.2 Create an effective group environment

Cottrell (2003: 103) sets the following conditions for an effective group environment:

- Set clear agendas and boundaries.
- Check progress.
- Allocate tasks clearly.
- Decide on group roles for each session.

A supportive atmosphere and a conducive environment will, however, mean nothing if learners do not understand their roles as members of learning groups.

7.3.5.3 Being an effective group member

The responsibility for the group lies with each member. If a problem arises, each member shares responsibility for sorting out the problem so that the group can work effectively (Cottrell 2003: 103). All the members should therefore

- be encouraging
- listen to each other
- help the flow
  - contribute to discussions, but not dominate them
  - ask questions, but not too many
  - take responsibility
  - encourage the group to remain focused on the task
- build on other members' ideas
- include everyone
- indicate agreement
- admit mistakes
- offer information
- use body language for positive participation
- make suggestions
- sum up for the group.

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In conclusion, cooperative learning can be interpreted by many (especially those holding traditional views of the classroom) as educators waiving their responsibility to teach. Parents worry about their children being "held back" by the "slower" members of the team. They might be unhappy about the "academic

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socialism" observed as educators use group marks in a variety of ways to encourage learners to interact effectively. These and other fears need to be addressed by briefing parents and learners timeously as to why educators are exploring different teaching and learning approaches, and how they will be organised to ensure the best learning opportunities for each learner.

Activity 7.5

Describe in writing how you planned, applied and evaluated a cooperative learning experience you used in your class recently. In your honest opinion, how effective was it? How did you feel about it? How much satisfaction did you as an educator get from it? How much satisfaction do you think the learners got from it?

Revisiting section 7.3, could you improve on your effort? What will you change?

One of the most exciting aspects of cooperative learning is the opportunity to use diversity in the classroom for effective and successful learning. The aspect of diversity is discussed next.

7.4 DIVERSITY IN THE CLASSROOM

7.4.1 Introduction

Most democratic countries are faced with the problem of reconciling the freedoms inherent in democratic pluralism, with the challenges of culture, gender, class and race diversity in one form or the other.

There are approaches and methods available for interethnic and cross-cultural cooperation. These are usually based on cooperative approaches to teaching and learning in which learners participate actively. Criteria for this type of education would include the following (Coetzee 2003: 180):

- A democratic classroom ethos, providing feelings of trust among learners and between educator and learners
- Collaborative and cooperative approaches to support the development of social relationships and foster mutuality and moral reciprocity
- Active participation from learners, including simulation, role-playing, varied group composition and social engagement
- Emphasis on character development, including conflict resolution skills
- Rational, holistic approaches to knowledge and learning
- Assistance for learners in evolving and clarifying their own value systems, using situations involving value dilemmas
- Emphasis on open rather than closed questions, tasks and assignments
- Multiple approaches, including various media, strategies and locations
- Including pedagogics involving social responsibility and actions
- High intellectual expectations on both cognitive and affective domains

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- Explicit commitment to global human rights as the basis for all interaction in the classroom
- Linked, supportive assessment techniques aimed at learners' success

Activity 7.6

Before you read this section on diversity in the classroom, try to answer the following questions:

- What is diversity?
- Why should you as an educator be concerned about diversity?
- What types of diversity do we encounter in our classrooms?
- What strategies can we as educators use to accommodate these individual differences?

After you have read this section on diversity in the classroom, re-examine your answers to see whether some or all of them have changed.

Educators should be concerned about issues of diversity. It is a fact that learners differ, and in many ways: they differ in performance levels, learning rates and learning style. They differ in ethnicity, culture, social class, home language and gender – the list goes on.

Cangelosi (2004: 20) mentions the following differences among learners:

- Interest in learning
- Self-confidence
- Perception of what is important
- Attitude towards school
- Aptitude for reasoning
- Prior achievements
- Experiences on which the educator can build
- Home and social life
- Cultural background
- First language
- Exceptionalities
- Substance abuse
- Antisocial tendencies

These and other differences can have important implications for teaching, curriculum design and implementation, school policies and practices and, in our case, classroom management.

In most schools, learners are taught as though they all have identical needs and expectations (Pettigrew & Ackhurst 1999: 179). In an attempt to be fair, many educators treat all their learners in the same way. Common sense tells us that treating everybody in the same way is not a bad approach. However, experience shows that treating learners in the same way does not always result in learning success

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for all of them. Each learner has unique abilities and talents, as well as limitations. Failure to recognise and accommodate these differences often leads to unsuccessful learning.

Educators, who are mostly trained in monocultural and non-inclusive settings, should understand that coping with diversity in the classroom involves much more than just teaching in mixed classes. It requires a paradigm shift, a change of heart, a non-judgemental reorientation – not only towards education in general, but also towards educators' own teaching practices in their schools and classrooms. It is therefore essential that educators should have knowledge of the philosophy, theory and practice of how to manage diversity in their classrooms.

Pettigrew and Ackhurst (1999: 179) state that educators and educational institutions need to recognise and acknowledge

- the differences that exist among learners
- that such differences could have an impact on how individuals learn, and they should
- make place for these differences by planning and implementing learning experiences (classroom management) that would respond to these differences.

In the next sections we will briefly discuss the diversity issues of culture and exceptionality, specifically the issue of multiple intelligences.

7.4.2 Understanding culture

In culturally diverse countries such as South Africa, the concept of culture has gained importance, especially in the field of education where educators are confronted with increasingly culturally diverse classes. Culture is a very complex human phenomenon with many different facets. For the purpose of this book the focus will be on the relationship between culture as a diversity issue and how it impacts on classroom management.

7.4.2.1 Defining culture

Instead of trying to find one definition of culture that would satisfy all the requirements of multicultural education, culture can be viewed as a composite of significant and interrelated aspects, all of which have specific significance for the teaching-learning process. In this light:

- Cultures are processes of social and human interactions.
- Cultures embrace a body of knowledge.
- Cultures are dynamic, creative and continuous processes.
- Cultures are created by people.
- Cultures are continuously modified over time.
- Every culture has its own system of values, beliefs, norms and attitudes.
- All cultures have material artefacts.
- Cultures have unique verbal and non-verbal patterns of communication.

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- Cultures are shared and learnt.
- Cultures influence the way people think, feel, behave and learn.

In summary, culture is the sum total of how we live and what differentiates us from others; it is what we see as important (values), what we believe in (religion), and how we do things (norms).

7.4.2.2 Culture and education

There is a dual relationship between education and culture. On the one hand education is influenced and shaped by culture, while on the other hand education is a powerful agent of cultural transmission and preservation.

7.4.2.3 Classroom culture

Research has shown that serious cultural alienation and cultural discontinuity experienced by learners could lead to failing in school. The educator must therefore acknowledge and respect the different cultures and know about the learners' cultural backgrounds (UNISA 2006: 49). To achieve this, educators need to know the following:

- What significant questions need to be asked about the different cultures
- How these differences are manifested in the classroom
- How and where answers can be found to these questions
- How the acquired knowledge can be used effectively to bridge any cultural differences

7.4.2.4 Cultural aspects that impact on the teaching-learning process

Having learners with different cultural backgrounds in one classroom may have an influence on the teaching-learning process. Educators therefore need to be aware of the various factors that may impact on their classroom management.

Failing to consider cultural differences in the classroom could lead to (UNISA 2006: 50)

- cultural isolation
- cultural erosion
- learning problems
- behavioural problems
- conflict
- breakdown in communication.

7.4.2.5 A learning environment that supports positive intercultural contact

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Suitable learning environments should be created that will foster intercultural contact, as casual contact will not necessarily bring about improved intercultural relationships. The educator should create a teaching-learning situation in his or

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her classroom that will allow optimal learning in a climate of safety, care and acceptance.

Some of the tasks of the educator in creating an environment for socialising and intercultural interaction include the following:

- Identify and eradicate any practices, procedures and uses that discriminate against ethnic minorities.
- Watch for the labelling of learners from other cultures.
- Expect and communicate the expectation of high academic results from all learners, irrespective of culture, race, gender or religion.
- Ensure that learning experiences relate to the learner's own cultural experience.
- Promote closer interaction between home and school.
- Be sensitive to the fact that cognitive learning styles are culturally dependent.
- Use of a variety of teaching styles, methods, strategies and techniques.
- Create the correct ethos and atmosphere in your class by being cooperative and supportive rather than competitive and unsupportive.
- Close self-analysis and introspection about your own feelings on racism is necessary before you are able to be objective and non-judgemental about other cultures.
- Purposefully learn as much as possible from learners about their different cultures and languages.
- Avoid stereotyping.
- Provide opportunities for all your learners to demonstrate initiative and leadership in different situations.
- Identify and apply culturally friendly reward systems in your class.
- Evaluate all teaching-learning materials to ensure that they are factually correct and fair towards all cultures.
- Understand that multicultural education is a continuous, dynamic and lifelong learning process.

Activity 7.7

List all the activities of a normal school day (in your class) that might be unfamiliar to a new learner from another culture.

Consider ways in which you could assist this learner to adjust to the new environment.

7.5 UNDERSTANDING EXCEPTIONALITY: MULTIPLE INTELLIGENCES

Psychologists and researchers have been unable to formulate a single definition explaining what intelligence is. The debate continues as to whether there is a single intelligence or whether there are multiple intelligences.

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According to Cottrell (2003: 49), there are nine different views on intelligence:

1. Intelligence is a general, underlying cleverness which is fixed for life.
2. There are multiple intelligences, not one general intelligence.
3. Intelligence can be developed.
4. Intelligence depends on life opportunities.
5. Intelligence depends on what is needed and relevant within a culture.
6. Intelligence is applying what you know to new contexts.
7. Intelligence is a question of how much you know.
8. Intelligence can be measured.
9. Intelligence depends on study habits and study skills, which can be learnt.

Howard Gardner (in Pettigrew & Ackhurst 1999: 183) proposes a theory of intelligence that suggests that we have multiple intelligences. He lists eight different intelligences (see Table 7.4). Mandel (2003: 47) added another one and provided a definition for each.

TABLE 7.4 Multiple intelligences

Intelligence	Description	Application in the classroom
1. Linguistic	The capacity to use words effectively. It includes the ability to manipulate the syntax or structure of language, the semantics and meanings of language and the practical uses of language.	This intelligence is catered for, as the vast majority of educational materials and learning-teaching activities are linguistic by nature.
2. Logical-mathematical	The capacity to use numbers effectively and to reason well. It includes sensitivity to logical patterns and relationships, statements and propositions, functions and other related abstractions.	This can be addressed within a lesson. The use of graphic organisers and flow charts indicating the relationship between the various activities and different parts of the lesson will ensure that this intelligence is catered for.
3. Spatial-visual	The capacity to perceive the spatial-visual world accurately and to perform transformations on those perceptions. It includes sensitivity to colour, line, shape, form, space and the relationships that exist between these elements.	This can be incorporated by manipulating the physical environment. The educator can display pictures and posters around the room relating to the topic.
4. Bodily-kinaesthetic	The capacity to use one's whole body to express ideas and feelings and facility in using one's hands to produce or transform things. It includes physical skills such as coordination, balance, dexterity, strength, flexibility and speed.	The key to catering for this intelligence is to find or make time to allow learners who need this type of stimulation to physically move around during a work period.

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TABLE 7.4 (*continued*)

Intelligence	Description	Application in the classroom
5. Musical	The capacity to perceive, discriminate, transform and express musical forms. It includes sensitivity to rhythm, pitch or melody and the timbre or tone colour of a musical piece.	The easiest way to address this intelligence is to play some music when learners enter the room and during breaks. There is also a large body of research that indicates that playing certain kinds of music (specifically baroque music) while learners are learning, improves the learning experience.
6. Interpersonal	The capacity to perceive and make distinctions between the moods, intentions, motivations and feelings of other people. It includes sensitivity to facial expressions, voice and gestures; the capacity for discriminating among many different kinds of interpersonal cues and the ability to respond effectively to these cues.	This intelligence is by definition incorporated into the classroom environment through the use of the entire cooperative group work concept.
7. Intrapersonal	Self-knowledge and the ability to act adaptively on the basis of that knowledge. It includes having an accurate picture of oneself; awareness of inner moods, intentions, motivations, temperaments and desires; and the capacity for self-discipline, self-understanding and self-esteem.	This intelligence can be addressed by making sure that there is a portion of each project that allows learners to work alone.
8. Naturalist	Expertise in the recognition and classification of the numerous species – the flora and fauna – of an individual's environment. It includes sensitivity to other natural phenomena and, in the case of those growing up in an urban environment, the capacity to discriminate among non-living things like cars, music CD covers and clothing brands.	Manipulation of the physical environment is the easiest way to address this intelligence. In other words, allow these kinds of learners to do some of their work outside in nature, as this may stimulate them to be more creative and successful in their learning.

Source: Mandel (2003: 47)

Activity 7.8

Draw up a multiple intelligences "map" of the learners in your class.

How can you use this information to plan the next learning experience?

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7.5.1 Using multiple intelligences in the creation of the classroom environment

The ideal is to integrate all the intelligences into each learning experience. In reality, however, timeframes and certain subject material may just not be sufficient or complex enough to do it. It is also unreasonable to expect the classroom educator to create ways artificially to cover each of the multiple intelligences. In these cases it may be beneficial to manipulate the classroom environment to help stimulate the various intelligences to some degree.

Table 7.4 gives some examples of how each of the multiple intelligences can be catered for by adapting the total learning environment in the classroom. Some possibilities relate directly to your teaching methods, others to the physical layout of the classroom.

Activity 7.9

Considering Table 7.4 again, evaluate your classroom environment and your teaching methodology to see to what extent they provide stimulation for all the multiple intelligences.

An additional way for the educator to incorporate multiple intelligences into specifically cooperative learning activities is by active manipulation of the group formation procedures. Depending on the learning outcomes of the specific learning experience, there are two ways the educator can use the multiple intelligences in the formation of the groups:

1. Firstly, learners of similar intelligences can be grouped together.
2. Secondly, the educator can ensure that all the multiple intelligences are present in a specific group.

By using the multiple intelligences in all the parts of the educational programme – the facilitation of learning experiences, the creative work of the learners, and the construction of the classroom environment – the educator can ensure that the learners' needs are addressed so that they can reach their potential as productive learners individually, and also as members of cooperative learning groups (Mandel 2003: 71).

Activity 7.10

Apply the theory of multiple intelligences to address the following typical situations that occur in a classroom:

Scenario 1: A learner is constantly doodling. What will you do?

Scenario 2: A learner is constantly moving around in his or her seat, tapping something or fidgeting. What will you do?

Scenario 3: A learner is constantly trying to work on classroom material with someone else. What will you do?

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Scenario 1: Focus on spatial intelligence.

Scenario 2: Focus on bodily-kinaesthetic intelligence.

Scenario 3: Focus on interpersonal intelligence.

In conclusion, the challenge to the classroom manager (you) is to think about the learners in your class not only from an intellectual or academic point of view, but to consider them also as emotional, social, physical and cultural beings. You have to consider your learners holistically. You have to question practices within the school system which do not take learners' individuality into consideration, and you have to develop strategies that will facilitate the academic, social, emotional and cultural development of each learner in your class by promoting a healthy attitude to diversity.

Activity 7.11

- Do you have a critical (own) perspective on the issue of diversity in your classroom?
- Can you recognise and describe the differences that exist among individual learners?
- Can you recognise and describe how these differences are impacting on your classroom management practices?
- Can you identify and describe any "unfair" strategies applied in your classroom?
- How can you contribute meaningfully to the educational debate on diversity in the classroom?

In the next section we turn our attention to the diversity issue of different learning styles among learners. We also attempt to link the different learning styles to different teaching styles for more successful learning.

7.6 TEACHING METHODS AND LEARNING STYLES

7.6.1 Introduction

It is reported that Einstein, Churchill and Edison had learning styles that were not suited to their schools' styles. That same mismatch continues today for millions of others. It is possibly the biggest single cause of failure at school (Dryden & Vos 1999: 341).

It is therefore important that educators should be aware of the different learning styles, as their preferred classroom management style may benefit certain learners more than others. Furthermore, the educator's own learning style will influence his or her teaching style. This necessitates the application of a variety of methods and strategies to ensure that all the various learning styles of the different learners in the class are accommodated.

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Key points (Dryden & Vos 1999: 340)

- Everyone has a particular learning style.
- It is as individual as a signature.
- No learning style is better or worse than any other style.
- All groups – cultural, academic, male, female, etc. – include all types of learning styles.

The following guidelines are suggested for effective classroom practice in applying a variety of teaching styles (UNISA 2006: 52). Educators should:

- Learn to recognise and accommodate learners' learning styles.
- Become aware of their own learning and teaching styles.
- Be flexible in their choice of teaching approaches, methods and strategies.
- Use global **and** analytical approaches when introducing new content.
- Use a multisensory approach to teaching.
- Use cooperative, as well as competitive, teaching strategies.

7.6.2 Learning styles

A learning style can be defined as a consistent pattern of behaviour that a learner uses to approach and master learning content. It follows logically that learners will learn most effectively in learning environments that suit their preferred learning styles. It is therefore important that educators should recognise and understand the different learning styles.

Learning styles are determined by inherited factors, as well as environmental factors such as the learning environment in which learners have to function. The learning environment is made up of certain categories that include environmental factors, emotional factors, sociological factors, physical factors and psychological factors.

Research indicates that there are two general categories of learning styles:

- Field-dependent learners prefer a more global, holistic and relational approach to learning (also known as right-brain learning).
- Field-independent learners prefer a more analytical, verbal and sequential style of learning (also known as left-brain learning).

Table 7.5 shows the characteristics of these two styles. Learners can use both styles, but often show an overall preference for one of the two.

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TABLE 7.5 Characteristics of field-dependent and field-independent learners

	Field-dependent learners	Field-independent learners
Relationship to peers	• Like to work with others to achieve a common goal. • Like to help others. • Are sensitive to the feelings and opinions of others.	• Prefer to work independently. • Like to compete with others. • Are task-oriented. • Are not dependent on social environment when working.
Relationship to educators	• Openly express warm feelings for the educator. • Ask questions about the likes and dislikes of the educator. • Imitate the educator as a role model. • Seek guidance and demonstration from the educator. • Seek personal rewards that strengthen the relationship with the educator. • Are highly motivated when working individually with the educator.	• Rarely look for physical contact with the educator. Stick to formal interaction with the educator related to the tasks at hand. • Like to risk and attempt new tasks without the educator's help. • Are impatient to begin tasks and like to finish first. • Look for non-social rewards.
Cognitive styles	• Function well when outcomes are carefully explained prior to the learning experience. • Deal well with concepts in humanised or story form. • Prefer concrete visual images. • Function well when content is made relevant to personal interests and experiences.	• Like to divide subject content into smaller units. • Emphasise details of concepts and regard parts to have a meaning on their own. • Enjoy the discovery approach.

Source: UNISA (2006: 54)

7.6.3 Relationship between teaching and learning styles

A teaching style can be defined as the educator's consistent personal approach to teaching, irrespective of the media, method or content used. Teaching styles can also be classified as field-dependent and field-independent (see Table 7.6).

Educators who understand their own teaching style and are aware of the different learning styles will be more effective in the classroom.

Activity 7.12

1. Revisit the content on teaching styles above. What is your teaching style?
2. Which learning style would benefit most from your teaching style?
3. How could you adapt your teaching style to ensure that all the different learning styles would benefit from your teaching?

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TABLE 7.6 Characteristics of field-dependent and field-independent educators

Characteristics	Field-dependent educator	Field-independent educator
Educator-learner relationship	• Gives physical and verbal indications of approval and warmth. • Uses personalised rewards that strengthen the relationship with learners.	• Maintains formal relationship with learners. • Concentrates on the task and considers the social atmosphere in the class less important.
Teaching activities	• Expresses confidence in the learner's ability to succeed. • Encourages learning through modelling and asks learners to imitate. • Encourages cooperation and development of a group feeling. • Relates new content to learners' experiences and life-world. • Emphasises global aspects of content. • Explains clearly what learners have to achieve at the end of the learning experience. • Tries to find out how learners feel about what they are learning.	• Encourages independent achievement. • Encourages competition among learners. • Guides learning activities rather than directing them. • Encourages trial-and-error learning. • Focuses on details of content. • Focuses on facts and principles. • Encourages the use of innovative approaches to problem-solving. • Emphasises inductive learning and the discovery approach.

Source: UNISA (2006: 57)

CONCLUSION

In this chapter the focus was on the educator's task and ability to engage learners effectively and continuously in appropriate learning tasks. To be successful in this endeavour, educators must understand how learners can be motivated, understand the learning phenomenon from a constructive and experiential perspective, understand and implement cooperative learning strategies, understand and utilise diversity in the classroom, and finally, understand their own teaching style to ensure that learners with different learning styles can be accommodated successfully.

Use the mind map provided in Figure 7.3 to check whether all the aspects needed for successful learner participation in the classroom have been covered.

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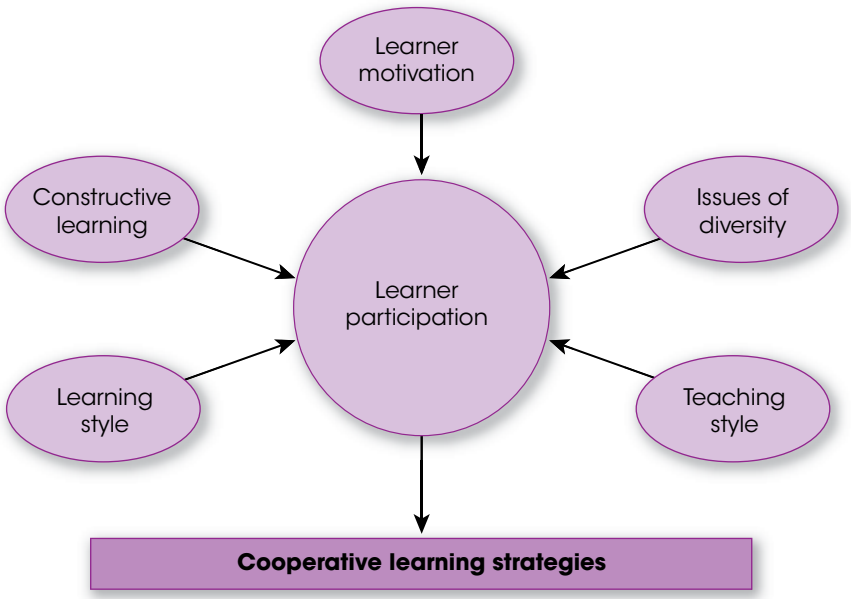


FIGURE 7.3 A summary of Chapter 7

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8

J.L. Wydeman

Managing parental and community involvement

MANAGING PARENTAL INVOLVEMENT

INTRODUCTION

Learning to work with parents can make a profound difference to the quality of life in the classroom. For various reasons, many educators tend not to be very enthusiastic about including parents in their classroom management plan. Educators might well ask: "Why should I try to work with parents?"

Van Deventer and Kruger (2003: 9) provide the following reasons why parents should be involved in classroom management:

- Building a positive relationship between parent and educator
- The restoration of trust between the home and the educator
- Engendering the support of parents for the educator
- Knowledge and understanding of the home circumstances helps the educator in the instructional task
- The improvement of learners' learning performance
- The improvement of school attendance
- The early identification and elimination of learning and behavioural problems
- An increase in the learner's sense of security and stability

Pretorius and Lemmer (1998: 32) state the following advantages of the partnership between educators and parents:

Group	Advantages
Advantages for learners	• Improvement in learners' academic achievements • Increased self-esteem • Decrease in behavioural problems • Improved attitude towards school • Increased commitment to schoolwork
Advantages for parents	• Feeling more positive about their ability to help their children • Greater understanding of educators and their problems

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Group	Advantages
Advantages for educators and schools	• Decreasing educators' workloads • Educators' understanding of the learners improve • Educators feel more positive about their work • More resources available to the school

From the above it is clear that educators cannot afford *not* to include parents in their classroom management plans. The question is: how does one involve parents in an effective and sustained way in one's classroom-management plan?

This chapter will attempt to provide some answers to the above question by focusing on the following:

- An integrated model for engaging parents in their children's education
- Strategies for conducting interviews with parents
- Ways to evaluate the success of efforts to engage parents
- The nature of collaboration with parents
- Communicating effectively with parents
- Barriers to collaboration with parents

8.1 DEFINING THE TERM "PARENT"

The South African Schools Act (South Africa 1996b: 4) defines the concept "parent" as

1. the parent or guardian of a learner
2. the person legally entitled to custody of a learner
3. the person who undertakes to fulfil the obligations of a person referred to in 1 and 2 towards the learner's education at school.

This means that the educator must be prepared to collaborate with anyone caring for the learner, not only the biological parents (Pretorius & Lemmer 1998: 30).

THE RIGHTS AND DUTIES OF PARENTS

The South African Schools Act (South Africa 1996b: 6) and the School Education Act (Gauteng Department of Education 1995: 5) set out the following duties and rights of parents:

- *School attendance of learners*. Every parent must ensure that every learner for whom he or she is responsible attends a school from the year in which the learner turns seven until the learner reaches the age of 15 or the ninth grade, whichever comes first.
- *Paying of school fees*. A parent is liable for payment of the school fees determined by the governing body in consultation with the parents – unless the parent has been exempted from such payment.

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- *Liability for property damage.* The parent of a learner at a public school shall be liable for any damages to, or loss of, school or departmental property which has been caused by the learner. It is also the duty of every parent to assist the state and the governing body of the school to promote a culture of respect for school property.
- *The right to information.* Every parent shall have the right of access to information held by the department, a public school or a private school, if such information concerns a learner who is his or her child.
- *The right to be part of the governance of a school.* Parents have the right to choose other parents to represent them on the school's governing structure. They also have the right to be informed on a regular basis about what the governing body has decided on their behalf.

Governance is only one aspect of the relationship between school and home. Pretorius and Lemmer (1998: 31) mention a number of other facets of home-school relations:

- Communication
- Assisting parents with their parenting task
- Volunteering
- Learning at home
- Decision-making

8.2 PARENTAL RESISTANCE TO INVOLVEMENT IN CLASSROOM MANAGEMENT

Nowadays schools are under increasing pressure to develop strategies for securing greater parental involvement.

Parents have reported that they do not become involved in their children's schools, because of (in order of importance) the following (Bauer & Shea 2003: 65):

- A lack of time
- Feeling that they have nothing to contribute
- Not knowing how to become involved
- Lack of childcare
- Feeling intimidated
- Not being available during the time the school arranges functions
- Not feeling welcome at the school

Froyen (1988: 208) mentions a number of reasons why parents sometimes resist becoming involved in their children's schooling:

- Fear of conflicts at home being divulged
- Panic over the child's possible failure
- Guilt about lack of parenting skills

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- Reluctance to interfere in the educator's work
- Belief that they would not know how to participate
- Belief that the educator is trying to shift responsibility

8.3 A MODEL FOR PARENTAL INVOLVEMENT

Dunst and Trivette (cited in Bauer & Shea 2003: 65) find that programmes that have been successful in working with parents share a number of common characteristics. These programmes tend to focus on *prevention* rather than treatment. They recognise the need to work with the *whole family*, as well as the *community*. They have a commitment to the family as an *active participant* in their children's education and are also committed to *cultural diversity*. Furthermore, successful programmes focus on *strength-based* needs, effective *programming* and continuous *evaluation*, and have *flexible* staffing.

Several other factors also emerge when working with parents. The issue of *equity* must be addressed, i.e. making sure that experiences are open to parents with limited resources and to those who are more affluent. Whether parent participation is *voluntary* or *involuntary* is a factor that could change the whole nature and intention of the participation. Programmes should be of high *quality* and should be specific in terms of their *objectives*. Finally, educators and other professionals working with parents should be *culturally sensitive* or at least competent.

Swap (cited in Bauer & Shea 2003: 67) describes four basic models of parent involvement.

Model 1. This is called the "protective model". The goal of this model is to reduce tension between parents and educators, primarily by separating their functions, thereby protecting the school from parental interference. The model assumes that parents delegate the education of their children to the school and that the school is then accountable. There is little parental involvement and no structure exists for preventative problem-solving.

Model 2. "School-to-home transition". In this model the school enlists the parents in supporting the objectives of the school. Although parents are not equal partners, they are supposed to endorse the school's expectations.

Model 3. In the "curriculum enrichment" model the goal is to extend the school's curriculum by incorporating the contributions of the children's families. The assumption is that educators and parents should work together to enrich curriculum objectives and content. Relationships are based on trust and respect.

Model 4. The goal of the "parent-educator partnership" model is for parents and educators to work together to accomplish success for all the learners. The assumption is that a common mission requires collaboration between parents and educators. This is a true partnership based on authority shared among colleagues (so-called "collegiality").

Based on Model 4, Bauer and Shea (2003: 67) developed an integrated model for engaging parents. This model consists of five steps or phases:

1. Intake and assessment (first meeting)
2. Selection of goals and objectives

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3. Planning and implementation of activities
4. Evaluation of activities
5. Review

The model is depicted in Figure 8.1.

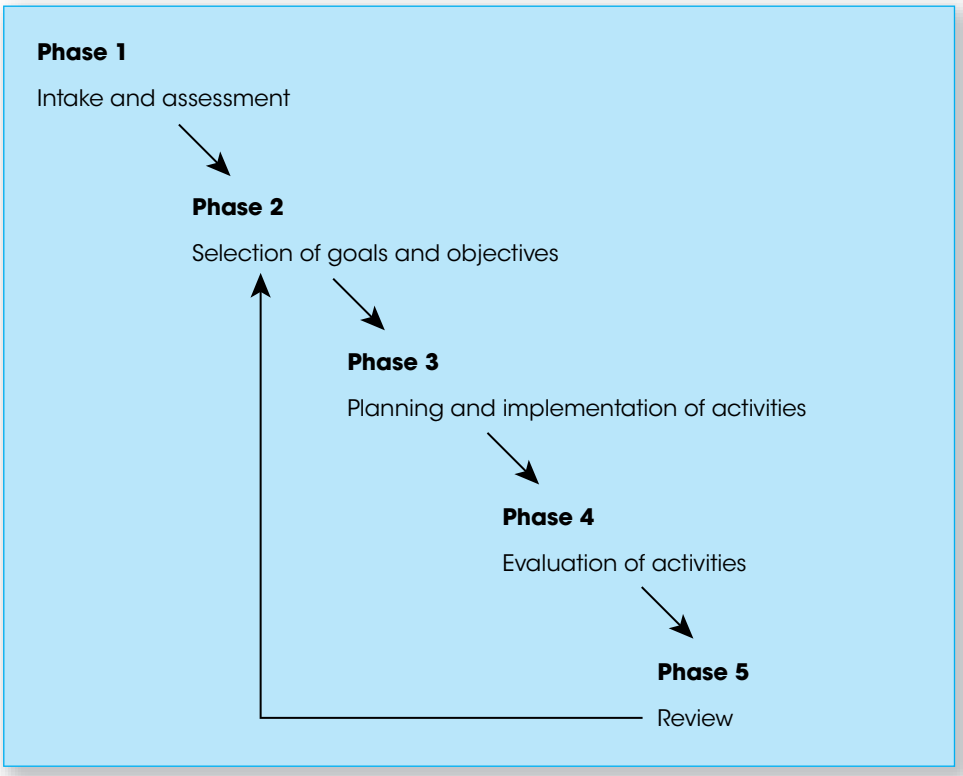


FIGURE 8.1 Integrated model for engaging parents in their children's education

Source: Adapted from M. Bauer and Thomas M. Shea. *Parents and schools: creating a successful partnership for students with special needs*, 1/e. Published by Allyn and Bacon/Merrill Education, Boston, MA. Copyright © 2003 by Pearson Education. Reprinted by permission of the publisher.

The activities through which parents could be involved in the education of their children can be loosely grouped as follows:

- Information-giving activities, such as newsletters, written notes and periodic report cards, through which the parents receive information passively
- Information-sharing activities, such as educator-parent conferences, where information is shared between parents and educators
- Collaborative support for school programmes, in which the parents work together with the school to implement specific goals, objectives or educational activities
- Collaboration in the school community, where parents serve as volunteers or tutors, or prepare instructional materials

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- Parent education, in which efforts are made to increase parents' knowledge and skills
- Parent leadership, policy and advocacy efforts

A continuum representing these efforts is provided in Figure 8.2.

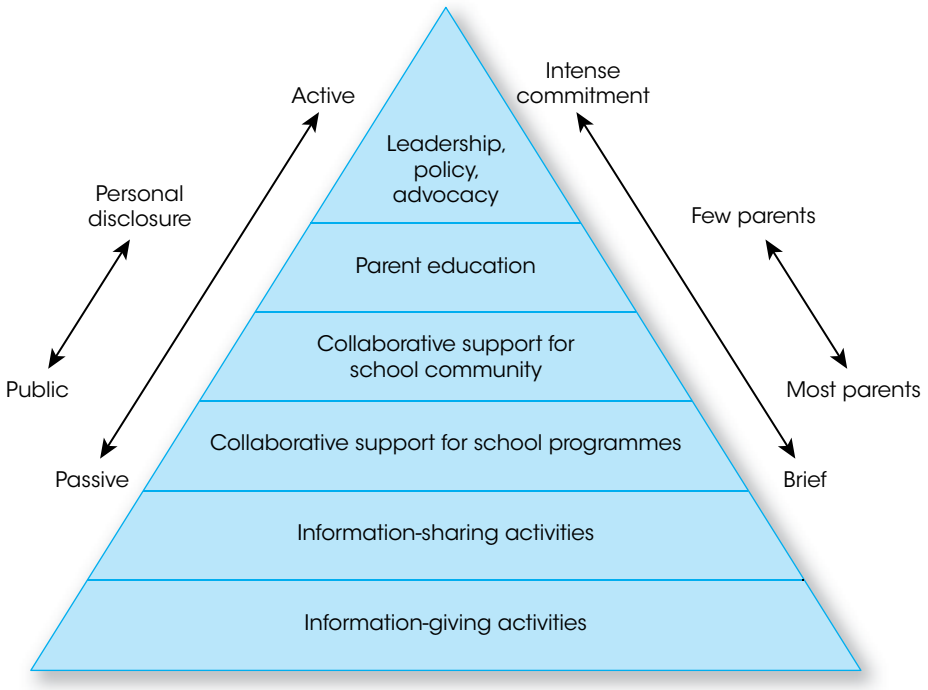


FIGURE 8.2 A model for engaging parents

8.4 MANAGING AN INTEGRATED APPROACH TO PARENTAL INVOLVEMENT

8.4.1 Initial contact and interview

Interviews are the primary assessment technique in parent engagement. Bauer and Shea (2003: 75) identify five deterrents to effective interviews:

1. Fatigue, particularly if the conference takes place after the day's work
2. Strong feelings, which can interfere with how participants perceive situations
3. The use of emotionally loaded words or phrases
4. Educator talking to the extent that the parent's participation is limited
5. The environment which, if distracting or uncomfortable, limits the possibilities for a productive interview

During the first interview or conference the educator will generally ask questions for two purposes: (1) to obtain information, and (2) to redirect the interview when

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it moves away from the original purpose. This first interview is very important and allows the educator to

- establish a positive working relationship with the parents
- review and discuss the learner's situation
- review and discuss related services and adjustments
- review and discuss the role of the parents
- introduce the parents to engagement in their child's education.

8.4.2 Identifying needs, goals and objectives

USE OF AN ECOMAP

Ecomaps provide considerable information on the family's social environment, significant sources of stress and available used and unused sources of social support. This assessment strategy is valuable during the first interview because it generates a great deal of information in a brief period of time. The ecomap can be used to specify and individualise the stress, conflicts and available resources within the family system and to generate possible goals and outcomes for engaging the parents. Figure 8.3 illustrates one such map, but the educator could use other formats to collect the necessary information to build a picture of the learner's socioeconomic environment.

Using the ecomap could also be a good way to start a parent conference or interview in a non-threatening way.

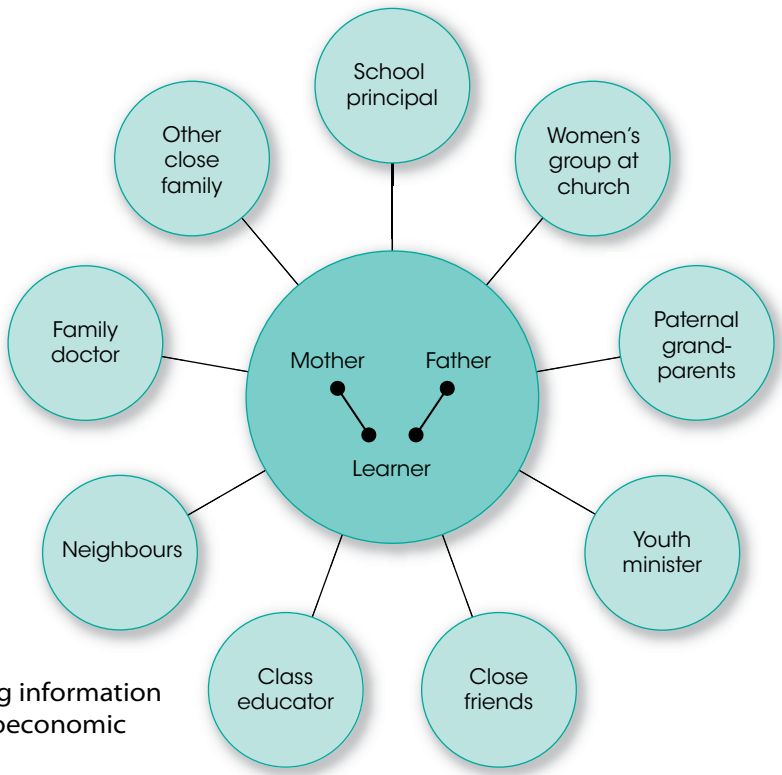


FIGURE 8.3
Ecomap for gaining information on a learner's socioeconomic environment

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Dennis and Giangreco (cited in Bauer & Shea 2003: 77) suggest several other keys to conducting sensitive interviews, including the following:

- Appreciating the uniqueness of each family
- Being aware of the influence of your role as a professional
- Acknowledging your own cultural biases (refer also to Chapter 7, section 7.4, on managing diversity in the classroom)
- Seeking new understanding and knowledge of cultures
- Developing an awareness of cultural norms
- Learning from parents

8.5 COLLABORATION AND COMMUNICATION WITH PARENTS

8.5.1 Collaboration and partnerships

Collaboration occurs when power and authority are shared and where people are brought together to achieve common goals that could not be accomplished by a single individual or organisation independently. Bruner (cited in Bauer & Shea 2003: 78) suggest a number of characteristics of effective collaboration:

- Involve all key players.
- Use realistic strategies that reflect the priorities of all involved.
- Establish a shared vision.
- Allow collaborators to agree to disagree during the process, but have a constructive problem-solving strategy for moving forward.
- Only make promises that you can keep.
- Do not let day-to-day operations and disagreements interfere with striving for better outcomes.
- Build ownership at all levels.
- Institutionalise success.
- Publicise successes.

8.5.2 Communicating effectively

(See also Chapter 6.)

Clarity of language when communicating with parents is essential. It is therefore necessary for educators to understand that communication takes place on several levels simultaneously: through verbal expression (what they say); through body language (how they behave), and through emotional responses (how they feel). The more congruent these are, the better or clearer the communication will be.

Educators must also be aware that there are different forms of language – descriptive, inferential and evaluative (Bauer & Shea 2003: 85).

- *Descriptive language* relates to information about things the communicator has observed using his or her senses.

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- *Inferential language* describes the patterns a person has become aware of through multiple observations. This form of language is tentative, using words such as "maybe", "appears" and "seems".
- *Evaluative language* communicates judgements and conclusions. These may be positive or negative, as they refer to the speaker's values.

Educators should be able to relate objective information to parents about their child (descriptive language), to communicate patterns that seem to emerge from observations (inferential language), and to formulate conclusions (evaluative language).

One aspect of communication that is usually overlooked is listening. Educators who are skilled, active listeners state their understanding of what the parent has said and provide feedback for the parent's verification and clarification. Educators who are active listeners listen for the basic message in parents' communication and restate to the parents a brief, precise summary of the verbal, non-verbal and emotional tone of the message as they perceived it.

8.5.3 Action steps for using active listening effectively

Brownell (cited in Bauer & Shea 2003: 88) identifies six skill areas in active listening. In practising active listening educators should attend to each of these areas.

1. *Hear the message*
   - Concentrate on what the speaker is saying.
   - Take control of the listening environment, minimising distractions and having everything you need at hand.
   - Be ready when the speaker begins – pay attention from the first word.
   - Look like a listener – sit up, look at the speaker and communicate non-verbally that you are interested.
2. *Work at understanding the message*
   - Put your ego aside: pay attention to what the person is saying, rather than formulating your own response.
   - Monitor your behaviour.
   - Do not interrupt – it stops the speaker's flow of thought and makes it harder to follow the message.
3. *Remember the message*
   - Repeat the content back to the speaker.
   - Remain calm – it is hard to remember what has been said if you are angry or stressed.
4. *Interpret the message*
   - Keep the speaker's background, goals and role in mind.
   - Think about the speaker's non-verbal communication.

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- Watch for the relationship between verbal and non-verbal cues.
- Attend to the speaker's voice.
- Identify the level of communication: is the speaker stating an opinion? Is the speaker communicating feelings?

5. *Evaluate the message*
   - Think about the speaker's credibility.
   - Try to follow the speaker's line of reasoning.
   - Consider the evidence or lack of evidence.
6. *Respond to the message*
   - Reflect the speaker's message, paraphrasing to check understanding.
   - Provide perception checks.
   - Continue providing a supportive listening climate.
   - Be physically alert, maintaining eye contact, but minimising gestures and random movements.

8.5.4 Some of the barriers to effective communication with parents

- Giving advice rather than offering suggestions
- Giving false assurances
- Asking misdirected questions
- Changing the subject
- Using clichés
- Minimising feelings
- Jumping to conclusions
- Interrupting

8.6 BARRIERS TO COLLABORATION AND PARTICIPATION

Ballen and Moles (cited in Bauer & Shea 2003: 93) suggest four primary barriers to parental involvement:

1. *Time*. Various factors, such as single-parenting and work pressures, contribute to a lack of time.
2. *Uncertainty*. Parents are often uncertain about what to do and about the importance of their becoming involved.
3. *Cultural barriers*. There may be difficulty with language or in communicating with schools, because life experiences and perspectives are so different.
4. *Lack of a supportive environment*. Schools have not always tried to nurture families and low-income parents in particular may need support if they are to become involved. These parents may need personal attention, literature and classes on parenting, and perhaps even a resource centre.

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Activity 8.1

Both educators and parents seem to find meetings with one another stressful experiences. Why is this so and what could you do to ease the stress associated with such meetings?

The following are some possibilities for addressing barriers to educator-parent relationships:

- *Time.* Be flexible with schedules, times and days of the week. Move meetings to venues that are more accessible to parents.
- *Feeling unvalued.* Welcome the parents personally and find ways for them to use their talents to benefit the school.
- *Being unaware of how to contribute.* Conduct a talent survey among parents and use the talents identified to benefit the school.
- *Being unaware of how the system works.* Provide a handbook containing rules and procedures and giving the answers to typical questions or problems.
- *Childcare.* Find an available room in the school and ask older learners to volunteer to babysit.
- *Language.* Have material translated, using English on one side and another language on the other side.
- *Cultural differences.* Increase your sensitivity to other cultures, values, attitudes and celebrations and to the views of the school with regard to these.
- *Transportation.* Visit parents in their homes, or hold meetings at places more convenient to the parents.
- *A sense of token invitations.* Address real issues, listen to the parents and use their ideas.
- *A sense of being unwelcome.* Work with school staff to make all parents feel welcome.
- *Resistance to formal leadership.* Ensure that all parents are involved in planning, policy-making and advocacy.
- *Parents having limited literacy skills.* Use the telephone to contact parents.
- *Snobbery.* Actively seek new participants who represent various cultural, socio-economic and religious groups.

Successful parent-engagement programmes have the following common elements:

- They have written policies that address parental involvement.
- There is administrative support, which includes having a resource centre for parents and having one individual responsible for managing the programme.
- A partnership approach is followed, involving joint planning, goal-setting and other strategies to help parents develop a sense of ownership.
- Two-way communication is employed.

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- They involve regular evaluation activities, both at key stages and at the end of the school year.

8.7 HOW CAN PARENTS BE INVOLVED IN THE SCHOOL?

Squelch and Lemmer (cited in UNISA 2006: 31) suggest the following ways in which parents can be involved in the school.

Type of involvement	Specific activities
Involvement in school management	• Approving the school curriculum (Further education and training (FET)) • Involvement in developing a school policy • Drafting and approving the school budget • Liaising with the parent community • Organising and conducting parent meetings • Taking part in fund-raising
Involvement in classroom or educational activities	• Monitoring their children's progress • Discussing the curriculum • Involvement in reading programmes • Involvement in the development of children with special needs • Supervising homework • Assisting in the classroom • Helping their children study
Involvement in resourcing activities	• Fund-raising • Organising social events • Assisting with extramural activities • Helping with playground duty and scholar patrols (road safety) • Accompanying learners on field trips • Assisting with administrative tasks • Arranging talks and workshops for parents
Involvement in home-based activities	All parents can help their children with schoolwork.

Activity 8.2

1. One serious problem is that parents who really *need* to attend parent evenings rarely do. How will you go about getting more parents to attend such occasions?
2. Make a list of the questions that you would like to ask the parents in order to get them to help you to work with their child. Justify your selection of questions by discussing the ways in which the information collected will serve the learner.

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MANAGING COMMUNITY INVOLVEMENT

INTRODUCTION

According to Schofield and Ndlovhu (in Van Deventer & Kruger 2003: 255), the frequent extensive collapse of teaching cultures necessitates the greater involvement of communities in school activities. There seems to be overall agreement that communities should play a role in school development.

THE CONCEPT OF COMMUNITY

Van Deventer and Kruger (2003: 255) describe a community as a group of people living in one place or area, or as a group of persons having the same or similar interests.

A community such as the parental community of a school has a keen interest in its children or learners and would want to pass on the knowledge, values and skills that are important and unique to that community. The local school is the main institution for the transmission of that knowledge, and those values and skills, and is therefore an important asset of the community.

HOW COMMUNITIES CAN BE INVOLVED

Members of the community can be involved in the following ways:

- Being a member of the governing body
- Attending parents' and management meetings
- Attending and assisting with fund-raising functions
- Assisting with disciplinary matters, especially regarding their own children
- Helping with the funding of the school
- Attending and helping with extramural activities

PROMOTING COMMUNITY INVOLVEMENT IN THE CLASSROOM

Good community-classroom relations can be promoted by acting on the following suggestions (Commonwealth Secretariat, in Van Deventer & Kruger 2003: 257):

- Encourage participation by learners in the social, economic and cultural life of the community.
- Make school facilities available to the community.
- Supply important information about the school to the community.
- Maintain regular contact with outside institutions, influential individuals and educational bodies that may be of mutual benefit.
- Be tactful, considerate and sympathetic to community requests without having a negative impact on the educational purpose of the school.
- The principal, educators and learners must receive and attend to all visitors in a helpful and courteous manner.
- Occasionally invite dignitaries from various interest groups to share in the life of the school and classroom.
- At all costs, avoid taking sides in local politics.

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COMMUNITY RESISTANCE TO INVOLVEMENT IN THE SCHOOL AND CLASSROOM

Van Deventer and Kruger (2003: 257) identify a number of aspects that could lead to potential conflict with the community:

Reason	Description
Resistance to change	Change never happens voluntarily. In a community there are vested interests that need to be kept in mind.
Parochialism	Communities involved in their schools may feel the schools belong to them; this could lead to undue interference in the functioning of the school.
External pressures	Parents and other individuals may expect special treatment or favours based on their contributions (especially financial).
Intergroup rivalry	Conflicts arising from ethnic interests in the community may affect the functioning of the school.
The religious, social and political background of educators	Educators whose backgrounds differ from that of the community may find their efforts to include the community being rejected.
The exclusion of parents from classroom activities	Sometimes educators believe that parents and other members of the community are infringing on their professional terrain, and therefore exclude them.

CONCLUSION

In this chapter the focus has been on involving parents and the community as a valuable resource in the educator's classroom management plan. An integrated approach should be followed to ensure that the parents' and the community's involvement can be sustained. Applying the information from this chapter should assist you in your attempts to involve parents and the community in your classroom management plan.

Make use of the mind map provided in Figure 8.4 to ensure that you have covered all the key elements of parental and community involvement.

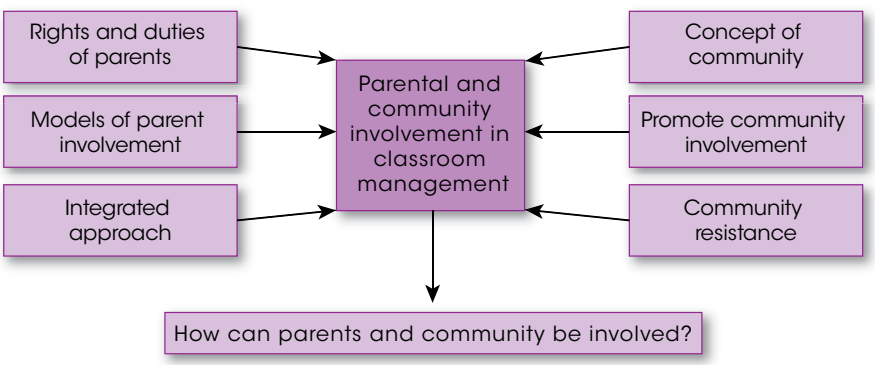


FIGURE 8.4 A summary of Chapter 8

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J.L. Wydeman

9 Managing classrooms through effective administration and teamwork

INTRODUCTION

This chapter focuses on how administrative tasks should be planned or carried out to ensure that they have a positive influence on classroom management. As most schools have policies, strategies and procedures specific to their own situations, the comments made in this chapter are of a more general nature and are aimed at the principles underlying the specific aspects being discussed.

For this purpose we will first look at those non-teaching tasks that are mostly done in the classroom, and then at tasks mostly done outside the classroom. These tasks (inside and outside the classroom) include:

- Managing finances in the classroom
- Updating the filing system
- Managing assessment in the classroom
- Participating effectively in teams

9.1 MANAGING CLASSROOMS THROUGH EFFECTIVE ADMINISTRATION

This chapter first discusses the tasks of the educator that are related to classroom administration activities.

9.1.1 The tasks of a register teacher

The primary task of all educators is responsibility for a register class. As you have possibly done this for a number of years, have you ever reflected on how you could improve your classroom management by changing or adjusting your register class activities? What do you actually do with your register class? How do these activities impact on your other teaching responsibilities?

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Activity 9.1

Make a list of all the tasks related to a register class. How does your list compare to the one given below? For each task, try to find answers to the following questions:

- How regularly is it done?
- What are the processes involved?
- What training did you receive to do specific tasks?
- What are the control mechanisms, if any?
- What are the difficulties you normally experience?

RESPONSIBILITIES OF A REGISTER TEACHER

- Record attendance and absenteeism of learners.
- Balance the register.
- Make announcements to the class.
- Do surveys on various matters.
- Collect and administer money.
- Assist in RCL elections.
- Act as a guardian.
- Fill in and sign report cards.
- Take detention and assembly and do ground duty.
- Contact parents.

It should be clear at this point that many of these aspects have very little to do with teaching your subject, but we trust that you will be able to use these new skills and knowledge to administer your class more effectively.

9.1.2 Financial administration

Handling finances is another important aspect of educators' work. They should acquire the following skills in this regard (Pretorius & Lemmer 1998: 71):

- They should learn to use financial terminology correctly.
- They should be able to interpret and explain financial statements.
- They should be familiar with the correct procedure applied in the school when the following financial activities are handled:
  - the collection of different kinds of funds
  - the handling of cash
  - accounting procedures
  - reporting procedures
- They should also know how to organise staff concerned with school finances. This entails:
  - knowing how to train staff by delegating certain functions
  - knowing how to coordinate staff functions

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In conclusion, everyone involved in finances must know what to do, when to do it and how to do it. In addition, educators must have skills relating to the collection and handling of funds.

9.1.3 Filing system

The brief discussion below aims to provide the knowledge, skills and know-how you need to assist you to improve your classroom management practice.

9.1.3.1 A complete set of educator files

The following discussion on educator files is based on the policy guidelines of the Gauteng Education Department (GDE 2003: 357) and serves as a good example that all educators can follow.
As an educator you are required to have the following files as the administrative and professional tools of your trade:

- A personal planning and preparation file
- A subject file
- An assessment file

PLANNING AND PREPARATION FILE

This file is used for recording and storing the educator's planning of learning and teaching in his or her subject for each class, and contains all the lesson plans that he or she plans to use during the year. Obviously the records of the lessons prepared and presented are entered during the year and are not all written up at the beginning of the year.

SUBJECT FILE

The subject file records all official documentation regarding the particular subject.

ASSESSMENT FILE

The assessment file records all official documentation on the assessment of the particular subject, as well as all the records of assessments planned and done during a particular year. In a way this is the most important record that the educator keeps, as it contains all the evidence of assessments done, which in turn substantiates promotion decisions by the school and the department.

Obviously, a well-prepared and complete set of files does not guarantee that your classroom management will be without difficulties, but being prepared and having a system in which all important documents can easily be stored will certainly assist with a successful classroom management plan.

9.1.4 Control and assessment in the classroom

In the classroom, assessment is one of the most important educational processes. For this reason, there are comprehensive guidelines provided for assessment, both at provincial and at national levels. The assessment management process basically consists of three stages:

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1. Collecting evidence
2. Recording assessment evidence
3. Reporting achievement

An in-depth discussion of assessment is not within the scope of this book. Instead, we focus primarily on the control measures that are necessary for the management of assessment in a classroom. This includes the management of the assessment process, the recording of assessment findings (results) and the reporting of achievements.

The terms *assessment* and *evaluation* are often used interchangeably. In education it is useful to make a distinction between the two terms. The word "assessment" is used when judgements are made about learners' learning performance. The word "evaluation" is used when judgements are made about other wider aspects that may influence a learner's performance, for example curricula and teaching methods. Proper continuous assessment therefore cannot be done without continuous evaluation of the wider educational curriculum which influences learning.

Activity 9.2

Use Table 9.1 to evaluate where you stand on the assessment task of the educator.

TABLE 9.1 Assessment in the classroom

Self-assessment activity	Yes/No
1. I want to know how all my learners compare with one another.	
2. I check every learner's work regularly.	
3. I set all my own tests.	
4. I try to vary assessment activities as much as possible.	
5. I base the standard of my tests on what my previous classes of learners were able to achieve.	
6. I follow up every piece of incorrect work to make sure that the learner finally does it properly.	
7. My assessments involve a lot of memorising and factual recall.	
8. I spread my assessments throughout the year.	
9. I compare my assessments of learners' work with their achievements in other learning areas.	
10. I regularly ask my colleagues to comment on my tests and other assessment activities.	
11. When I assess learners, I like to focus on exactly what I have taught them on a particular topic.	
12. All the learners in my class do the same assessment activities at the same time.	
13. For me, the most important assessments are those that I set at the end of each section of work.	
14. I regularly adjust my teaching activities in accordance with what I learn from my assessment of learners' work.	

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9.1.4.1 Managing assessment

PEOPLE INVOLVED IN ASSESSMENT

The school and teachers have overall responsibility for the assessment of learners. Educators are expected to create a valid, reliable and credible assessment process. National and provincial policies aim to ensure the involvement of learners, school assessment teams, district support teams, support services and parents where appropriate.

SCHOOL ASSESSMENT PROGRAMME

Each school must develop an assessment programme based on provincial and national assessment guidelines. It must have a school assessment plan and a team to facilitate the implementation of the plan. The team should have representatives from management, each phase and all learning subjects.

To ensure a professional approach to assessment, the school assessment programme must clearly outline (UNISA 2006: 26)

- the way continuous assessment is planned and implemented
- how record books are kept, their accessibility and security
- the assessment codes determined by the province
- internal verification of assessment
- how moderation takes place in the school
- the frequency and method of reporting
- the monitoring of all assessment processes
- the training of staff in areas of assessment.

9.1.4.2 Implications for the classroom

The school assessment programme can only be carried out in a constructive way if each educator collects, captures and reports on specified assessment activities. This necessitates the administrative tasks given in Table 9.2.

Most educator training programmes do not pay much attention to the administrative tasks that educators need to do. However, ineffective classroom administration will have a negative effect on how well the classroom can be managed. Educators will therefore need to acquire these skills for themselves. One way to do this is to learn from colleagues. In the following section the focus shifts to teamwork within the school and the wider educational community.

9.2 MANAGING CLASSROOMS THROUGH EFFECTIVE TEAMWORK

Like other professionals, educators are expected not only to perform their primary duty (in this case teaching), but also to provide leadership to the organisation as a whole. For educators this means working alongside others in the school – colleagues, administrators, learners and parents – to help set school-wide expectations and gain clarity of purpose and actions (Arends 1998: 443). Educators

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therefore need specific organisational skills aimed at making work with others in the school productive. According to Arends (1998: 443), there are two main reasons why educators need to obtain these skills and knowledge:

1. There appears to be a certain synergy at work in schools when educators and others come together and make arrangements about what is to be taught, and this synergy makes a difference to how and what learners learn.
2. An educator's ability to relate to and work with others at school and within the larger professional community will have a significant impact on his or her career.

TABLE 9.2 Data to collect, capture and report on during assessment

Recording and reporting	How and which data to collect, capture and report on during assessment
Record books	• Learners' names • Dates of assessments • Name and description of the assessment activities • Results of the assessment activities according to the learning area or learning programme • Comments for support purposes
Progression schedules	• Name of the school with the school stamp • List of learners in each grade • Codes for progress in each learning area (National Coding System) • Codes for progress in each grade (progressing to the next grade or staying in the same grade) • Comments on strengths and areas for support in each learning area • Date and signature of the principal, another educator and a departmental official
Learner profiles	• Personal information • Physical condition and medical history • Schools attended and record of attendance • Participation and achievements in extra-curricular activities • Emotional and social behaviour • Parental involvement • Areas needing additional support • Summative end-of-year overall report • Progression summary records of schooling years
Report cards	• The learning achievement • The learner's strengths • Support needed or provided • Constructive feedback that comments on the performance in relation to previous performance and the requirements of the learning area.

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9.2.1 Managing classrooms through participation in teams

Organisations such as schools benefit from the uniqueness that teams have to offer. Determining the purpose of the team is critical to the success and

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effectiveness of the team. Handy (cited in Jones 2005: 24) suggests that teams might undertake the following functions or purposes in organisations such as schools:

- Distributing and managing work
- Problem-solving and decision-making
- Enabling more people to take part in decision-making
- Coordinating and liaising
- Passing on information
- Negotiating or conflict resolution
- Increasing commitment and involvement
- Monitoring and evaluation

9.2.1.1 Why teamwork?

In the past the individual teacher was seen as the primary agent of change, as well as the main source of expertise and knowledge. Now the team, a group of co-operating professionals, is seen as the focal point of innovation in the school and the classroom.

BENEFITS OF TEAMWORK

- The greatest benefit is *cooperation*. People want the team to be successful, so they work together rather than compete with one another.
- Information is *shared* and not kept to themselves.
- *Resources*, *special talents and strengths* are shared rather than hoarded.
- *Pitfalls and obstacles* are uncovered and avoided through teamwork.
- *Better quality decisions* are taken.
- *Morale* is higher.
- *Excellence* results from teamwork, as everybody wants the team to look good and therefore the team members do their best.

Jay (1995: x) and Dunham (1995: 47) add the following points to this list. Teamwork

- improves *motivation*
- reduces *staff turnover*
- increases *productivity*
- enhances *job satisfaction*
- provides *emotional support*
- *coordinates* interaction
- supports *induction* of new staff
- generates *ideas*
- leads to collectively made *decisions*.

All these advantages indicate that educators must have or develop skills to participate effectively in teams.

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9.2.1.2 What is a team?

A team is a group of people with common objectives who can effectively tackle relevant tasks (Steyn & Van Niekerk 2002: 112). The team is the emotional building block for the staff of the school, as it satisfies their need for recognition, responsibility and achievement. It gives them a sense of belonging and shared values and understanding. Generally, working together adds value to thinking, services and achievements, and makes members realise that the whole is more than just the sum of the parts.

THE DIFFERENCE BETWEEN A TEAM AND A GROUP

The terms "team" and "group" are often used interchangeably. While "group" can be a generic term covering two or more people working together, the term "team" conveys the meaning of a deliberate assembly of people charged with achieving a task or tasks. It is self-evident that teams make a necessary contribution to the success of schools and that schools should encourage and value effective teamwork. However, it is also important that a team should have a clear focus for its process and performance standards. According to Everard and Morris (cited in Jones 2005: 22), a team is a group of people who can effectively tackle any task that they have been set to do. The contribution drawn from each member is of the highest possible quality and could not have been called into play other than in the context of a supportive team.

When it comes to the term "team", there is no shortage of definitions and most of them point out that teams do not perform successfully as teams simply because they are described as teams. High-performing teams need to cooperate and work together on a common task. Another perspective of teamwork is provided by Bell (cited in Jones 2005: 23), who defines a team as a group of people working together on the basis of

- shared perceptions
- common purpose
- agreed procedures
- commitment
- cooperation
- resolving disagreement openly through discussion.

CHARACTERISTICS OF AN EFFECTIVE TEAM

A good definition of a team is a group of individuals working together in such a way that they can achieve more corporately than individually (Squelch & Lemmer 1994: 71).

Table 9.3 contains a summary of different authors' descriptions of what an effective team should look like.

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Table 9.3 Different theories on effective teams

Garner (1995: 8)	Dunham (1995: 49)	Chivers (1995: 18)
• A clear and elevating goal • A results-driven structure • Competent team members • Unified commitment • A collaborative climate • Standards of excellence • External support and recognition • Principled leadership	• Clearly defined goals and roles • Mutual support and motivation • Getting the job well done • Relaxed atmosphere • Evidence of achievement and recognition • Willingness to listen and work together • Being open-minded and flexible • Taking positive action in implementing decisions • Evaluation, achievement and celebration	• Honest communication • Awareness of strengths, weaknesses, opportunities and threats • Systems for monitoring • Systems and procedures to facilitate effective teamwork • Opportunities for risk-taking and creativity

9.2.1.3 Monitoring team performance

Performance reviews form the basis for assessing teams according to the three key elements of performance: contribution, capability and continuous development (Jones 2005: 139).

Regular monitoring of the team's performance is extremely important, as it helps to build a picture of the performance of the team on the one hand, but also of the performance of the individual members on the other. It provides regular scheduled opportunities for team members to participate in dialogue about

- the team member's task description/responsibility
- the educator's work, including successes and areas of development identified
- continuing professional development needs
- the educator's overall contribution to the work of the team
- objectives for future team action.

Monitoring or review meetings are more likely to be successful when a number of key factors are present. According to Jones (2005: 141), the following factors are pivotal:

- The skills and commitment of the team leader
- The extent to which members are empowered to manage their own performance
- The quality of the relationship established between members and team leader
- The constant focus on raising the skills, knowledge, self-esteem and capabilities of each member

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9.2.1.4 Meeting procedures

WHY MEET AT ALL?

In most schools a schedule of meetings is drawn up before the beginning of the school year to ensure that all teams are provided with sufficient time to meet. This is sometimes done on a rotating basis. This system has huge advantages because teams get used to a schedule of regular meetings. The disadvantage of this approach is that it does not cater for those occasions when meetings are not needed and other times when additional meetings are needed because of uneven workloads. On occasion, team leaders should be allowed the flexibility to depart from the set meeting schedule, if it can be shown that the time could be more gainfully spent elsewhere. Where colleagues are trusted and valued, there tends to be room for greater flexibility in these matters. In general, meetings are gatherings of three or more people sharing common objectives, where face-to-face communication is the primary means of achieving those objectives. Managed well, meetings can therefore achieve and support a range of purposes. For example, they can be particularly useful for

- identifying and solving problems
- reaching agreement on procedures
- defining policy
- giving information
- seeking information
- motivating people and generating commitment
- resolving conflicts
- ensuring clear communication between team leaders and team members
- gathering ideas from team members
- clarifying matters and intentions
- improving decision-making skills among team members
- providing a sense of involvement.

TIME MANAGEMENT FOR EFFECTIVE TEAMWORK

Time management is actually self-management – it is about using time effectively to achieve tasks (see also Chapter 2). Increasingly, everyone has to face up to the problem of not having enough time. Clearly, there cannot be any more time than there is! As much as we might wish otherwise, there cannot be more than 24 hours in a day or more than seven days in a week. So we have to make optimum use of the time we have available.

Successful time management

- enables you to gain a better perspective of pending activities and priorities
- ensures more opportunities to be creative (being proactive rather than reactive)
- helps you deal with, reduce and often avoid stress
- helps you gain more leisure time
- enables you to attain your objectives consistently and systematically.

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The following are time wasters in teamwork (Chivers 1995: 71):

- Not enough time spent on planning
- Reactive rather than proactive action
- Lack of assertiveness and lack of ability to say no
- Setting unrealistic deadlines
- Disorganisation and thoughtlessness
- Lack of any system in team operation
- Focus on problems rather than outcomes
- Ineffective delegation and inability to delegate
- Meetings that go on too long
- Lack of objectives
- Poor communication
- Meetings with no agenda
- Missed deadlines
- Failure to act on minutes of meetings
- Meetings not started on time
- Physical interruptions

CONDUCTING A SUCCESSFUL MEETING

Once agreement has been reached in principle on delegating aspects of the work, the time is right to set up a meeting at which the team colleagues can be briefed. This meeting is vital, since it provides team leaders with the opportunity to communicate effectively and ensure the team members' full understanding of the task. This is best achieved by being methodical in approach and will allow the leader to

- explain the task objective clearly
- state his or her expectations in terms of deadlines and levels of measured achievement
- list the steps needed to be taken to ensure completion of the task
- be clear about areas of the brief where flexibility is acceptable, even encouraged, and those which must be followed strictly
- check colleagues' understanding of the brief.

The leader will need to be aware, however, that even the most carefully planned and well-communicated brief can still result in a lack of full understanding. He or she can try to avoid this situation by

- verifying with colleagues throughout the briefing that things are clear
- inviting colleagues to verify their understanding
- observing colleagues' body language, e.g. their lack of eye contact showing that they are not in agreement or are having difficulty understanding
- summarising the key points of the delegated work
- reassuring colleagues by building in dates for supportive follow-up meetings.

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CHARACTERISTICS OF AN EFFECTIVE MEETING

Effective meetings are those where the outcomes are met to the satisfaction of those present, and in the time allocated. It is possible to judge the effectiveness of a meeting by asking the following questions:

- Did the *outcomes* of the meeting justify the time spent on it?
- Could the *outcomes* have been better?
- How will the *outcomes* be acted upon?

ACCURATE NOTE-TAKING OF DECISIONS AT MEETINGS

Notes (or minutes) taken at meetings must reflect actions and decisions taken or to be taken. As a general rule, notes of meetings should record:

- The date and time of the meeting
- Where it was held
- Who chaired the meeting and the names of all present, together with apologies for absence
- All agenda items discussed and decisions reached
- The name of the person responsible for the action in each case
- Any significant points raised during the discussion
- The time at which the meeting ended
- The date, time and location of the next meeting

Minutes should be action documents and should therefore not attempt to record:

- Every single word that was said
- Everyone who contributed
- All the alternative viewpoints
- Verbatim comments

TABLE 9.4 A five-step plan for achieving effective meetings

Step	What to do
Step 1 **Plan**	Plan the objectives of the meeting in advance and be clear about what the meeting is intended to achieve. Plan the meeting by deciding: • Who should attend? • What is the purpose of the meeting? • Where and when will it be held? • How long should the meeting last? • At what time will the meeting start and finish? • Which items will be on the agenda? • How should the agenda items be ordered? • How much time should be spent on each agenda item? • Which supporting papers are needed? • Which facilities and equipment are needed? • How should the meeting room be arranged?

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TABLE 9.4 (*continued*)

Step	What to do
Step 2 **Inform**	Keep other members of the meeting informed about • what is to be discussed • why it is being discussed • what needs to be achieved following the discussion. Arrange for the most appropriate people and the correct information to be there, and for supporting papers to be issued in advance.
Step 3 **Prepare**	Arrange an agenda in its proper sequence and allot the correct amount of time for each item. Bear in mind the consequences of allowing those items that are urgent to take up more time than those that are important.
Step 4 **Structure**	Structure the discussions in stages so that all the data and facts are tabled before any interpretations are made, and that all the interpretations are made before deciding on the action. Keep the stages separate. Stop people jumping forward or going back over old ground. In summary: • Set a business-like tone by starting on time. • Adopt a relaxed and congenial team ethos. • Clearly define roles within the meeting. • Agree to the arrangements for taking notes of decisions made. • Adhere to time allocation. • Keep people on task. • Ensure that action points are clear.
Step 5 **Summarise and record**	• Summarise and record actions and decisions. • Remind team members of action points agreed upon. • Set the date and time of the next meeting. • Evaluate the meeting. • Close the meeting positively and with thanks. • Monitor action points.

Source: Adapted from Jones (2005: 91)

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Activity 9.3

Evaluate your team meetings using the following statements (Steyn & Van Niekerk 2002: 125):

- Meetings have a purpose that is expressed in a written agenda.
- Meetings have a clearly stated time limit that is kept to.
- Meetings are held in a pleasant working environment.
- Refreshments are provided to encourage punctuality.
- Team members give the meetings their full attention.
- Meetings are chaired effectively.
- Everyone is encouraged to participate in the discussions.
- Individuals are not allowed to dominate the discussions.
- At the end of the meeting everybody is clear about responsibilities for action.

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- Everyone comes prepared for the topics to be discussed.
- Differences of opinion are respected and listened to.
- All members understand the decision-making procedure in the team meetings.
- There is an opportunity for every member to add an item to the agenda.
- Meetings are a pleasant part of the work.

Working teams are increasingly being seen as preferred practice in schools and in many other organisations. The arrival of Outcomes-Based Education, Curriculum 2005 and the RNCS has made effective teamwork even more important, as hierarchical structures have made way for flatter organisational structures, but also for developing more effective working practices. We trust that by working through this chapter you have increased your knowledge and skills about teamwork, the functioning of teams and how to develop and even lead a team successfully.

Activity 9.4

Think of two or three teams to which you belong. Using the checklist in Table 9.5, evaluate these teams to see which is most developed and which is least developed. Mark the most appropriate column.

In your view, what key factors have contributed to the teams' development? Also identify the factors that have hindered their development.

TABLE 9.5 Checklist for teamwork

The team is effective at getting things done.			The team is ineffective at getting things done.
Membership is defined and difficult to achieve.			Membership is vague and easy to achieve.
The team has clear standards of behaviour.			The team has little influence on the behaviour of its members.
Individuals have clearly defined roles.			There is no clear definition of roles.
There are close personal relationships within the team.			Relationships are mainly impersonal.
Members share a clear understanding of team purpose.			Members have a low understanding of team purpose.
Members feel a strong sense of commitment to the team.			There is little personal commitment to the team.
The team communicates well with the rest of the organisation.			Communication with the rest of the organisation is poor.
Regular monitoring of team performance is done.			Little or no evaluation is done on team performance.

Source: Adapted from Jones (2005: 25)

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CONCLUSION

The importance of good administration inside and outside the classroom has been discussed in this chapter. The importance of collecting and recording all information regarding your professional activities is evident, as these aspects may have a great influence on your professional development as an educator.

The mind map in Figure 9.1 is an overview of this chapter and provides a way of ascertaining whether you have taken note of all the key aspects of administration in the classroom.

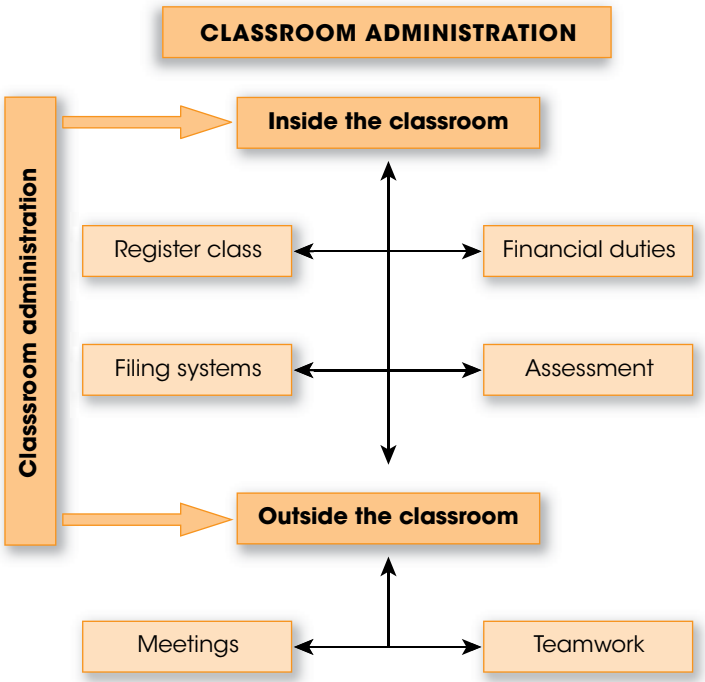


FIGURE 9.1 A summary of Chapter 9

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10

J.L. Wydeman

Establishing your own classroom management plan

INTRODUCTION

It has often been observed that educators do not manage classrooms according to what they have learnt in educator preparation programmes. Rather, they manage as their own classrooms were managed when they were learners. It is hoped that you are not managing in that way – it is much better for you to make informed decisions based on knowledge currently available to the educational profession.

In the previous chapters of this book we focused on many issues that might influence your management style, depending on the information you now have and the decisions you are making or will be making on the basis of that information. Please read this chapter together with the other sections or chapters referred to here, in order to build your own philosophy of classroom management.

Your choices will be based on four major factors (Louisell & Descamps 1992: 276):

1. Your existing professional knowledge
2. Your educational philosophy within the culture of the school where you are working
3. Your personality type
4. The learners you are managing and teaching (see Chapter 1)

You will have the opportunity to make decisions about your own philosophy on classroom management regarding the following issues:

- Instructional settings (use of physical space)
- Organisation and presentation of subject matter
- Methods of instruction
- Approaches to planning
- Approaches to evaluation
- The type of classroom climate established

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n Approaches to motivation and control
n Approaches to behaviour management

10.1 CLASSROOM MANAGEMENT STYLE

10.1.1 The concept of a management style

Whatever his or her management preference, an educator's management style can be understood as a system of values and priorities for attending to the multitude of classroom control functions that structure educational activities (Froyen 1988: 28). Educators use authority and power to implement their management plans and to meet their expectations.

10.1.2 Rationale for developing a personal classroom management style

Manning and Bucher (2003: 297) find that many educators do not deliberately try to develop their own classroom management styles. They will try one strategy, then throw it out if it is not immediately successful, and try another. They will sometimes even jump back and forth between strategies, for example, alternating between autocratic and democratic management methods within the same lesson, and then they cannot understand why classroom management is such a headache. The same authors also find that effective educators generally seem to have well-thought-out classroom management practices.

Effective educators:

- use classroom management practices that reflect their philosophical beliefs
- think about their management practices and why they use them
- take into consideration the steadily increasing learner diversity in the classroom
- provide actions to be used in the case of violent and aggressive behaviour to ensure safe schools
- keep in mind how administrators, parents, learners and other educators will react to their management plan
- make sure that their classroom management ideas are concrete and can be translated into action.

If you are allowed the freedom to choose your own classroom management model or to choose aspects from various models, you will probably arrive at a management model that reflects your personal philosophical perspectives. On the other hand, if you teach in a school that has chosen a specific classroom management model, you will have to adjust your philosophical thinking to meet the expectations of the school's model. However, even in a single-management-model school, your daily interactions with learners will demonstrate your personal perspectives.

By now you may be wondering how you should go about developing a personal classroom philosophy. The first step is to determine how you feel about learners,

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your role as an educator, and the ultimate goals of your classroom management ideas.

The following list (Manning & Bucher 2003: 301) contains a number of questions to help you start the process of establishing a personal classroom management philosophy.

10.1.2.1 Questions about learners

- Do I believe that learners need to be controlled and disciplined, or that they can be taught self-discipline?
- Do I believe that learners are basically good or that they are naturally disruptive?
- Do I view learners as equals or as subordinates?
- Do I believe that establishing a democratic classroom and giving learners responsibility means letting them take over the classroom?

10.1.2.2 Questions about educators' roles

- Do I see myself as a democratic or an autocratic educator?
- Do I see my management role as a leadership process or a collaborative process with learners, parents and other professionals?
- Do I believe that I should make all the rules, or that learners should offer their input as well?
- Do I want to manage or discipline my learners? What do I perceive the difference to be?
- Do I believe that the time spent on teaching classroom rules or developing rules with learners is time that could be better spent on instruction?

10.1.2.3 Questions about classroom management

- Do I believe in rewards, punishments, threats and bribes, and do I think these are necessary for effective classroom management?
- Is the ultimate goal of my classroom management plan just managing to control the class for another day, or teaching learners self-discipline and self-control?
- Do I feel more comfortable adhering to a school-adopted classroom management plan, or do I want more freedom to choose my own classroom management practices?

In the following paragraphs you will be led to consider and question a number of classroom practices, so that you can develop your own classroom management policy or analyse an existing one.

You will reflect about:

- Your self-management in relation to classroom management
- Your planning for classroom management
- Your view of yourself as a leader in the classroom

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- The role of
  - classroom atmosphere
  - learner participation
  - diversity in the classroom
  - cooperating with other educators
  - involving parents
- Classroom administration
- The distinction between authority and power
- Classroom management styles
- Classroom management approaches
- Conflict management style
- The changing role of the educator

10.2 AUTHORITY AND POWER

10.2.1 The distinction between authority and power

Developing and maintaining classroom control requires both authority and power.

Authority can be defined as "the right to make decisions that affect the choices available to other people" (Froyen 1988: 28).

Authority is conferred. The Department of Education and the School Governing Body delegate the responsibility for educating learners to educators, and grant them the authority to act in accordance with this responsibility.

Power, on the other hand, must be earned. Although educators may be given the authority to make certain educational decisions, they cannot be given the power to make learners comply with these decisions. For example, an educator may use authority to assign a task to learners, but he or she will have to use power to get them to do it. Authority is therefore of little consequence without power. By contrast, power seldom becomes an issue when learners do not resist authority. Table 10.1 lists and explains the types of power educators may have.

Undoubtedly, a combination of several forms of power would produce the best results.

TABLE 10.1 Types of power

Type of power	Description
Attractive power	Also called *referent* power. This is the power educators have because they are likable and know how to cultivate human relationships.
Expert power	This power accrues to an educator who is an expert in his or her field of study. Such educators usually have a great enthusiasm for their subject and this is contagious, compelling learners to get involved.
Reward power	This power is based on the skill of recognising, appreciating and rewarding the accomplishments of learners, in so doing affecting the behaviour of learners.

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TABLE 10.1 (*continued*)

Type of power	Description
Coercive power	This is the power to mete out punishments when a learner does not comply with a request or demand.
Legitimate power	This power emanates from the learner's belief that the educator has the right to manage the learning environment.

Source: Adapted from Froyen (1988: 34)

Table 10.2 gives examples of how the different forms of power could influence classroom management decisions. Remember that the management goal is attaining and maintaining order.

TABLE 10.2 Effect of different forms of power on classroom management decisions

Forms of power	Management functions		
	Content	Conduct	Context
Expert	Educator inspires and challenges learners to excel.	Educator monitors learners' progress and provides corrective feedback.	Educator uses activities that foster high levels of learner involvement.
Legitimate	Educator offers reasons for rules.	Educator enforces rules in a consistent manner.	Educator permits learners to participate in rule-setting.
Attractive	Educator is a model of decorum.	Educator helps learners to acquire academic and social engagement skills.	Educator promotes a sense of belonging and group cohesion.
Reward	Educator offers verbal commendation for academic accomplishments.	Educator provides tangible recognition for appropriate behaviour.	Educator expresses satisfaction with learners as persons.
Coercive	Educator takes away a privilege.	Educator imposes a penalty.	Educator withdraws approval.

Source: Adapted from Froyen (1988: 39)

10.2.2 Relationship between management functions and power

This relationship is illustrated in Figure 10.1 on the following page.

Activity 10.1

Reflect on your own use of power and authority. Which form of power do you use most frequently? How do you apply this specific form of power in a management context?

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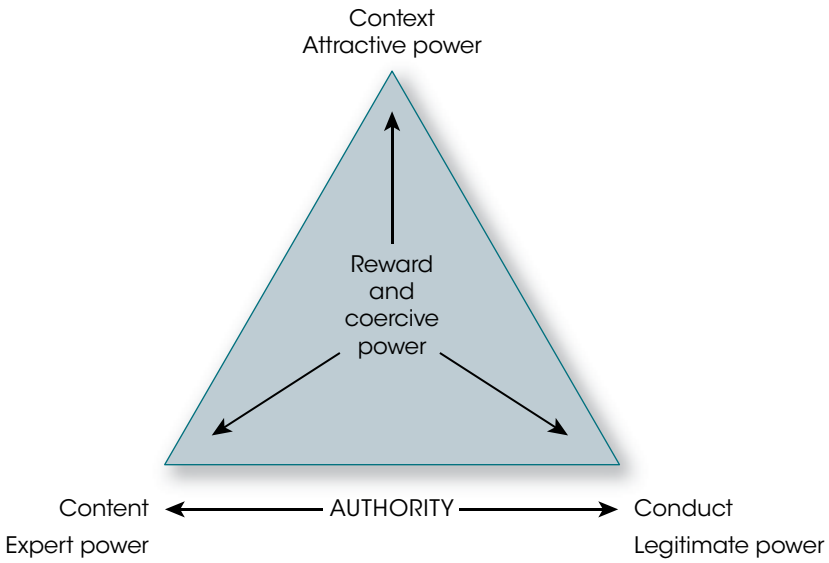


FIGURE 10.1 Relationship between management functions and power

Source: Len A. Froyen. *Classroom Management: The Reflective Teacher Leader*, 2/e. Published by Allyn and Bacon/Merrill Education, Boston, MA. Copyright © 1993 by Pearson Education. Reprinted by permission of the publisher.

10.3 CLASSROOM MANAGEMENT THEORIES

10.3.1 Brief overview of different classroom management theories and models

Understanding classroom management theories and models is a very good way of developing your own classroom philosophy and classroom management strategies. Table 10.3 provides an overview of a selected number of theorists and models (Manning & Bucher 2003: 12).

TABLE 10.3 Classroom management theories and models

Theorist	Model	Basic beliefs
B.F. Skinner	Behaviour Modification	Educators use positive and negative reinforcements or rewards and punishments to modify or shape learners' behaviour.
Fritz Redl and William Wattenberg	Group Life and Classroom Discipline	Educators encourage learners to understand their behaviour and actions, understanding that these differ between individuals, and when an individual is acting as a member of a group. Educators support learners' self-control and use both pleasant and unpleasant situations to modify behaviour.
William Glasser	Choice Therapy and Quality Schools	Schools help to satisfy learners' psychological needs and add quality to their lives. Educators teach, manage, provide caring environments and conduct class meetings in a way that adds quality to learners' lives.
Thomas Gordon	Educator Effectiveness Training	Educators teach self-discipline, demonstrate active listening, send "I-messages" and teach a six-step conflict resolution programme.

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TABLE 10.3 (*continued*)

Theorist	Model	Basic beliefs
Lee and Marlene Canter	Assertive Discipline	Both educators and learners have rights in the classroom. Educators insist on responsible behaviour and use a hierarchical list of consequences to manage behaviour.
Rudolph Dreikurs	Democratic Teaching	Misbehaviour results from four major causes (or mistaken goals). Educators use democratic teaching, logical consequences and encouragement, rather than praise.
Haim Ginott	Congruent Communication	Educators demonstrate their best behaviours (harmonious with learners' feelings about themselves and their situations) and promote self-discipline as an alternative to punishment.
Jacob Kounin	Instructional Management	Educators use effective instructional behaviours (teaching techniques, movement management and group focus) to influence learners' behaviour.
Richard Curwin and Allen Mendler	Discipline with Dignity	Educators protect the dignity of learners. Educators are fair; they consider individual situations (as opposed to rigid rules), list rules that make sense to learners and model appropriate behaviour.
Frederic Jones	Positive Classroom Management	Positive classroom management procedures affirm the value of individual learners. Educators set limits, build cooperation and employ practical, simple and easy-to-use strategies.
Barbara Coloroso	Inner Discipline	Learners are worth the time and effort it takes to teach them to behave responsibly. Educators avoid punishment and evaluative praise. Instead, they model conflict resolution and use natural consequences.
Jerome Freiberg	Consistency Management and Cooperative Discipline	With this school-wide model, educators improve behaviour, school climate and academic achievement. Using caring and cooperation, they also teach self-discipline in the classroom.
Forest Gathercoal	Judicious Discipline	Educators provide behavioural guidelines for property loss and damage, threats to health and safety and serious disruptions of the educational process. They also demonstrate professional ethics and build a democratic classroom.
Linda Albert	Cooperative Discipline	Educators influence rather than control learners. By helping learners to connect, contribute and become capable, educators develop a code of conduct that fosters a positive climate in the school.
Carolyn Evertson and Alene Harris	Managing Learner-centred Classrooms	Educators provide learner-centred classrooms, consider instructional management and behaviour management and begin the school year with clear rules and expectations.
Roger and Davis Johnson	The Three Cs of School and Classroom Discipline	Educators stress Cooperation, Conflict resolution and Civic values. They also use these three Cs to address violence, aggression and physical and psychological abuse, and also to promote the goals of the safe school movement.
Jane Nelsen, Lynn Lott and Stephen Glenn	Positive Discipline	Educators emphasise caring, mutual respect, encouragement and order, teach the skills needed for successful lives and conduct class meetings.
Alfie Kohn	Beyond Discipline	The new disciplines are no better than the old disciplines. They still emphasise rewards, punishments and consequences. Educators must consider learners from positive perspectives and must believe that they will make correct decisions.

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The challenge to you as an educator is to understand the various theories and models in order to develop your own philosophy of classroom management, which will eventually lead to effective classroom management strategies.

Activity 10.2

Compare the theories and models of classroom management with your own management philosophy.

Having studied (and perhaps selected one or a combination of) the different models and theories on classroom management, consider the following general questions:

- Do I believe that I can manage learners' behaviour effectively and positively with this model or these practices?
- Would I feel comfortable using these ideas, or would I feel constant anxiety or frustration?
- Does this model expect me to control learners' behaviour through rewards, punishment, bribes or threats, and do I feel comfortable doing this?
- Would I have to use management techniques that I do not like?
- What impression would I give learners if I used this model in my classroom?

Does the model

- require extensive work and time for record-keeping?
- require action that some cultures or genders might find offensive or obtrusive?
- rely on threats, bribes and coercion?
- require the use of praise, rewards and other techniques that shape learners' behaviour?
- have a philosophical basis with which I can agree?
- require allegiance to one model only, or can it be combined with other models?

10.4 VARIOUS CLASSROOM MANAGEMENT STYLES

Learning and teaching activities are managed in the context of a specific classroom climate. Managing this learning environment will therefore require that you make use of appropriate management styles. A number of these have been identified and are listed in Table 10.4 (UNISA 2006: 6).

TABLE 10.4 Educator management styles

Management style	Description
Democratic management style	Characterised by a calm and inviting teaching attitude, namely: • Self-expression by learners • A team spirit between educator and learners • The use of a variety of resources, so that the educator is not the only source

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TABLE 10.4 (*continued*)

Management style	Description
Autocratic management style	Characterised by the strong leadership role of the educator, namely: • One-way communication • Little opportunity for creative thinking • Learner participation being usually more passive • Rigid discipline • The educator being more reserved (unapproachable)
Laissez-faire management style	Learners are allowed too much freedom and this usually leads to serious discipline problems.
Chameleon style	This refers to educators who change their management style from one day to the next.
Crisis management style	This style is characterised by an educator who runs late, is forgetful, and does not complete things on time.

10.4.1 Contemporary perspectives on leadership in the classroom

Effective leadership in the classroom depends as much on character as on intelligence. Educators need people skills more than ever before, because they must now rely more on consensus and less on formal authority. To be successful, educators must build working relationships with many people, including their learners. They need to be mediators and mentors, negotiators and networkers. In short, educators as leaders need to be "emotionally intelligent". To develop these skills, they need to adopt and implement a *nurturing-task leadership style* (Loock et al. 2003: 50). The empowerment strategies associated with this style are the following:

- Firstly, instead of the high-control, authoritarian approach, managers should function as mentors and coaches and create a supportive and trusting climate.
- Secondly, managers should facilitate learners' "enactive attainment". This means that educators should focus on enhancing learners' self-efficacy beliefs by facilitating successful learning.
- Thirdly, managers should set high performance expectations for their learners, but at the same time express their confidence in the learners' ability to meet these expectations.

The mentoring and coaching efforts should focus on positive remedial actions, which will make learners feel more capable and, as a result, will enhance effective teaching and learning in the classroom.

Management principles such as fairness, consistency, democracy, respect, firmness, efficiency, balance and flexibility need to be upheld in managing the learning environment. This implies that you should always bear in mind the *principles* of proper management, regardless of the particular style you adopt for a specific context. You may find that some of these principles are emphasised more in a particu-

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lar management style, for example fairness in a democratic style, or firmness in an autocratic style, or even flexibility in a laissez-faire style.

It is also very important to note that no single style is necessarily the best style. The situation and context will often dictate the most appropriate style.

Activity 10.3

Which management style do you think is the best? Describe your own style and compare it with the various styles discussed above. Should you change any aspects of your own style?

1. Provide a brief description of a specific incident where you applied a particular management style.
2. Relate this particular management style to the appropriate management principles.
3. Explain why you would adopt a particular management style to manage learner-centred activities in you classroom.

10.5 THE EDUCATOR'S INSTRUCTIONAL STYLE

10.5.1 Introduction

In the past, education did not focus enough on learners, their characteristics, attributes and difficulties. Greater individualisation – thanks to the advent of the use of new learning technologies – is forcing a much closer examination of the ways in which people learn.

10.5.2 A lifelong learning environment

One of the most important tasks of an educator is the development and support of a lifelong learning environment. Such an environment should support at least the following principles (Longworth & Davies 1996: 32):

- Inventing new knowledge is not a specialised activity; it is a way of behaving, indeed a way of being, and everyone is a knowledge worker.
- Learning and working are synonymous.
- Unlearning is actively encouraged.

The question is: How does one go about changing existing practices and perceptions of teaching and learning? In section 10.5.3 a seven-step strategy (adapted from Wilkinson (1988)) is proposed to initiate the changes we are looking for.

10.5.3 A real learner-centred approach

- Strategy 1: *Learners need to learn.* Educators are responsible for causing their students to learn. They are responsible because they control subject, style, setting and speaker. What is more, they should judge their own success by the success of their learners.

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- Strategy 2: *Expect the best.* Students' learning should be influenced by adjusting expectations. Keep in mind the following: firstly, everyone has expectations about everything all the time; secondly, expectations are made known through attitudes and actions; thirdly, expectations (stated or unstated) influence learners; and finally, expectations impair learners if they are set too low or too high for too long.
- Strategy 3: *Application for life change.* Teaching is a very practical discipline. Application is the central reason for the teaching activity and it is the responsibility of the educator. Thinking about application causes the educator to focus on the needs of the learner when selecting the content and the methodology.
- Strategy 4: *Master the minimum*: Although memorisation and retention are less important than they used to be, this does not mean that learners will never have to remember certain sets of facts. Keep the following points in mind when planning outcomes where retention is needed:
  - Retention of facts by learners is the educator's responsibility.
  - Retention of facts is effective only once they are understood.
  - Retention increases as the learner recognises the relevance of the content.
  - Retention requires the educator to focus on the most important facts.
  - Retention arranges the facts so they are easy to recall.
  - Retention strengthens long-term memory through regular practice.
  - Retention minimises time for memorisation to maximise time for understanding.
- Strategy 5: *Build the need.* The educator should "activate" the learner's real need before teaching the content.
- Strategy 6: *Equip for service.* Educators should train learners for a life of service. This "equipping" requires knowledge, skill and long-term commitment, and should affect both the learner's character and his or her conduct.
- Strategy 7: *Change the heart.* According to Henry Brooks Adams (Wilkinson 1988), an educator affects eternity; the educator can never tell where his or her influence stops.

One thing is certain: educators and trainers will need to adjust their traditional way of teaching to remain effective within the changed learning environment.

10.5.4 Change in the role of the modern educator

In the modern era, the amount of knowledge is constantly increasing at an ever faster rate. Add to this the advances in technology, especially information technology (as discussed in Chapter 1), and it is clear that providing learners with only selected pieces of knowledge (subjects) is no longer enough, as this will not prepare them for effective citizenship. In this light, educators will need to change the way they teach. In fact, the educator's job has become much more complicated. For example, educators should be competent in many aspects. Educators must

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- have sound subject knowledge
- know how to teach their subjects
- know the learners and how they learn
- know how to communicate effectively
- have highly developed literacy, numeracy and information technology skills
- understand the curriculum and how to unpack its content
- understand diversity among learners (refer again to Chapter 1 on the particular characteristics of the Millennium Learner)
- be able to manage classrooms effectively
- be able to assess learners in reliable and varied ways
- have a positive work ethic
- be able to reflect critically on their own teaching practice.

The major change, however, is that instead of being a transmitter of knowledge, the educator has now become a facilitator of learning. Facilitation involves creating an environment conducive to learning, experimentation, exploration and growth, through which the following takes place:

- Experiential activities are applied.
- Opportunities for self-development are provided.
- All learners are free to voice opinions at opportune times.
- Learners are challenged to reflect on their own views, beliefs and opinions.
- The specific learning objectives set for the particular learning experience are achieved.

The above statements lead us to consider the main differences between teaching and facilitating. These lie in the roles of the learners and the educator:

- As a facilitator, the educator is no longer the only source of knowledge.
- The learners are encouraged to participate in all aspects of the learning activity.

Heron (cited in Savin-Badin 2003: 28) suggests three modes of facilitation that may help educators reflect on how they operate:

1. *The hierarchical mode.* Facilitators direct the learning process and exercise their power over it.
2. *The cooperative mode.* Facilitators share their power over learning with the group.
3. *The autonomous mode.* Facilitators respect the total autonomy of the group. They do not do things *for* them or *with* them, but give them space and freedom to do things in their own way.

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Research done by Savin-Badin (2003: 29) further indicates that the educators' stances affect the kind of facilitation they offer. These stances can be defined as follows:

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- *Personal stance.* How educators and learners see themselves in relation to the learning context and how they give their own distinctive meanings to their experience in that context.
- *Pedagogical stance.* How educators see themselves as educators and how learners see themselves as learners in particular educational environments.
- *Interactional stance.* How educators operate and how learners work and learn in the educational context.

Activity 10.4

Which mode of facilitation do you use most frequently in the classroom? What do you believe is your pedagogical stance?

Whatever your approach to facilitation, it is a technique that involves specific skills:

- Establishing the base knowledge level of learners for a specific learning experience
- Using appropriate education and training methods to enhance successful learning
- Being fully prepared, regardless of the base knowledge level of the learners, so as to promote meaningful learning
- Using a hands-on approach to enhance experiential learning
- Responding flexibly and adjusting positively to the challenges provided by a fast-changing learning situation when facilitating

The next question to investigate is: What skills does a successful facilitator exhibit?

10.5.5 Profile of a successful facilitator

A successful facilitator does the following (SANTS 2003):

- Provides a framework and structure in which experiential learning can take place and provides a definition of the learning
- Ensures that all learners are actively involved during all phases of the learning experience
- Never speaks for more than ten minutes at a time – this would mean that he or she was lecturing
- Never reads from the learning-support materials
- Focuses on cooperative learning strategies
- Allows time for reflection
- Ensures that there is a relationship of equal power between all the participants

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10.5.6 Common facilitation errors

By contrast, unskilled and unprepared facilitators show the following behaviour (SANTS 2003):

- Non-acknowledgement. Ignoring or disregarding a learner's contribution.
- Too much talking by the educator. Falling into lecture mode.
- Barriers. Avoid creating a situation of "them and I".
- Handout-dependency. Reading from the handouts or other learning-support materials.
- Discipline problems. Failing to keep the attention of a group after a group discussion.
- Arguments and individual discussions. Becoming focused on or involved in an argument with an individual learner.
- Interruptions. Not allowing learners sufficient time to complete activities.
- Poor instructions. Unclear, ambiguous and unfocused instructions make groups feel insecure.
- Poor time management. Attempting to do too much in the time available.
- Lack of fluency and logic in activities and training strategies.
- No reflection after activities.
- Mannerisms. Repetition of certain words or annoying habits that may distract learners.
- Too much or too little control over both the learners and the process of delivery.
- Using irrelevant games and icebreakers.
- Failure to learn. Not reflecting on the whole teaching-learning experience.
- Not taking into account the energy levels of learners.
- Failure to observe the learners accurately and not accommodating their strengths and weaknesses.

Activity 10.5

How well are you performing the following facilitation tasks?

- Prepare a learning environment that is appropriate for effective learning, for example an environment that is structured to ensure individual and group learning.
- Encourage dialogue between, for example, individual learners and between the learners and the educator.
- Revise your knowledge to link up with previous learning.
- Clarify the goals and outcomes of the learning activity by, for example, stating them clearly.
- Implement the learning activities by, for example, setting the tasks or activities for individuals and groups; encouraging an open, interactive and participatory approach within the learning situation; monitoring learners' progress; managing the learning activity and creating opportunities to apply new knowledge.

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- Consolidate the learning activity by, for example, encouraging learners to provide feedback and reinforcing learning through activities such as summarising and reaching consensus.
- Evaluate the learning activity by, for example, identifying the strengths and weaknesses of learners' performance in reaching the intended outcomes; establishing the effectiveness of the different phases of the learning activity; ascertaining the educator's role in the facilitation process and providing the necessary creative or remedial measures.
- Maintain the administrative system.

CONCLUSION

Applying effective classroom management strategies requires more than acting on intuition or whim. Educators with successful and effective classroom management programmes usually have a personalised philosophy of classroom management goals and strategies. They base their classroom management programmes on these philosophical perspectives.

An effective classroom management style will be flexible and will make allowances for particular learning and teaching contexts. All of us, as professional educators, will adopt new classroom management practices throughout our careers and will modify our preferred styles. It is hoped that this chapter has provided you with an opportunity to extend your teaching and management experiences to the extent that you have now developed your own classroom management style, that you know what it means, and that you are happy with it.

Finally, you could consolidate what you have learnt in the first ten chapters of this book by working through the template (Table 10.5) for a personal classroom management plan. In doing so, first reflect on your own situation in terms of the kind of school environment and the kind of learners you are dealing with (considering the diverse learning needs within the range of learners: from disadvantaged deep rural learners without much modern technology to Millennium Learners).

TABLE 10.5 My classroom management plan

Aspect	Activity
Philosophy of management	In one or two sentences, what is my philosophy of classroom management?
Behaviour expectations	What behaviour do I expect from my learners? How can I convey my expectations to my learners?
Preschool check-off	What do I need to do before school begins each year?

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TABLE 10.5 (*continued*)

Aspect	Activity
Classroom motto	What will it be? Will I develop this or should I ask for learner input?
Classroom arrangement	How can I arrange my classroom most effectively?
Class rules	Which rules will I have at the beginning of the school year? How will I go about getting learner input?
Hierarchy of consequences for rule infractions	What will I do when a learner breaks a rule? Will I have a hierarchy of consequences?
Motivational strategies	Which strategies will I use to motivate learners? Will I rely on extrinsic or intrinsic motivation?
Management procedures and routines	Which procedures will I use in my classroom?
Instructional planning	Which strategies will I use to • develop a positive classroom management culture and climate? • build a community in my classroom? • communicate with parents and guardians? • teach self-discipline and cooperation? • teach rules and procedures to my learners? • deal with individual learners and their differences? • prevent discipline problems? • support my discipline programme? • correct discipline problems? • include learners in planning classroom activities? • provide a safe classroom for my learners and myself?

Use the mind map provided in Figure 10.2 to check whether all the aspects needed for a personal classroom management plan have been covered.

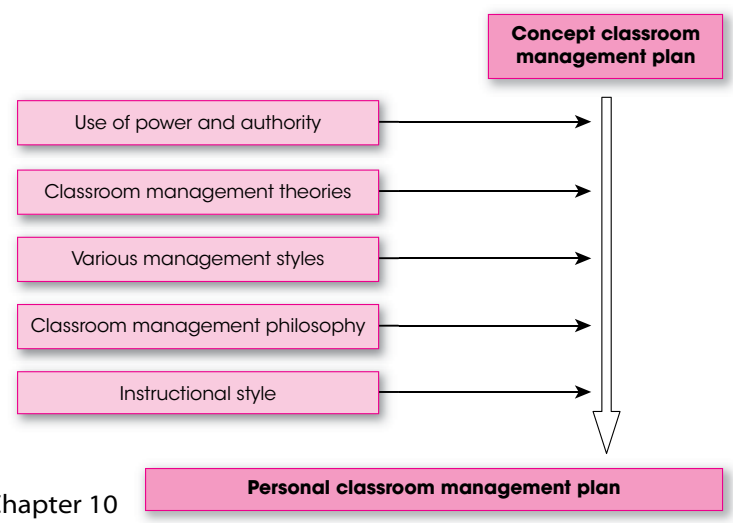


FIGURE 10.2
A summary of Chapter 10

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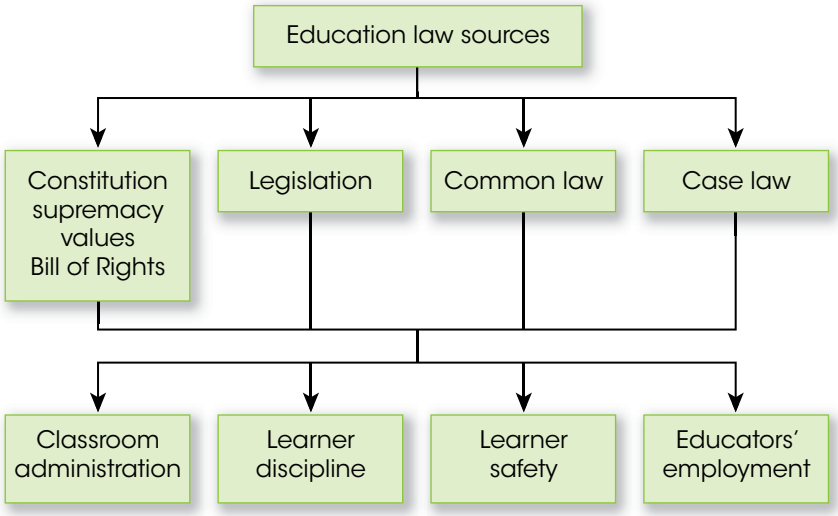
PART

B

Managing classrooms legally

S.A. Coetzee

A visual representation of Part B



In this diagram, the section on education law relates to the educator's role as leader, administrator and manager and, in particular, to the educator's competence in managing learning in the classroom and carrying out classroom administrative duties within a legal framework. It is intended to provide you with an introduction to the knowledge, skills and attitudes you need to deal successfully with your role, rights and responsibilities as a classroom manager within the boundaries of the law.

S.A. Coetzee

11 Education law sources regulating classroom management

INTRODUCTION

Schools are afflicted with problems relating *inter alia* to discipline, violence, sexual misconduct by educators and learners, as well as misconduct relating to drugs and alcohol. All these problems affect teaching and learning negatively. In order to combat these problems in a legally acceptable manner, classroom managers need to have a basic knowledge of education law.

Most classroom managers are at least aware of the importance of the Constitution of the Republic of South Africa of 1996 (hereafter referred to as the Constitution) and have some knowledge of the South African Schools Act 84 of 1996 (hereafter referred to as the Schools Act). However, educators need to know of all the sources of education law regulating their conduct. It is also important that classroom managers should understand concepts such as *law, education law, policy, legislation, legislature* and *legal subject*, and be aware that there is a difference between legislation and policy. Educators often argue that they have acted in a lawful manner, because they have followed longstanding policy or practices, even in instances where such policy or practices have been in conflict with legislation. School policy and practices must flow from and be in line with the Constitution and prescripts of legislation.

11.1 CONCEPTUAL ANALYSIS

The concept of *law* may be defined as those rules of conduct that are accepted as binding in society and that ought to be obeyed by society at large, are enforced by the state and exist for the purpose of regulating the affairs of society in a just and equitable manner. The law therefore has to maintain and restore legal balance in a society.

Education law regulates education in the same way in which the law in general regulates society. Every action in the classroom has a legal basis. Educators in classrooms have to deal with learners, but also with the principal, colleagues, par-

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ents and education authorities. In order to create order and harmony in all these relationships legal rules are essential.

Maree (1995, Introduction) defines "education law" as:

> ... those components of the Constitution, other statute law, the common law and case law, that create an education system and regulate the multilateral interaction of individuals, groups, independent bodies and official authorities within that system.

From the above definition it is evident that there are mainly four *education law sources* that regulate education, namely the Constitution, legislation (statutes), common law and case law. However, *policy* also plays a role and is designed to complement these education law sources, especially the Constitution and legislation. Policy is not law and is not mandatory.

There are mainly two routes to adopt policy, namely policy adopted in the form of a White Paper which results in legislation, or policy flowing from enabling legislation. Policy thus either precedes or follows on legislation. When the former route is followed, the Minister of a specific department draws up a discussion document, for example a Green Paper, which is published for public comment and then later refined as a White Paper. The White Paper is a more detailed document and contains "a broad statement of government policy". The public can also comment on the White Paper and "parliamentary Committees may propose amendments or other proposals and then send the policy paper back to the Ministry for further discussion and final decisions" (Parliamentary Monitoring Group).

When policy follows on legislation the following route will be followed. Sometimes an Act will provide that the executive must adopt policy. For example, the National Education Policy Act 27 of 1996 provides that the Minister (that is the National Minister of Basic Education) must determine national education policy on, *inter alia*, the compulsory school education and the admission of learners to education institutions, including the determination of the age of admission to schools (Section 3(4)(i)). To give effect to this provision, policies such as the *Admission Policy for ordinary public schools*, *Age requirements for admission to an independent school*, and the *Policy on learner attendance* were adopted after the relevant legislation had been promulgated.

Policies are not regarded as legislation because they are adopted by the executive (in this case the National Minister of Basic Education) and not by the *legislature* (in the form of Parliament, provincial legislatures or municipal councils) or by organs of state (see S 239 of the Constitution) with subordinate legislative powers. In *Minister of Education v Harris* 2001 JDR 0762 (CCT), Sachs J. referred to Harms J.A.'s determinations on policy in *Akani Garden Route (Pty) Ltd v Pinnacle Point Casino (Pty) Ltd* 2001 (4) SA 501 (SCA):

- " … laws, regulations and rules are legislative instruments whereas policy determinations are not"
- "Policy determinations cannot override, amend or be in conflict with laws (including subordinate legislation)"

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Sachs J. (at para 11) concluded that, "Policy made by the Minister in terms of the National Policy Act does not create obligations of law that bind provinces, or for that matter parents or independent schools." Thus, Sachs confirms that the Minister of Education is merely authorised to determine national policy on the age of admission of learners and not to make law. Recently, the Constitutional Court in *MEC, Gauteng Province v Governing Body of Rivonia Primary School* CCT 135/12 ZACC 34 at para 55 again approved Harms J.A.'s determinations on the difference between law and policy. In *Head of Department, Department of Education, Limpopo Province v Settlers Agricultural High School & Others* 2003 JOL 11774 (CC), the court, again, commented that policy was often quoted as justification for particular actions and decisions, but policy as such did not authorise the legislature or executive to act in a certain manner and legal authority to perform an administrative action was obtained from statutory provisions.

However, it is possible for policy to become law. When formal or legal authorisation is given to a policy, it becomes law. For example, *The Regulations for Safety Measures at Public Schools* (hereafter *Regulations for Safety Measures*) is policy that was enacted into subordinate law.

Note: For better understanding, study this section (section 11.1) together with section 11.3.2.

11.2 THE IMPORTANCE OF EDUCATION LAW FOR CLASSROOM MANAGERS

Consider the following examples: an educator had sexual relations with a 14-year-old learner and is charged with statutory rape. In his defence he argues that he was not aware that this constitutes a crime since they are in a love relationship. In another instance an educator used corporal punishment, and when charged with assault he offered as his defence that he had the consent of the parents to use corporal punishment and that he was acting *in loco parentis*. In both instances the educator claims "ignorance of the law". Is ignorance of the law a valid defence?

The maxim ignorance (or mistake) of the law is no excuse (*as ignorantia juris non excusat*) originated from Roman law, and has become firmly entrenched in the common law. Ignorance of the law can be pleaded in criminal but not in civil cases. Although much criticised, the leading case with regard to "ignorance of the law is no excuse" is still *S v De Blom* 1977 (3) SA 513 (A). The court held as follows (at paras 529–532):

> At this stage of our legal development it must be accepted that the cliché that 'every person is presumed to know the law' has no ground for its existence and that the view that 'ignorance of the law is no excuse' is not legally applicable in the light of the present day concept of *mens rea* in our law. But the approach that it can be expected of a person who, in a modern State, wherein many facets of the acts and omissions of the legal subject are controlled by legal provisions, involves himself in a particular sphere, that he should keep himself informed of the legal provisions which are applicable to that particular sphere, can be approved.

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The maxim deals with knowledge of unlawfulness and a distinction is made between ignorance of facts and ignorance of law (Leonard 2009: 8). Ignorance of facts relates to a mistake with regard to the definitional or constituting elements of the crime (Snyman 2008: 201), whereas ignorance of the law deals with the question of whether the person knows that a certain act is unlawful. To explain this distinction with reference to the example of the educator who had sexual relations with a 14-year-old learner, the educator alleges mistake of fact because he is aware that having sexual relations with learners constitutes an offence, but he was mistaken about the unlawfulness of his conduct while in a consensual love relationship with the learner.

Despite the fact that the court in *S v De Blom* practically "abolished the untenable and illogical presumption that everybody knows the law, as well as the harsh rule that ignorance of the law can *never* be a defence" (Snyman 2008: 205), there are commentators arguing that ignorance should only be accepted as defence where the mistake in law is reasonable (see Snyman 2008: 208). Furthermore, the court made reference to the exception, namely that a person who "*involves himself in a particular sphere, … should keep himself informed of the legal provisions which are applicable to that particular sphere*". In light of this, one can conclude that it is expected of educators to be informed of the legal provisions regulating school education.

Why should an educator as a classroom manager have knowledge of education law and of what use can such knowledge be to the educator?

- Knowledge of education law can help educators make valid and lawful decisions, in other words, decisions that will not create legal problems for themselves.
- Educators who know education law will also know about their own rights and obligations, as well as those of other parties.
- Educators as classroom managers must be aware of the relevant legal principles and requirements.
- The particular position of authority which educators occupy has many legal implications, especially with regard to possible accountability for negligence. Education law describes the authority of the educator and especially of the educational manager.
- Educators who know the demands of the law will probably make better provision for the safety of children than those who are ignorant of the law.
- Education law provides a clear framework of the role of the educator as a professional person.
- Successful teaching depends on the manner in which legal prescriptions such as educational policy, rules and regulations are applied. Only educators who know education law will know how to interpret policy and correctly implement procedures, rules and regulations.

If one considers the functions of law in the education sphere) the need for educators to know the legal provisions regulating school education becomes even more

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evident. Squelch (1997a: 385) provides a good summary of the important functions of the law in the education sphere. Education law

- facilitates and regulates behaviour
- creates harmony and order
- determines powers and duties of functionaries
- defines the parameters within which education activities are performed
- protects the rights of individuals and groups involved in education
- prescribes requirements for the provision, governance and financing of education.

11.3 EDUCATION LAW SOURCES

11.3.1 The Constitution

The following sources of education law are discussed: the Constitution, legislation, case law and common law. Although the Constitution should, strictly speaking, be included under legislation as a source of law, it is indicated as a separate source of law, over and above other legislation. This is done because the Constitution was adopted by an elected Constitutional Assembly and certified by the Constitutional Court, and was not passed by Parliament (Currie & De Waal 2013: 6). Furthermore, it is the supreme law which has a direct influence on all law, including legislation.

The Constitution is discussed in more detail in Chapter 12.

11.3.2 Legislation

Legislation is law made by an organ of state vested with legislative authority. In terms of the Constitution (South Africa 1996a, S 43), the national legislative authority is vested in Parliament. Parliament will pass legislation of a national nature (e.g. on defence, the national budget, etc.) and on other specific matters where national legislation is needed (e.g. national education policy, norms and standards). Other legislative authorities include the legislatures of provinces and municipal councils (South Africa 1996a, S 43). In the past, legislation was broadly categorised as either original or subordinate (delegated) legislation. In terms of this division original legislation refers to legislation that derives from the complete and comprehensive legislative capacity of an elected legislative body (e.g. Acts of Parliament such as the Schools Act), while subordinate legislation refers to legislation that adds the "flesh" to the original legislation (e.g. regulations such as the *Regulations for safety measures at public schools* – Government Notice 1040 of 12 October 2001). Subordinate legislation is passed in terms of original legislation (also called "empowering legislation"), hence the term "subordinate". There are many other organs of state with subordinate legislative powers, such as ministers and directors of state departments, premiers of provinces and directors of provincial departments, all of whom may issue subordinate (or delegated) legislation such as regulations and proclamations. The subordinate legislation must not conflict with the provisions of the empowering (original) legislation.

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Today this distinction is not as watertight and in a sense also not as important as it used to be (Botha 1998: 9). This is so because the Constitution brought the system of parliamentary sovereignty (supremacy) to an end and ushered in a system of constitutional supremacy (see section 12.1). It is important to bear in mind that all the legislative bodies in the three spheres of government (i.e. Parliament, provincial legislatures and representative councils/local municipalities) have original legislative powers, but within these spheres of government the executive bodies have delegated or devolved authority to adopt subordinate legislation. The local sphere of government, however, has no direct responsibility for the provision of schooling in its area. The reason for this is that the Constitution determines that "education" is a functional area which is shared by the national and provincial spheres of government (South Africa 1996a, Ss 44 and 104, Schedules 4 and 5). School education is primarily a provincial matter, while higher education is exclusively a national government affair.

Examples of legislation applicable to classroom managers are: the Labour Relations Act 66 of 1995, the South African Schools Act 84 of 1996, the Employment of Educators Act 76 of 1998, the South African Council for Educators Act 31 of 2000, and the Children's Act 38 of 2005.

11.3.3 Common law

Common law comprises legal rules which were not originally written down (i.e. they were uncodified) and not enacted by the legislature (i.e. non-statutory), but have over time become accepted as the underlying basic laws of society. This means that courts can judge cases according to common law principles and societal rules and norms, as well as behavioural norms which are not written down in legislation, but which do apply at a certain time in society. Common law can be altered by legislation, but if there is no legislation on a particular subject, common law will prevail. South African common law developed from Roman-Dutch law and English law, but has been adapted within the South African legal and cultural context (Roos & Oosthuizen 2003: 49).

Some common law principles have, however, been incorporated into legislation. For example, the rules of natural justice (the *audi alteram partem* rule and the *nemo iudex in sua causa* rule – see section 13.4.3.2) have now been incorporated into Section 33 of the Constitution. Other common law principles which have been developed by the courts now form part of our case law (see, for example, the cases on negligence).

11.3.4 Case law

The decisions of courts contained in law reports are an important part of the administration of justice (Shaba 2003: 9). These reports describe the course that is taken by the most important court cases and also give the reasons for each judgment. The *stare decisis* principle (i.e. judicial precedent) finds application in our law. This legal principle is based on the effects that previous court judgments have on later judgments. This means that decisions of a high court, such as the

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provincial divisions of the High Court and the Supreme Court of Appeal, are binding on lower courts such as magistrates' courts. These authoritative and final judgments of the higher courts thus determine the administration of justice and are recognised as a source of law (case law).

When applying the *stare decisis* principle, the judge looks at the reasons for the judgment (e.g. the *ratio decidendi*). The *ratio decidendi* of a case consists of legal principles that the court applies to the material facts in order to reach a decision. The judge looks at the judgment of the majority, because the *ratio decidendi* is found in the judgment of the majority of judges who based their judgment on the same reasons.

Activity 11.1

Explain how a court would apply the *stare decisis* principle to decide a case in which an educator who administered corporal punishment is on trial.

11.4 DEFINING LEGAL SUBJECT

Law applies only to legal subjects. A legal subject is any "person" recognised in law. A legal subject is *persona iuris*, that is, a person in the eyes of the law and as such the bearer of rights and duties, and is vested with a special status in law, namely a legal status. There are two classes of legal subjects (Stoop 1997: 73):

- natural persons (all human beings)
- juristic persons or entities other than human beings upon which the law bestows a legal personality

Thus, in law, the term *person* does not refer to a human being only; it also refers to an abstract fictitious legal body or association of natural persons (human beings) that forms a new kind of legal entity, which exists independently of its members. A *juristic person* denotes a specific kind of legal subject, i.e. an entity apart from a human being or natural person to which the law grants juristic personality, for example a school.

11.5 THE PLACE OF EDUCATION LAW IN THE SOUTH AFRICAN LEGAL SYSTEM

The classification of South African Law below is not undisputed, but the classification should give you an overview of how the different disciplines of law fit together and the place of education law in the South African legal system. Before you continue, read Maree's definition of education law on page 196 again.

South African law is divided into material law (also called substantive law) and procedural law (also called adjective law). Material law determines the content and meaning of legal rules, while procedural law relates to the manner in which material law is enforced. Material law is divided into public law and private law.

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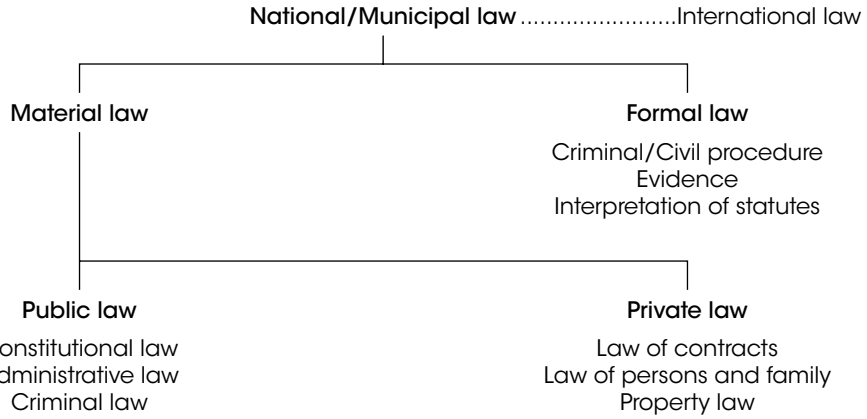


FIGURE 11.1 The South African legal system

Source: Coetzee 2012: 3

Public law regulates the organisation of the state, the relationship between different organs of state, and the relationship between the state and the individual. The outstanding characteristic of this relationship is its authoritative (or vertical) nature, with the organ of state always in the position of authority and acting in the public interest. Education law (as applied in public education) falls mainly in the sphere of public law because of the involvement of the state and its authoritative position in education in South Africa. This means that the legal aspects of classroom management that are covered in this book will fall mainly within the domain of public law, which includes constitutional law, administrative law and criminal law.

Constitutional law involves the working and relationships of the most authoritative organs of state (such as the national legislative, executive and judicial bodies). It establishes these organs, determines their organisation and powers and governs their relationships with each other and with the individual. The Constitution, with its Bill of Rights, obviously forms the kingpin of our constitutional law because it is the supreme law of the land.

Administrative law can be defined as the sum total of legal rules that grant people or institutions in authority the power to take action; prescribe the procedure to be followed when taking such action; and ensure that such action is within the boundaries of the law. It also provides control over such action. It can be described as the legal discipline that regulates the actions, powers and organisation of the state administration (see Chapter 13).

Criminal law focuses on transgressions that violate the interests of the community. For example, the Schools Act (South Africa 1996b, S 10) recognises the administering of corporal punishment as a criminal action and prescribes certain criminal sanctions for it. Thus an educator who administers corporal punishment is upon conviction guilty of a criminal offence and is liable to a sentence which could be imposed for assault.

Private law, on the other hand, orders the various rights and obligations of private persons (e.g. natural persons or juristic persons). A private law relationship is

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a horizontal relationship between persons and bodies who agree to this relationship on equal terms, usually to further their individual or private interests. Law of delict would probably be the most important private law discipline for the classroom manager.

In terms of the law of delict, *a delict* is an unlawful, culpable (intentional or negligent) act (or omission) committed by a person, which infringes the rights of another or causes him or her harm (Neethling, Potgieter & Visser. 2010: 4). For example, an educator who neglects to provide proper supervision in the classroom, who makes racist or sexist comments to a learner, who fails to mark the learners' tests or scripts, or whose inattention causes injury to a learner, has committed a delict.

CONCLUSION

In this chapter you have learnt more about important concepts such as *law, education law, policy, legislation, legislature* and *legal subject*. Some reasons why it is essential for classroom managers to have knowledge of education law are discussed and it is indicated where such knowledge can be found. You should now be able to

- distinguish between policy and legislation
- explain what is meant by education law
- give reasons why classroom managers need to know about education law
- name the main branches of law
- explain why education law falls mainly in the sphere of public law.

Having understood *law sources* that regulate classroom management, you will proceed to learn more about the *constitutional provisions* that regulate classroom management in Chapter 12.

Figure 11.2 is a mind map of the main aspects of this chapter. It can be used to reflect on what you have learnt as you worked through the chapter.

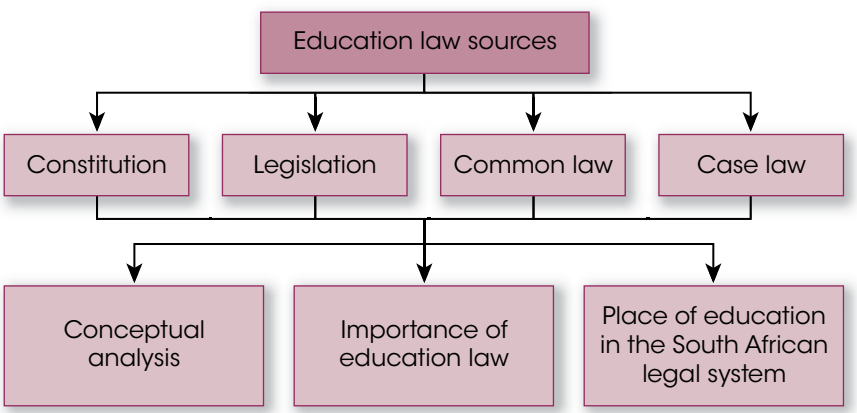


FIGURE 11.2 A summary of Chapter 11

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S.A. Coetzee

Constitutional provisions regulating classroom management

INTRODUCTION

The Constitution is the kingpin of our new democratic constitutional dispensation. Whereas previously we had a sovereign or supreme parliament, we now have a supreme law – the Constitution – and no other legislation or source of law has the same legal status or force.

Now that you have an idea of the most important sources of education law, the Constitution is discussed in more detail. As a classroom manager you should understand the implications of the supremacy of the Constitution, the constitutional values and the Bill of Rights for classroom managers. The Bill of Rights will influence everything the classroom manager does.

12.1 SUPREMACY OF THE CONSTITUTION

The Constitution brought to an end a government system of parliamentary sovereignty and ushered in a system of constitutional supremacy (see section 11.3.2).

Section 2 of the Constitution reads as follows: "This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled."

The fact that Section 2 refers to any law or conduct means that all organs of state that administer legislative, executive and judicial matters are subject to the Constitution at all levels. This Section makes it clear that all legislation (also that legislation adopted by Parliament) must be compared to the Constitution to ensure that it does not contradict it. Legislation which is in conflict with the Constitution may therefore be declared invalid by the courts (Church, Delport, Hutchings & Nicholson 1996: 12).

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12.2 CONSTITUTIONAL VALUES

The Constitution (South Africa 1996a, S 1) sets out the spirit and underlying values of the constitutional system that should be incorporated in education law and policy. It requires that school education (also classroom management) be transformed and democratised in accordance with these values (Potgieter et al. 1997: 5–6). The most important of these values for the classroom manager are: human dignity, the achievement of equality, the advancement of human rights and freedoms, non-racialism and non-sexism.

These values establish the context within which fundamental rights function and also determine the nature of their limitation. This means that the court will take these values into consideration when it has to determine whether a limitation of a right was reasonable and justifiable in terms of Section 36 of the Constitution. Some of these values (e.g. human dignity (S 10) and equality (S 9)) are also recognised as individual rights and are enshrined in the Bill of Rights (Bray 2004: 40).

12.3 BILL OF RIGHTS

The Bill of Rights, contained in Chapter 2 of the Constitution, gives the essence of the social values upon which the new political, social and economic order is constructed. It forms the cornerstone of the education dispensation and is of the utmost importance to educators as classroom managers.

Many different individual rights have been included in the Bill of Rights. Only a few of these are touched on in this book.

Activity 12.1

Why do you think it is important that classroom managers should have knowledge of the Bill of Rights? (Do not discuss individual rights here.)

12.3.1 Equality (Section 9)

Section 9(1) stipulates that everyone is equal before the law and has the right to equal protection and benefit of the law.

Section 9(2) stipulates that equality implies the full and equal enjoyment of all rights and freedoms. It further stipulates that in order to promote the achievement of equality, legislative and other measures may be taken which are designed to protect or advance persons, or categories of persons, who have been disadvantaged by unfair discrimination.

Section 9(3) stipulates that the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Section 9(4) stipulates that no person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of Subsection (3).

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National legislation must be enacted to prevent or prohibit unfair discrimination.

Section 9(5) stipulates that discrimination on one or more of the grounds listed in Subsection (3) is unfair, unless it is established that the discrimination is fair.

In the school context, it means that children may not be unfairly discriminated against on the grounds listed in Section 9 and especially Section 9(2). For example, educators may not make racist or sexist comments in the classroom.

To understand what *unfair discrimination* entails, it is important to distinguish between *differentiation*, *discrimination* and *unfair discrimination*. In *President of the Republic of South Africa v Hugo* 1997 6 BCLR at para 41, the court acknowledged the need to develop a concept of unfair discrimination which "... affords each human being equal treatment on the basis of equal worth and freedom ... we cannot achieve that goal by insisting upon identical treatment in all circumstances before that goal is achieved". Equality does not require that everyone be treated the same (Currie & De Waal 2013: 210–211). This was confirmed in *Prinsloo v Van der Linde and Another* 1997 (3) SA 1012 (CC) at para 23, where the court held that the essence of equality lies not in treating everyone in the same way, but in treating everyone with equal concern and respect.

Differentiation (treating people differently) occurs all the time. For example, learners with poor eyesight may be placed in the front of the classroom. The equality clause does not prohibit discrimination, but rather unfair discrimination (Currie & De Waal 2013: 223). The question is: When is differentiation regarded as discrimination and when does it constitute unfair discrimination? Discrimination is a form of differentiation, namely differentiation on illegitimate grounds (Currie & De Waal 2013: 222–223). Illegitimate grounds would include the grounds listed in Section 9 of the Constitution, as well as grounds analogous to the listed grounds (Currie & De Waal 2013: 222–223). Differentiation on a listed ground will be presumed to be unfair discrimination, while discrimination on an analogous ground will not be presumed to be unfair discrimination, but the applicant will have to prove that it constitutes unfair discrimination (Currie & De Waal 2013: 224). In *Prinsloo v Van Der Linde and Another* 1997 (3) SA 1012 (CC) at para 31, it was held that discrimination will constitute unfair discrimination if it means "treating people differently in a way which impairs their fundamental dignity as human beings, who are inherently equal in dignity". Thus, discrimination will constitute unfair discrimination when it differentiates between people in a way that infringes upon their right to human dignity. Unfair discrimination has an unfair impact and cannot be justified (Currie & De Waal 2013: 225). In *Harksen v Lane NO.* 1998 (1) SA 300 (CC) at para 52, the court held that the following factors need to be taken into consideration when determining whether discrimination has an unfair impact:

- The position of the complainant in society and whether he or she was a victim of discrimination in the past
- The nature of the discriminating law or action and the purpose sought to be achieved by it
- The extent to which the rights of the complainant have been impaired
- Whether there was an impairment of the complainant's fundamental dignity

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Activity 12.2

Distinguish between *differentiation*, *discrimination* and *unfair discrimination* by giving examples from situations in the classroom that would constitute *differentiation*, *discrimination* and *unfair discrimination* respectively.

Activity 12.3

Study the following extract from a report by Vally and Dalamba (1999: 50) and explain whether it contains examples of *differentiation*, *discrimination* or *unfair discrimination*. Substantiate your answer.

> "In our science department (*sic*) girls are treated as if they are inferior to boys. Remarks are constantly made about females being incapable of doing anything science-orientated."

The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (hereafter referred to as the Equality Act) (South Africa 2000f) gives expression to Section 9(4) of the Constitution, which requires the enactment of national legislation to prohibit or prevent unfair discrimination. The Schedule to Section 29 of the Equality Act contains a list of practices that will constitute unfair discrimination in certain sectors. In the education sector those include:

- Unfairly excluding learners from educational institutions, including learners with special needs
- Unfairly withholding scholarships, bursaries, or any other form of assistance from learners of particular groups identified by the prohibited grounds
- The failure to reasonably and practicably accommodate diversity in education

An educator alleging unfair discrimination has to rely on the Act and cannot directly rely on Section 9 of the Constitution. The right to equality can only be directly relied upon where "a provision of the Act, other legislation or conduct that is beyond the reach of the Act is challenged" (Currie & De Waal 2013: 245). This was confirmed in *MEC for Education KwaZulu-Natal v Pillay* 2008 (1) SA 474 (CC) at para 40. Langa C.J., with reference to Constitutional Court decisions on administrative and labour law, held that "… a litigant cannot circumvent legislation enacted to give effect to a constitutional right by attempting to rely directly on the constitutional right". This case deals with the nature of discrimination under the provisions of the Equality Act and also with the extent of the protection afforded to cultural and religious rights in the public school (this second question is dealt with in section 12.3.5). In this case an Indian girl's mother took Durban Girls' High School to the Equality Court when her daughter (who belongs to the Hindu faith) was not allowed to wear a nose stud because it violated school rules. The Equality Court held that, although a *prima facie* case of discrimination was made, the discrimination was not unfair. However, when the case was taken on appeal, the

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Natal High Court found that the prohibition of the wearing of a nose stud amounted to unfair discrimination on the ground of freedom of religious and/or cultural expression. The MEC of KwaZulu-Natal then appealed to the Constitutional Court.

The Constitutional Court did not consider the question of whether the Equality Act always requires a comparator, because it held that in this case there was an appropriate comparator available, namely the learners whose sincere religious or cultural beliefs or practices are not compromised by the school's Code of Conduct (as compared to those whose beliefs and practices are compromised). In this regard the court held that the school's Code of Conduct is not neutral but enforces mainstream and historically privileged forms of adornment at the expense of minority and historically excluded forms.

Another question that came before the court was whether a *voluntary* expression of religion or culture could be classified as a religious or cultural practice. In this case the wearing of a nose stud is not a mandatory tenet of South Indian Tamil Hindu culture or the Hindu religion. The court held that grounds of discrimination should not be forced into neatly self-contained categories. It concluded that whether a religious or cultural practice is voluntary or mandatory is only relevant when determining whether discrimination was fair or not, and not in the early stages of inquiry.

The court held that the girl was indeed discriminated against on the basis of both religion and culture in terms of Section 6 of the Equality Act. To determine whether the discrimination was unfair, the Court considered whether there was "reasonable consideration" on the part of the school. The Equality Act provides that the "failing to take steps to reasonably accommodate the needs" of people on the basis of race, gender or disability will amount to unfair discrimination. The Court concluded that reasonable accommodation is ultimately an exercise of proportionality that will depend on the facts of each case. It also warned that the test for fairness of discrimination should not be reduced to a test of reasonable accommodation, but that the factors listed in Section 14 of the Equality Act should also be considered.

The court (at paras 72–73) answered the question on the content of the concept of "reasonable accommodation" as follows: "At its core is the notion that sometimes the community, whether it is the State, an employer or a school, must take positive measures and possibly incur additional hardship or expense in order to allow all people to participate and enjoy all their rights equally." Taking reasonable steps to accommodate diversity is one of the factors for determining the fairness of discrimination (South Africa 2000f, S 14(3)(i)(ii)). To avoid allegations of unfair discrimination on the grounds of culture or religion, school Codes of Conduct should provide for exemption procedures. The court finally confirmed the High Court's finding of unfair discrimination. The court concluded that the discrimination had a serious impact on the girl and that, although uniforms serve an important purpose, the refusal of an exemption in this case did not significantly further this purpose. "A reasonable accommodation would have been achieved by allowing Sunali to wear the nose stud." Allowing the learner to wear a nose stud would not have imposed an undue burden on the school.

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Recently, the Free State High Court came to a similar conclusion in the unreported case of *Lerato Radebe & Others v Principal of Leseding Technical School & Others* Case no. 1821 of 2013. This case deals with the application of a learner to ensure her return to school. It provides valuable insights to classroom educators who have the tendency to send learners out of the classroom.

Lerato, a Grade 8 learner, is a Rastafarian and has dreadlocks. She was repeatedly called out of the classroom and forced to remain in the staff room, and as a result she missed most of her classes. She alleged that the school had violated her rights to dignity, freedom of religion and education. In addition, she alleged that her frequent exclusions from class amounted to a violation of her right not to be discriminated against on grounds of her religion. Phalatsi J. agreed and granted the order, stating that:

- Banishing Lerato from class is unlawful and discriminatory (at para 4.2). The court argued that sending a learner home or sending a learner out of class to sit in the staff room constitutes suspension, and that there are certain prescribed procedures to be followed before a learner is suspended – and those were not followed (at para 13.3). The court went so far as stating that the school has contravened Section 3(6)(b) of the Schools Act, which states that any person who, without just cause, prevents a learner from attending a school, is guilty of an offence and liable on conviction to a fine or imprisonment (at para 20(a)).
- The schools' insistence that she may attend school only if she cut off her dreadlocks constituted unfair discrimination on the grounds of religion (at para 4.4). The court stated that by preventing Lerato from attending class the school was treating her differently from other learners. This differentiation is based on her religion and thus constitutes unfair discrimination and a breach of her right to equality (at para 13.1).
- The school further violated her rights to equality, human dignity, education and freedom of religion, belief, opinion, expression, association and culture (at para 4).

Phalatsi J. finally gave the following reasons for granting the order:

- Section 28(2) of the Constitution guarantees that in every matter affecting a child, the child's best interest is paramount (at para 7.1).
- The invasion of the learner's right to education was of a serious nature and continued (at para 7.2).

It should be mentioned that in this case the school had a Code of Conduct in place that prohibited dreadlocks.

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12.3.2 Human dignity (Section 10)

This provision recognises the right of people to be treated with respect and dignity. This is an inherent right; thus a person does not have to do anything to deserve this right (Oosthuizen 2004: 18). This right forms the nucleus on which the

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other rights are based and may be described as that particular essence which distinguishes people from other living creatures. This right would, for example, be infringed when an educator administers corporal punishment (see section 14.5.2.4 in Chapter 13).

Activity 12.4

Study the following extract from a report by Vally and Dalamba (1999: 30) and explain why it can be said that the educator is guilty of unfair discrimination.

> "There is a teacher that only talks to one row of (white) children and we must just listen."

Classroom managers should in all their dealings with learners keep the learners' right to human dignity in mind. Actions that would constitute an infringement of a learner's dignity would include actions such as labelling learners (e.g. Mr Blusterer, Miss Chatterbox), using the rest of the learners to form a front against a specific learner (e.g. reading a letter from a learner's mother to the class and commenting on all the undeserved problems the learner caused for you by running to his mother like a real mommy's boy), or isolating a learner (e.g. reprimanding only one specific learner when a whole class is noisy, asking the view of the class if a specific learner has transgressed a rule, such as "Peter is really ill-mannered, don't you think?").

Activity 12.5

Give a practical example of a situation where the learner's right to dignity may, legitimately, be infringed in the classroom.

12.3.3 Freedom and security of the person (Section 12)

This is another very important right that educators, as classroom managers, need to take into consideration. This Section stipulates that everyone has the right to freedom and security of the person, which includes the right

a) not to be deprived of freedom arbitrarily or without just cause
b) not to be detained without trial
c) to be free from all forms of violence from either public or private sources
d) not to be tortured in any way
e) not to be treated or punished in a cruel, inhuman or degrading way.

For example, in the school context, punishment may not be unreasonable, cruel or degrading. Punishment would be considered unreasonable, cruel or degrading if

- it were excessive and negligently administered

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- it resulted in physical or psychological injury
- it were not in proportion to the offence
- there were not sufficient causes for punishment
- it were inappropriate for a learner of that age (Squelch 1997c: 4).

Activity 12.6

Study the following scenario and then explain why the educator's actions violated the learner's right to freedom and security of the person.

Learner A, talking and laughing loudly, enters the classroom last. He throws his bag next to his desk and falls into his chair, kicking his desk in the process. He then says something and the learners around him start laughing. Mr B explodes and asks Learner A why he bothers coming to school. He tells Learner A that he may think he is a big shot, but he is actually nobody and he must come to the front and take his hiding like a man. He orders Learner A to drop his pants and then, while telling him off, gives him several lashes with his belt.

12.3.4 Privacy (Section 14)

The Constitution stipulates that everyone has the right to privacy, which includes the right not to have

a) their person or home searched
b) their property searched
c) their possessions seized
d) the privacy of their communications infringed.

Government Notice 776 of 1998 (South Africa 1998b: Par. 3.8) recognises that searches and seizures at school may, in some cases, be unavoidable. This will be the case when there is *reason to believe* that there are drugs, dangerous weapons, stolen property or pornographic material on the school premises, or that some of the learners have drugs, dangerous weapons, stolen property or pornographic material in their possession. The principal must take precautions to ensure that such a search and/or seizure would be reasonable and justifiable.

Classroom managers should make sure of the provisions on searching learners' cellphones in their schools' Codes of Conduct. The SAHRC was asked to intervene in a case where the parent of a learner alleged that the school had violated his son's right to privacy and in particular his right not to have his property searched and not to have the privacy of his communications infringed, because his cellphone was searched without a reasonable suspicion that it contained prohibited materials (SAHRC 2008: Par. 1.1–2.3). At that stage the school's Code of Conduct did not include any provision dealing with searching cellphones and it based its authority to search on the *in loco parentis* principle (SAHRC 2008: Par. 1.2). In its investigation the commission held that searching one's cellphone is similar to

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reading one's private documents or listening to one's private conversations, and thus constitutes an infringement of a person's "inner sanctum". The commission then determined whether it was reasonable for learners at the school to expect that their cellphones and the information contained therein were their private property (SAHRC 2008: Par. 4.5). The commission answered this question in the affirmative (SAHRC 2008: Par. 4.6). Thus, after having concluded that the learner's right to privacy had been violated, the commission had to decide whether such violation was justifiable in terms of Section 36 of the Constitution. The commission declined to accept the *in loco parentis* principle as "law of general application" because its scope is so broad and because the school's Code of Conduct did not give specific content to the principle in respect of the searches of cellphones (SAHRC 2008: Par. 4.10–4.11).

Schools should make sure that their Codes of Conduct contain detailed provisions (referring to all supportive laws of general application) on the searching and seizing of cellphones, so that classroom educators are protected when the need arises for them to conduct such searches or seizures.

Activity 12.7

Study the following scenario and explain what the educator must do in such a situation.

While the learners are busy with written work in the class, the educator walks around and sees Pete playing with his cellphone. When she investigates, she finds that he has downloaded pornography from the internet onto his phone.

12.3.5 Freedom of religion, belief and opinion (Section 15)

Section 15 stipulates that everyone has the right to freedom of conscience, religion, thought, belief and opinion. The rest of this Section deals with religious observances. A classroom manager should uphold all learners' rights to freedom of religion, belief and opinion. The *National Policy on Religion and Education* (South Africa 2003b: Par. 14) states that public schools are obliged to promote core values and that their policy on religion must be consistent with values such as equity, tolerance, multilingualism, openness, accountability and social honour. The classroom manager should therefore:

- Promote respect for religious traditions
- Advance respect for religious diversity
- Promote interreligious tolerance
- Not indoctrinate learners into any particular belief or religion
- Promote a system of accountability by recognising and adhering to moral values and ethical commitments
- Honour the religious backgrounds of learners
- Not allow the belittling of any religion or secular world view

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An important case in this regard is *Antonie v Governing Body, Settlers High School* 2002 (4) SA 739 (C). This case deals with the legal question as to whether a 15-year-old learner who embraces the principles of the Rastafarian religion may be suspended from public school by the governing body for having her hair styled in dreadlocks and wearing a cap. The school alleged that the learner had acted in an unbecoming manner, was not in compliance with the school's Code of Conduct, and that her conduct created disruption and uncertainty which could escalate. She was thus charged with serious misconduct. The girl, on the other hand, alleged that her appearance was neat and tidy at all times and that she was merely expressing her religious convictions. The school's Code of Conduct, which requires that learners' hair should be neat and tidy, does not prohibit the growing of dreadlocks and the wearing of a cap. The suspension was set aside because the court held that adhering to religious dress codes did not amount to serious misconduct under the school's Code of Conduct. The court emphasised that the focus should be on positive discipline as prescribed by the ministerial guidelines contained in the *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners* (South Africa 1998b). The court reinforced the idea that every decision made in schools should be in accordance with the values that underpin the Constitution (S 1), as well as the democratic values of equality, human dignity and freedom (Malherbe 2004; Visser 2004: 335–339).

The Constitutional Court in *MEC v Pillay* (at para 114) requested that "schools make exemptions for sincerely held religious and cultural practices. There may be specific schools or specific practices where there is a real possibility of disruption if an exemption is granted ... However, a mere desire to preserve uniformity, absent real evidence that permitting the practice will threaten academic standards or discipline, will not".

12.3.6 Freedom of expression (Section 16)

Section 16(1) states that everyone has the right to freedom of expression, which includes, *inter alia*, the freedom to receive or impart information or ideas, the freedom of artistic creativity, academic freedom and freedom of scientific research. Educators and learners do not give up this right when they enter school. They are entitled to hold diverse opinions. It should be remembered that Section 16(1) protects free expression and not only free speech. According to Currie and De Waal (2013: 341), "expression" protected by the Constitution includes "every act by which a person attempts to express some emotion, belief or grievance". This is why, in many cases, the right to freedom of expression is linked to the right to freedom of belief, religion and opinion, the right to language and culture, or the right to belong to cultural, religious or linguistic communities. This is, for example, evident from the *Antonie* case (see section 12.3.5). "Expressions" that propagate war, incite violence or advocate hatred based on race, ethnicity, gender or religion, and that constitute incitement to cause harm, are expressly excluded from protection.

This right, as all other rights, is not absolute. According to the *Guidelines for Governing Bodies* (South Africa 1998b: Par. 4.5.1), this right can be limited if

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expression "leads to a material and substantial disruption in school operations, activities or the rights of others".

In *Le Roux v Dey* (CCT 45/10) ZACC 4, a computer-created image of two naked men sitting in a sexually suggestive position on which a learner had superimposed the heads of the principal and deputy-principal, was sent to his friend, who distributed it. The learner had created and distributed the image on his home computer, but had downloaded the photos of the principal and deputy-principal and the school's emblem from the school's website.

Dr Dey instituted action in the High Court claiming defamation and injury to his feelings. The High Court upheld both claims, and granted a composite award of R45 000 in damages. But the Supreme Court of Appeal held that to uphold both claims entailed an impermissible accumulation of actions. The majority of that court upheld the defamation claim, and found accordingly that the additional claim based on affront to dignity was ill-founded and required no further consideration. The applicants then approached the Constitutional Court based on their right to freedom of expression.

Irrespective of whether other people find a joke hilariously funny, it will constitute defamation if the victim experiences it as harmful. In this case the image was regarded as challenging Dey's authority and diminishing respect for him among the learners of the school (Schulze 2011: 41). The majority judgment of the Supreme Court of Appeal that the image was defamatory was upheld by the Constitutional Court. The majority judgment held that the reasonable observer would understand the image or statement conveyed by the picture as associating or connecting Dr Dey and the principal with the indecent situation that the picture portrays, and that the average person would regard the picture as defamatory of Dr Dey.

Activity 12.8

Study the following scenario and then answer the questions that follow.

An educator discloses personal and sensitive information about a learner with learning problems to another parent at a school social event. The parent of the learner finds out about this and demands that the educator in question be reprimanded.

1. On what grounds may the parent make this demand?
2. Do you think the educator's right to freedom of expression may be limited in this instance?
3. Give an example where a learner's right to freedom of expression may be limited and explain why.

Activity 12.9

Study the following scenario and then answer the questions that follow.

Peter and James were members of the Zu-Zu gang, a cultural gang that is very violent and active in their region. The gang decided that members should wear

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buttons with the gang emblem at all times. Peter and James decided to wear their buttons to school. When the educator saw this, he explained to them that he was afraid that it would cause disruption in the classroom. They invoked the recognition of their constitutional rights as a reason (motivation) for their right to wear the buttons and refused to take them off. They were then sent to the principal.

a) Identify the two disciplines of law which would have a direct bearing on the managerial task discussed in the above scenario. (Turn back to Chapter 11 if you need to refresh your memory.)

b) On which constitutional rights could Peter and James base their argument? Substantiate your answer. Refer to at least two rights.

c) Answer the following question after you have studied the limitation clause (S 36): Was the educator's limitation of these rights reasonable and justifiable? Substantiate your answer.

The right to freedom of expression excludes "advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm" (South Africa 1996a, S 16(2)(c)). The SAHRC recently found that an educator's offensive remarks made against black learners constitute racism and hate speech as defined in the Promotion of Equality and Prevention of Unfair Discrimination Act. This educator displayed an apartheid flag and a poster depicting black people as having monkey-like noses and primate brains. He walked around in the class with a mirror asking black learners to look into the mirror and tell him what they saw, and then commented himself that they saw a baboon. The commission found as follows (SAHRC 2013a):

- "Mr Mac Kay's act of hate speech constitutes clear violation of both the right to equality and the right to human dignity of the learners."
- "Mr Mac Kay's conduct of exposing learners to a learning environment that was harmful such as corporal punishment and harmful behaviours including displaying of racist imagery and the old South African flag, is a violation of both the right to education and the rights of the child. Such display therefore exceeds the limits of rightful free expression and borders on racism."

12.3.7 Political rights (Section 19)

Every citizen of the Republic of South Africa has the right to establish a political party, to participate in the activities of a political party and to recruit members to the party. A citizen may also work for and/or further the aims of a political party. However, this does not mean that educators may use their classrooms to indoctrinate learners or to force older learners to join a specific political party. Educators' political rights may be limited (in terms of the limitation clause), because blatant politics in the classroom may cause tension and will not be conducive to order and harmony.

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12.3.8 Environment (Section 24)

Everyone, including learners and educators, has the right to an environment that is not harmful to their health or wellbeing. Educators have an obligation in their classrooms to create an environment that is not harmful to learners, including learners' emotional and psychological wellbeing. This right has implications for learners' safety (see Chapter 15).

12.3.9 Children (Section 28)

The range of children's rights set out in Section 28 provides additional protection for children. Children are persons under the age of 18 (South Africa 1996a, S 28(3)). The purpose of this Section is to protect children in situations where they are particularly vulnerable (Currie & De Waal 2013: 599). The importance of these rights is emphasised by the Children's Act 38 of 2005 and international conventions and charters on children's rights, to which South Africa is a signatory. Children's rights guaranteed in this Section and especially those most relevant to classroom educators are the following:

- Learners' right to appropriate alternative care when removed from the family environment. It is evident that this provision has implications for classroom managers because learners are in their care in the classroom.
- Learners' right to be protected from maltreatment, neglect, abuse or degradation. The implications for discipline and punishment are obvious. Neither discipline nor punishment may constitute maltreatment, be abusive or degrading. Educators who expect learners to do them sexual favours in exchange for a pass mark are infringing on children's rights contained in Section 28, but specifically this provision (see Chapter 15).
- Learners' right to not be asked or permitted to perform work or to provide services that are inappropriate to a person of the child's age or that will place the child's well-being, education, physical or mental health or spiritual, moral or social development at risk.

This Section further requires that the child's best interest must be paramount in every matter concerning the child. The "best interests of a child" standard is a right with vertical and horizontal application that can be restricted in terms of the limitation clause like any other right in the Bill of Rights. However, it is not only a substantive right but also an interpretive legal principle and a rule of procedure (Committee on the Rights of the Child 2013, Par. 16(a), (b), (c)). Section 28(2) is a key provision in the Bill of Rights because it is used to develop the meaning of other rights, to determine the ambit of or to limit other rights (Skelton 2009: 282).

Schools, as organs of state, have the constitutional duty to observe and promote the "best interests of a child" standard (Nieuwenhuis, Beckmann & Prinsloo 2007: 98). What does this mean for classroom educators? It means that everything classroom educators do in the classroom must be done in the best interest of children in general, the best interest of the specific class they are teaching, and in the

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best interest of each individual learner. This means that when an educator has to make a decision on how to discipline a learner, the educator will have to choose the disciplinary measure that will best serve the child's best interest. Say the educator considers sending a learner out of the classroom because his homework is not done, thus effectively limiting the learner's right to education. The educator will have to consider the impact that such a decision will have on the child and whether that will be in the child's best interest.

In the educational context, the application of the "best interests of a child" standard may require the educator to balance individual rights against group rights or even institutional rights or interests. For example, a learner is constantly disrupting teaching and was disciplined several times already. It may not be in the learner's best interest to be suspended but it may be in the best interest of the rest of the learners. In *Western Cape Minister of Education and Others v Governing Body of Mikro Primary School* (2005) ZASCA 66 (at para 51), Thring J. held that in the long term, upholding legality would be in the best interests of the children because legality is vital to an orderly society. Similarly, one can argue that upholding classroom and school rules may be vital for a disciplined classroom where effective teaching and learning can take place. The court further held the educational needs of all learners to be an important factor in determining the best interests of learners under the age of 18 (at paras 48–49). In *Queens College Boys High School v MEC, Department of Education, Eastern Cape Government* (454/08) (2008) ZAECHC 165 (21 October 2008), the court set aside the decision of the MEC not to support the recommended suspension of a number of learners that were found guilty of serious misconduct such as using alcohol, smoking dagga and insubordination. By acknowledging that expulsion may sometimes be needed to ensure a disciplined school, the court, by implication, considered the best interests of the other learners.

12.3.10 Education (Section 29)

In terms of Section 29(1)(a), everyone has the right to a basic education. This is a positive right which means that it places a positive duty on the State to provide education (*Ex parte Gauteng Provincial Legislature: In re Dispute Concerning the Constitutionality of Certain Provisions of the Gauteng School Education Bill of 1995* 1996 3 SA 165; 1996 4 BCLR 536 (CC) at paras 8–9). This was again confirmed in *Governing Body of the Juma Musjid Primary School v Essay (Centre for Child Law as Amici Curiae)* 2011 7 BCLR 651 (CC). This case deals with the horizontal application of the right to basic education. In brief, the question was whether the Trust on whose property the public school was located, had violated the learners' right to education by evicting the school from the premises after the Department had failed to conclude an agreement with the Trust as required. The court found that the positive duty to provide education lies with the MEC for the Department for Basic Education in the province. It however emphasised that the Trust has a negative duty; i.e. not to interfere with the children's right to education (*Juma Musjid Primary School v Essay* at para 57). The court described (at para 37) the nature of the right to a basic education as follows:

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> It is important, for the purpose of this judgment, to understand the nature of the right to "a basic education" under Section 29(1)(a). Unlike some of the other socioeconomic rights, this right is immediately realisable. There is no internal limitation requiring that the right be "progressively realised" within "available resources" subject to "reasonable legislative measures". The right to basic education in Section 29(1)(a) may be limited only in terms of the law of general application, which is "reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom".

In the recent court case, *Madzodzo v Minister of BE* 2144.2012 [2014] ZAECMHC 5 (20 February 2014), Goosen J., with reference to the above exposition of the nature of the right to a basic education, confirmed that the right to basic education is not a right to be progressively realised over time but that the "state must take all reasonable measures with immediate effect" to realise the right (at para 15).

The Constitutional Court in *Governing Body of the Juma Musjid Primary School v Essay (Centre for Child Law as Amici Curiae)* 2011 7 BCLR 651 (CC) at para 43, further describes the right to a basic education as an empowering right:

> Indeed, basic education is an important social, economic right directed, amongst other things, at promoting and developing a child (*sic*) personality, talents and mental and physical abilities to his or her fullest potential. Basic education also provides a foundation for a child's lifetime learning and work potential. To this end, access to school – an important component of the right to basic education guaranteed to everyone by 29(1)(a) of the Constitution – is a necessary condition for the achievement of this right.

Again Goosen J., in *Madzodzo v Minister of BE* 2144.2012 [2014] ZAECMHC 5 (20 February 2014) at para 21 supported this contention, but also unequivocally stated that access to schools alone is not sufficient and that a lack of access to appropriate resources at public schools constitutes a violation of the right to basic education. Resources such as schools, classrooms, teachers, teaching materials and appropriate facilities for learners, furniture, and textbooks are critical to the provision of a quality education.

Activity 12.10

Do you agree that the constitutional right to education places both a positive and a negative duty on the classroom educator? Substantiate your answer.

In terms of Section 7(2) of the Constitution, you have the duty to "respect, protect and fulfil" learners' right to education. Keep in mind that schools are organs of state and you are functionaries of those organs of state; as such you are also bound by the positive duty to provide effective education. However, you also should "respect" and "protect" that right which implies also a negative duty. Katarina Tomaševski, the former Special Rapporteur of the Commission on Human Rights on the Right to Education, developed a framework for analysing state members'

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performance towards realising the right to education. This framework can also be adapted and be used by classroom mangers to guide and analyse their own compliance with the mandate to provide quality education. The framework consists of four interrelated principles, namely *availability*, *accessibility*, *acceptability* and *adaptability* (United Nations 1999, Par. 7).

- The **availability** principle deals with whether there are enough "functioning educational institutions and programmes" (United Nations 1999, Par. 13(2)(a)). For a school to be functional it requires trained, professional and committed educators. Even if there are enough classrooms, toilets, stationery and textbooks, and all learners are present, no teaching and learning can take place if the educators are not also present and prepared. Classroom educators are essential to, and have a major role to play in making education available.
- The **accessibility** principle requires that "educational institutions and programmes have to be accessible to everyone, without discrimination" (United Nations 1999, Par. 13(2)(b)). A classroom educator that discriminates against a learner hampers the accessibility of education to that learner. To make education accessible you should use disciplinary measures that will not negatively affect your relationship with your learners. You should create a safe space for the learners to be inquisitive.
- The **acceptability** principle deals with the acceptability of "the form and substance of education, including curricula and teaching methods" (United Nations 1999, Par. 13(2)(c)). This principle deals with the extent to which what you do in your classroom contributes to the aim of education which is, for me, to educate children to reach their full potential and become contributing citizens. What teaching methods are you using? Do these methods make it possible for learners to understand the work and to internalise it? Are you one of those educators who sits behind the desk and reads from the textbook? Or are you one of those educators who favours "self-study" and regards your part in education to give learners instructions on which pages they should study?
- The **adaptability** principle requires that education "be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings" (United Nations 1999, Par. 13(2)(d)). For classroom educators, this translates into the obligation to promote tolerance for diversity.

Activity 12.11

Study the following scenario and then answer the question.

Doreen, a learner at Brilliant High School, one day failed to complete her homework. When the educator reprimanded her, she argued with the educator and stated that the educator's instructions were not clear. The educator told her that she was tired of learners doing whatever they wanted and told Doreen to go and stand outside the classroom.

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Doreen's father argued that the educator's actions were unlawful. Do you agree with him? (You must concentrate on Doreen's constitutional right to education, children's rights and the limitation clause.)

Activity 12.12

Write an essay on what you would do to ensure that you make education available, accessible, acceptable and adaptable in your classroom.

12.3.11 Access to information (Section 32)

Every person has the right to access to information held by the State or an organ of State if this information is necessary for the exercising or protection of any of his or her rights. The Promotion of Access to Information Act 2 of 2000 (South Africa 2000a), which flows from Section 32, gives effect to this right. The purpose of the Promotion of Access to Information Act is to (Department of Education 2003: 2)

- foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information
- promote actively a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect their rights.

On the other hand, this right also has implications for educators as classroom managers. If an educator, for example, complained that a learner misbehaved regularly and this resulted in a disciplinary hearing, such a learner would have the right of access to any information such an educator had on the alleged regular misbehaviour. It is therefore essential that a classroom manager ensures that he or she has a well-organised system of record-keeping. Poor record-keeping fundamentally undermines the right to access to information.

12.3.12 Just administrative action (Section 33)

The Bill of Rights contains guarantees with regard to the way in which the State administration will deal with individuals.

In terms of this Section, everyone has the right to administrative action that is lawful, reasonable and procedurally fair, and everyone whose rights have been adversely affected by such administrative action has the right to be given written reasons.

In the classroom context, administrative action includes daily acts (functions) performed by educators during the course of managing the classroom. For example, disciplining a learner who neglected to do his or her homework is an administrative action and as such it may not infringe the learner's right to just administrative action. It is absolutely essential that classroom managers know what constitutes "just administrative action". For example, if a learner's

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homework has not been completed, would it be a just administrative action to give the learner detention without giving him or her a chance to explain and perhaps to undertake to complete it before a certain date?

Activity 12.13

Can you think of at least one other situation where an educator will have to take cognisance of a learner's right to just administrative action?

12.3.13 Limitation of rights (Section 36)

The above Sections from the Bill of Rights contain examples of rights and freedoms that are protected and guaranteed to every citizen of the country, including children. Classroom managers have a legal duty to uphold these rights in the school context and if they do not, they could face legal action. However, it is also important to remember that rights are not absolute and do not apply absolutely (i.e. without qualification or limitation). Under Section 36 of the Constitution, rights may be limited by law, provided that the reasons for imposing a limitation are reasonable, justifiable and necessary. Principals and educators are therefore permitted to place a restriction on learners' rights while the learners are at school, provided this restriction is for sound reasons.

CONCLUSION

By now you will be aware of the fact that classroom managers cannot operate without knowledge of the Constitution and especially the Bill of Rights.

Figure 11.1 is a mind map of the main aspects of this chapter. Use it to reflect on what you have learnt as you worked through the chapter.

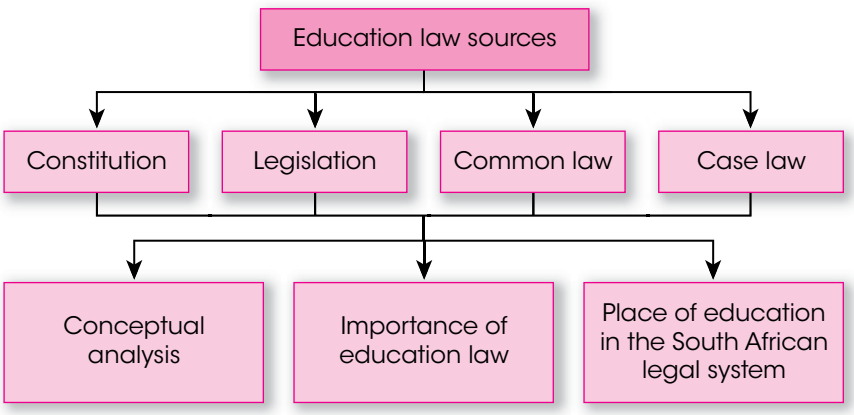


FIGURE 12.1 A summary of Chapter 12

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S.A. Coetzee

Education law provisions regulating classroom administration

INTRODUCTION

Administrative law is regarded by many as a complex legal discipline. To explain its nature, its reach and its function is no easy task either. One of the reasons given for this perception is that administrative law touches virtually every part of the legal system. Not only does it filter through just about every part of the legal system, but its presence is also felt in everyday life (Beukes 2010: 5). It is therefore not surprising that administrative law is one of the most important legal disciplines for the classroom manager, since he or she performs many public functions that are governed by administrative law principles. Administrative law rules are applicable, for example, when the classroom manager completes attendance registers, formulates classroom rules, or when he or she disciplines and punishes learners.

In the previous chapter you were introduced to the Bill of Rights and to the right to just administrative action as provided for in Section 33 of the Constitution.

As classroom managers it is essential that you know the constitutional, legislative and common law requirements for just administrative action, and are able to apply those requirements in your classroom administration and management. However, it is important first to enquire as to where administrative action fits into the legal system.

13.1 DEFINING ADMINISTRATIVE LAW

"Administrative law" is defined in section 11.5. It is the division of public law that regulates the activities of the public administration – in other words, its powers and functions. The "public administration", in turn, is understood to be the "organs of State", administration in all the national, provincial and local spheres of government (that is officials (administrators) entrusted with assisting the government in the exercise of executive authority and public enterprises (South Africa 1996a, S 195(2)). Assistance to the government takes the form of the "day-to-day business" of implementing law and enforcing policy (Burns 2003: 7-8). In administrative law

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the emphasis is on this particular activity, designated as "administrative action". (See section 13.3 for a discussion and explanation of this concept.)

Another characteristic of administrative law is that it regulates the legal relationship between the organs of state which, and/or administrators who, are in a position of authority (since they exercise state authority) on the one hand, and individuals or groups in a subordinate position on the other. It is therefore "public law relationships" (see sections 11.2 and 11.5). For example, in relation to the educational environment, we see that administrative law regulates the administrative actions (activities) of the national and provincial departments of basic education, professional teaching organisations, district offices and schools and the relationships between them, as well as the unequal relationship between these teaching authorities and the individual (e.g. the principal-educator relationship and the educator-learner relationship).

13.2 ADMINISTRATIVE LAW IN PRACTICE

It is important that you, as a classroom manager, are able, firstly, to recognise whether in any given situation administrative law is involved and, secondly, whether administrative action is involved. In other words, you must be able to identify the characteristics common to administrative law when confronted with a particular set of facts.

Read carefully through the following scenario and then attempt the activity that follows.

Mr B, a classroom manager, has endless problems with GG. She is always sending SMS messages via her cellphone, instead of paying attention in his class. Her homework is almost never completed. He moved her to the front of the class to keep an eye on her, but when she continued to use her phone, he confiscated the phone and informed her that she would get it back once her parents had come to see him.

Her parents were very upset. They said that he had endangered her life because she had to walk quite a long distance home after school and needed the phone in an emergency.

Activity 13.1

Identify the characteristics (features) common to administrative law. Use the following questions to help you:

1. Are legal relationships present in the scenario? Write down the person(s) and/or organs of state that form the particular relationships.
2. Are all the parties involved in the relationships acting on equal terms? If not, what distinguishes these relationships from those in which parties act on equal terms?
3. Identify the administrative action in the scenario.
4. Was the action authorised by law?
5. Did the action comply with the requirements of the law?
6. If not, how could the action be corrected (controlled)?

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13.2.1 Feedback on Activity 13.1

ARE THERE LEGAL RELATIONSHIPS PRESENT IN THE SCENARIO?

One of the most distinctive characteristics of the law is that it governs relationships between legal subjects (see section 11.4). In the above scenario there is a relationship between GG (learner) and Mr B (educator). (We are leaving GG's parents out of the relationship issue for the present.)

IS THE RELATIONSHIP A PUBLIC LAW RELATIONSHIP?

This particular question is crucial for your understanding of administrative law. When you look at the scenario carefully, you will immediately notice that the parties involved in the relationships are not on an equal footing. Mr B exercises public authoritative power over GG, which leaves GG in a lesser or subordinate position. The subordinate party could be a private individual or a juristic person, such as a school, or even another person with authority under the authority of a superior or senior administrator (e.g. the principal has authority over the educator). This should make sense to you. You will remember that administrative law is a discipline within the "public law" branch of the law.

The exercise of public power may affect the rights and interests of the subordinate party in the relationship. For this reason the relationship is described as one of inequality. In other words, it is a vertical relationship. Typical, too, of the unequal relationship is the power of the body or person in authority to compel the other party to act in a specific way. In this scenario, for example, the person in the subordinate position is unable to use her cellphone for a certain period of time.

IDENTIFY THE ADMINISTRATIVE ACTION IN THE SCENARIO

Another characteristic of the law is that it consists of all the rules that facilitate and regulate human action and interaction in a particular society. The "action" here refers to the conduct of the party who exercises authority over the other person. The action or conduct in this scenario is therefore Mr B (an administrator, exercising public power) confiscating GG's cellphone.

WAS THE ACTION AUTHORISED BY LAW?

Whether the action was authorised, i.e. permitted by law, relates to the *authority to act*. In other words, was the party (person) in authority allowed to act the way he did? The particular person receives or derives the authority to act from the law. In the scenario, the educator confiscated GG's cellphone. The educator derives authority from his or her professional duties, which are set out in "empowering legislation" such as the Schools Act (South Africa 1996b S 8(3)), in terms of which the *Guidelines for Governing Bodies* (South Africa 1998b, Par. 5) were compiled, the Employment of Educators Act 27 of 1998 (South Africa 1998a) to which the *Personnel Administration Measures* (South Africa 1999a, Chapter A, Par. 4.5) was added as an addendum, and the *SACE Code of Professional Ethics*, as contained in the South African Council for Educators Act 31 of 2000 (South Africa 2000c, Addendum).

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DID THE ACTION COMPLY WITH THE REQUIREMENTS OF THE LAW?

The answer to whether an action complies with the requirements of the law relates to the *way or manner in which authority or power has been exercised*. Remember that the exercise of authoritative power affects the rights and interests of the other party in the relationship. Thus, although a particular person is permitted to act in an authoritative manner, he or she may not abuse or exploit his or her power. For this reason it can be said that administrative law protects people who are vulnerable as a result of their subordinate position in the administrative law relationship. This is even truer when we consider yet another feature of public law – it governs relationships involving the public interest or the common good. In short, public law involves the interests of the community.

The standards for action by people in authority, which must be adhered to in order to protect the individual (and the community) against any abuse of State power, are set out in the Constitution. These standards are embodied in the right of every individual to just administrative action (S 33(1)). All administrative actions by people exercising public power must be "lawful, reasonable and procedurally fair".

IF NOT, HOW MAY THE ACTION BE CORRECTED (CONTROLLED)?

When administrative action does not meet the standards set by the Constitution and the party in the subordinate position feels unhappy about the outcome of the action, how can the matter be put right? The law provides protection against any possible harm that results from the exercise of power; in other words the law provides protection against the abuse of power by someone in authority. This is what is meant by the question "How can the action be corrected (controlled)?" For example, what can GG's parents do to get her property – the cellphone – back? Should they immediately approach a court of law and institute legal proceedings? The answer is no. The courts are only the last resort.

13.2.2 Control

There are two different types of control: internal and external.

INTERNAL CONTROL

This is administrative control (non-judicial control) exercised by the education administration itself (e.g. in the school or department). This is a less expensive and cumbersome method of control in which more senior officials review the action. The disciplinary committee of an educator's professional organisation (e.g. SACE) is an example of an internal (non-judicial) controlling body. This body has the power to investigate disputes and institute disciplinary action against educators. The national Minister of Education and the MEC for provincial education may also be regarded as controlling bodies within the education structure. This means that channels for internal appeal have been established within the education structures themselves (e.g. Department, professional educators' organisation,

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governing body and school). The aggrieved individual should use these channels to determine whether the action taken against him or her was lawful, procedurally fair and reasonable.

EXTERNAL CONTROL

This is judicial control exercised by the courts (judiciary) outside the education structure. Judicial control of administrative action is performed by the courts (the judiciary) and is therefore obviously of a judicial nature.

13.3 IDENTIFYING AND DEFINING ADMINISTRATIVE ACTION

We noted that a characteristic of the law is that it consists of all the rules that facilitate and regulate human action and interaction. In administrative law the identification or recognition of any conduct as "administrative action" is of particular importance. The reason for this is that the applicability of the Promotion of Administrative Justice Act (and therefore the right to just administrative action, as provided for in S 33 of the Constitution) depends on whether certain conduct indeed constitutes administrative action.

The conduct of people in authority is referred to as "administrative action".

"Administrative action" is defined in Section 1 of the Promotion of Administrative Justice Act (South Africa 2000b) as any decision taken, or any failure to take a decision, by

(a) an organ of state, when
    (i) exercising a power in terms of the Constitution or a provincial constitution; or
    (ii) exercising a public power or performing a public function in terms of any legislation; or

(b) a natural or juristic person, other than an organ of state, when exercising a public power or performing a public function in terms of an empowering provision, which adversely affects the rights of any person and which has a direct, external legal effect …

It is important to know that schools are regarded as organs of state, because schools comply with the definition of organs of state as given in the Constitution (South Africa 1996a, S 239). Thus, in terms of the above definition, schools perform administrative actions when "exercising a public power and performing a public function in terms of any legislation …". In addition, in terms of this definition, classroom managers, as natural persons, also perform administrative actions when exercising a public power (or performing a public function in terms of an empowering provision) that adversely affects the rights of a learner and that has a direct, external legal effect.

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13.4 LEGAL REQUIREMENTS FOR VALID (JUST) ADMINISTRATIVE ACTION

13.4.1 Constitutional requirements

You will remember that the Constitution is the supreme law of the country and that the Bill of Rights is contained in Chapter 2 of the Constitution. The Constitution sets the standard for all administrative conduct and for the actions of every administrator or administrative institution (organ of state) in South Africa. Section 33 reads as follows:

> **Just administrative action**
>
> 33 (1) Everyone has the right to administrative action that is *lawful*, *reasonable* and *procedurally fair*.
>
> (2) Everyone whose *rights have been adversely affected* by *administrative action* has the *right to be given written reasons*.
>
> (3) National legislation must be enacted to give effect to these rights.

You will note that Subsection (3) requires the legislature to enact national legislation to give effect to these rights. This legislation was enacted and the Act known as the Promotion of Administrative Justice Act 3 of 2000 came into operation in 2000. Suppose a parent complains about you and the principal, without asking for your side of the story, takes it as a given that you are guilty and reprimands you. You allege unjust administrative action. Should you now rely directly on your Constitutional right to just administrative action, your common law right or the Promotion of Administrative Justice Act? You will rely on the Act. Hoexter (2013: 643) explains the reasons for this. Despite the commencement of the Promotion of Administrative Justice Act, Section 33 remains a free-standing constitutional right. However, according to Hoexter (2013: 650-651) one can only rely directly on this right in exceptional cases such as:

- To challenge the validity of the Promotion of Administrative Justice Act itself
- To challenge original legislation that is allegedly infringing on the right to administrative justice
- To challenge an interpretation of a provision(s) of the Promotion of Administrative Justice Act as being inconsistent with Section 33 of the Constitution.

You will not be able to rely directly on the common law administrative law because the underlying principles were subsumed by Section 33 of the Constitution. Common law will only have direct application in instances where the Constitution

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or the Promotion of Administrative Justice Act does not apply; thus in cases of the exercise of *private power* (Hoexter 2013: 651).

Let us take a closer look at these constitutional requirements for just administrative action. In order to be

- *lawful*, the action must comply with all the requirements or prescripts of the law. These prescripts are found in the Constitution, the relevant legislation (including the Promotion of Administrative Justice Act and the empowering provisions relevant to you, the classroom manager), case law (decisions of courts) and common law.
- *reasonable*, the action must have a reasonable effect or result. This means that the discretion (a discretion is the ability to choose between different options allowed by law) exercised by the person in authority and the decision taken by him or her must be correct, and also based on objective facts and circumstances.
- *procedurally fair*, the correct procedure must be followed by the person in authority in taking a decision. This, in turn, means that the subordinate party must be given the opportunity to defend his or her position or present his or her side of the story before any decision is taken, and that the person in authority must act impartially (i.e. not be biased or prejudicial) in exercising his or her power. Thus, this requirement encompasses the rules of natural justice (Smit 2013: 243). (See section 13.4.3.2)

When a decision has been taken which results in someone's rights being adversely affected (e.g. in the scenario when GG's cellphone was confiscated), *written reasons* for the decision have to be given (S 33(2)). Rights will be adversely affected when the individual is harmed or negatively affected by a decision. In *Moletsane v The Premier of the Free State* 1995 9 BCLR 1285 (O), the court investigated the elements of fair hearing (the rules of natural justice) and the furnishing of written reasons for a decision – the latter being the core issue in this case. The court held that reasons should be rational and suitable which means, for example, that the reasons must be justified and not arbitrary. A government official must be able to explain and to justify his or her decision through the reasons that were given. Moletsane questioned the reasons furnished by the HOD for his suspension and the Court (at paras 1285 B–C) laid down the following general rule for the level of detail required in the furnishing of reasons:

> [A] correlation between the action taken and the reasons furnished: the more drastic the action taken, the more detailed the reasons which are advanced should be. The degree of seriousness of the administrative act should therefore determine the particularity of the reasons furnished.

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Activity 13.2

In order to ensure that you have mastered the constitutional requirements for just administrative action, answer the following questions:

1. Briefly explain why the Constitution is the most important source of administrative law.
2. List the constitutional requirements for valid administrative action.
3. What does the requirement "lawfulness" entail?
4. When will administrative action be regarded as "reasonable"?
5. When will administrative action be regarded as "procedurally fair"?
6. Briefly discuss a court case that dealt with the requirement that "everyone whose rights have been adversely affected by administrative action has the right to written reasons".

13.4.2 Legislative requirements for valid administrative action

The Constitution contains a number of provisions in which only a broad framework has been set out and the drafters of the Constitution have left it to the legislature to fill in the details of this broad framework. In other words, the legislature has been instructed to give effect to the constitutional provisions by means of enacting national legislation. Two such examples – both crucial to administrative law – of parliamentary legislation that complement, as well as provide content to, the provisions of the Constitution are the following:

- The Promotion of Administrative Justice Act 3 of 2000 (South Africa 2000b: S 33(3))
- The Promotion of Access to Information Act 2 of 2000 (South Africa 2000a: S 32(2))

13.4.2.1 The Promotion of Administrative Justice Act 3 of 2000

As already mentioned, this Act gives effect to the right to just administrative action. It sets out, for example, the requirements for procedurally fair administrative action in Sections 3 and 4 respectively. The Act also provides for written reasons to be requested when a person has been adversely affected by any decision (S 5).

Section 3 of the Act deals with the procedural fairness of administrative actions. In terms of Section 3(2)(b), it is required of the administrator (in this case the classroom manager) that he or she

- must inform the learner in good time of the nature and purpose of the proposed administrative action
- must give the learner reasonable opportunity to make representations
- must give the learner a clear statement of the administrative action (in other words, the kind of action that will be taken)

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- must give the learner adequate notice of any right of review or internal appeal (if applicable)
- must give the learner adequate notice of the right to request written reasons in terms of Section 5.

Section 3(3) provides the administrator with a discretion to either allow or disallow a person the opportunity to

- obtain assistance and, in serious or complex cases, legal assistance
- present and dispute information and arguments
- appear in person.

EXAMPLE OF THE REQUIREMENT THAT A PROCEDURE MUST BE PROCEDURALLY FAIR

Suppose you are a classroom manager and you encounter problems with a learner who regularly disrupts the class by his or her verbal abuse of other learners. To discipline the learner you have decided to give him or her detention. However, you have to follow the correct procedure – a fair procedure – in order to ensure that the action (the learner's detention) is not taken to review or internal appeal (whenever internal appeal is applicable).

First of all, you have to follow the procedures followed or prescribed by the school (e.g. an oral warning, two written warnings). If detention is the next appropriate step, the educator should ensure that the learner and his or her parents are informed of the detention. The notification must give a clear indication of the intended administrative action and must also inform the learner of his or her right to ask that the situation be reviewed or to make representations (in this instance informally, e.g. by the parents and the learner meeting with the educator to discuss the situation or to give the learner an opportunity to state his or her case). The learner should also be informed of his or her right to be given written reasons for the detention.

GROUNDS OF REVIEW IN TERMS OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT

Another feature of the Promotion of Administrative Justice Act is that it provides for the review of administrative action (S 6). If the requirements for just administrative action have not been met, a court or tribunal can be approached to *review* the action (Roos & Oosthuizen 2003: 50).

The grounds of review include:

- The administrator was
  - not authorised to take such administrative action
  - biased or can reasonably be suspected of being biased.
- Prescribed procedures or conditions were not complied with.
- The action was procedurally unfair.
- The action was

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- taken for an unauthorised reason (i.e. a learner is suspended but the reason is not an authorised reason in terms of the Schools Act)
- taken for an ulterior purpose or motive
- taken because irrelevant considerations were taken into account or because relevant considerations were not taken into account
- influenced by the unwarranted or unauthorised dictates of another person or body
- taken in bad faith
- taken arbitrarily or capriciously
- unconstitutional or unlawful.

13.4.2.2 The Promotion of Access to Information Act 2 of 2000

Educators, learners and parents can use this Act to access information held by the national Department of Basic Education, governing bodies or any organ of state related to education to protect and exercise their rights, interests and privileges in the education environment (Shaba 2003: 67).

13.4.3 Common law requirements for valid administrative action

As you will remember, common law comprises legal rules that are not enacted by the legislature but that have, over time, become accepted as the underlying basic laws of a society. We are going to look at the "umbrella" or overarching common law requirements for valid administrative action, as well as at the common law requirements for procedurally fair administrative action.

13.4.3.1 Umbrella or overarching requirements for valid administrative action

In common law, the requirements for valid or just administrative action are contained in umbrella (overarching) concepts, such as the requirement that administrative action must be *intra vires* (literally "within the power or (Latin) *vires*", i.e. conferred by law). Incidentally, this requirement is better known as the *ultra vires* doctrine.

Yet another overarching common law requirement for valid administrative action is found in the saying that the administrator must "apply his or her mind" to the matter.

THE COMMON LAW REQUIREMENT TO ACT *INTRA VIRES* AND NOT *ULTRA VIRES*

The *ultra vires* doctrine originated in English law and pertains to the validity of managerial acts. *Ultra vires* literally means "beyond the power". An action is considered *ultra vires* when a person has exceeded his or her authority or acted beyond the power granted to him or her.

In this book *ultra vires* is used in a broad sense (as a collective noun) for all the legal requirements for the validity of administrative action. In this sense *ultra vires* is synonymous with the totality of legal requirements for valid administrative action and thus conforms with the requirement of lawful administrative action.

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Under this broad or general requirement one may also "classify" the following requirements for validity:

- The administrator must exercise his or her powers for an authorised purpose.
- The administrator must exercise his or her powers using authorised procedures.

When taking administrative action, the administrator must exercise his or her powers for an "authorised purpose". The authorised purpose involved can be found in a number of legal sources. For example, in the school context, enabling legislation empowers the principal to perform certain functions (this legislation will undoubtedly explain the authorised purpose of any administrative action). Also, the purpose of school rules and policy will generally provide you with some indication as to the purpose of administrative action.

In general, in the context of public education and the administrative law (public law) relationship, one may say that any administrative action must serve the public (education) interest. But apart from this overall general interest, legislation (the enabling provision) is also aimed at a specific purpose (e.g. employment conditions, school discipline and so on). These objectives are usually explained in the enabling legislation. Thus, when the principal, in our case, exercises his or her powers for an unauthorised purpose, such action will be *ultra vires* and therefore invalid.

The administrator must exercise his or her powers using "authorised procedures". In *Van Coller v Administrator Transvaal* 1960 (1) SA 110 (T), for example, the Director of Education did not follow the authorised procedures (taking disciplinary steps against the educator), but instead transferred the educator to another post.

THE COMMON LAW REQUIREMENT THAT THE ADMINISTRATOR MUST APPLY HIS OR HER MIND TO THE MATTER

One often encounters in an application for review of an administrative action that the controlling body (e.g. the principal) has "failed duly to apply his or her mind to the matter". Such a statement is yet another umbrella or overarching phrase for all the requirements for valid administrative action. When such an allegation is made (i.e. that the principal or educator has failed to apply his or her mind), one should examine the facts of the case to determine which particular requirement was overlooked by the principal or educator. For example, has the administrator acted in bad faith or neglected to follow fair procedures?

Administrative action must be performed in good faith. Good faith (*bona fides*) relates to the subjective state of mind of the person or body taking the action. The opposite of good faith is bad faith or *mala fides*. Bad faith refers to some measure of dishonesty and, in a looser sense, to a failure to apply the mind. Within the context of education, it can be argued that a "bad" mindset in its various forms can eventually filter through the entire school management system and may render the administrative action unconstitutional. For example, it may be argued that

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whenever a principal and a governing body have acted in bad faith in taking some administrative action, they could not have applied their minds to the requirements for validity. Consequently, such action may be declared invalid, since the action did not comply with the requirements set out in Section 33(1) of the Constitution.

13.4.3.2 Common law requirements for procedurally fair administrative action

The common law requirements for procedural fairness are contained in the rules of natural justice and are based on the following two principles:

1. The *audi alteram partem* principle (to hear the other side)
2. The *nemo iudex in sua causa* principle (no one may be the judge in his or her own case – the rule against bias or partiality)

The *audi alteram partem* principle involves the following:

- A person must be given an opportunity to be heard on the matter (i.e. an opportunity to put his or her case).
- Such a person must be informed about the considerations against him or her. For example, a learner who is accused or suspected of misbehaviour must be informed of the accusations against him or her and be given an opportunity to defend himself or herself.
- Reasons must be given by the administrator for any decisions taken.

The *nemo iudex in sua causa* principle involves the following: The administrative body must be impartial and free from bias. For example, if a governing body suspends a learner and the learner lodges an appeal against the decision, the governing body may not hear the appeal. A separate, independent body (in the case of the suspension of a learner, the HOD) should hear the appeal.

Note: The rules of natural justice have now been incorporated into Section 33 of the Bill of Rights – the right to just administrative action, which includes the right to procedurally fair administrative action. This subsection must therefore be studied in conjunction with sections 12.3.12 and 13.4.1 of this book.

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CONCLUSION

Having studied this chapter, you should now know, understand and be able to explain how the principles of administrative law regulate and govern administrative action in the classroom. It is important that you know and understand the constitutional, statutory and common law requirements for just administrative action and be able to apply them in practice.

In Figure 13.1 a mind map of the main aspects of this chapter is provided. Use it to reflect on what you have learnt as you worked through the chapter.

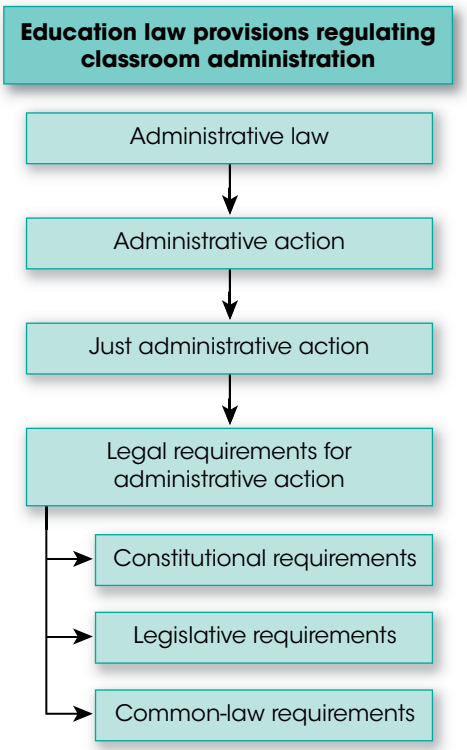


FIGURE 13.1 A summary of Chapter 13

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14

S.A. Coetzee

Education law provisions regulating learner discipline

INTRODUCTION

Two of the most difficult tasks facing classroom managers are creating a disciplined classroom conducive to teaching and learning and dealing with unacceptable learner behaviour. It is important that classroom managers fulfil these tasks within the framework of the law.

You now know the legal requirements with which all administrative actions must comply. The most common administrative actions a classroom manager will perform are adopting classroom rules, enforcing discipline and punishing learners. It is essential that classroom managers understand the legal provisions regulating these important administrative actions.

14.1 CLASSROOM MANAGEMENT AND DISCIPLINE

Although the law has always recognised the right of the principal and educator to discipline learners, educators have to balance the need for a safe, orderly environment against the rights of learners to be free of unfair disciplinary practices. In terms of the Schools Act (South Africa 1996b, S 8(2)), a school's Code of Conduct must aim at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process. Similarly, the classroom educator has the obligation to establish a disciplined and purposeful classroom that will facilitate constructive teaching and learning.

The *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (South Africa 1998b: Par. 7) deal with discipline and set out the following requirements:

- The emphasis must be on teaching and leading learners to self-discipline.
- The disciplinary process must be expeditious, fair, just, corrective, consistent and educative.

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- Where possible, parents should be involved in the correction of learners' behaviour.
- Learners should be protected against abuse.
- Classroom managers may restrain a learner (e.g. control the actions of a learner that would harm others or himself or herself, or that may violate the rights of other learners or the educator).
- The authority to discipline learners may not be delegated to fellow learners.
- Educators have full authority and responsibility to correct learners' behaviour.
- Serious misconduct (see section 14.5.2.3) must be referred to the principal.
- Correctional measures or disciplinary actions must be commensurate with the offence.
- A consultative process is recommended, which may include consultation with the learner, his or her parents/guardians, or referral to education support services for treatment.

14.2 DIFFERENCE BETWEEN DISCIPLINE AND PUNISHMENT

One of the biggest problems with discipline is the fact that educators equate discipline with punishment, and punishment with corporal punishment. This means that educators regard the prohibition of the use of corporal punishment in schools as a prohibition of punishment as such. There are arguments suggesting that positive discipline (see discussion below) excludes punishment (Nelsen, Lott & Glenn 1997: 8; RAPCAN 2008: 20). Punishment as such is not prohibited in South African schools. The *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (South Africa 1998b: Par. 3.5) state the following: "Learners must understand that action may be taken against them if they contravene the Code of Conduct." It is essential that learners learn that misconduct will attract sanctions. Le Grange J. emphasises this in *Mose v Minister of Education WP and Others* Cape of Good Hope Provincial Division case no. 13018/08 (at para 21):

> With rights come responsibilities. Our learners ... must appreciate and understand that misconduct, like in open society, attracts sanctions and in appropriate circumstances, may include expulsion.

In the *Reader's Digest Complete Wordfinder* (1994, see under the heading "Discipline"), the concept of discipline is defined as "control or order exercised over people ... the system of rules used to maintain this control", and it is also equated with "punishment". This can be confusing if we want to distinguish between discipline and punishment. Perhaps we should regard punishment as part of discipline in that it constitutes the measures used to enforce and ensure discipline. Le Mottee (2005) gives a valuable explanation:

> "Discipline has nothing to do with controlling disruptive or other unacceptable bad behaviour ... It has everything to do with ensuring a safe and valuing environment so that the rights and needs of people are respected, vindicated and safeguarded ..."

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As already mentioned, the emphasis must be on positive discipline. The goal is to teach and lead learners to self-discipline. According to the online *Wikipedia Encyclopaedia* (see under "Discipline"), self-discipline means that a learner is capable of using his or her own reason to determine the best course of action and not merely give in to his or her desires. Learners will behave themselves because they believe that it is the correct thing to do, and not simply because they are forced to do so. Classroom managers who do not succeed in establishing a disciplined classroom tend to rely heavily on punishment. Discipline, however, must not be punitive and punishment-orientated (South Africa 1998b: Par. 1.4).

Punishment is defined as "... a corrective measure or a penalty inflicted on an offender who has to suffer the consequences of misconduct in order to maintain the orderly society of the school" (South Africa 1998b: Par. 8.1). It is generally believed that if children are made to suffer for doing wrong, they will not repeat their inappropriate behaviour (Department of Education 2000: Preface).

According to Le Mottee (2005), discipline differs from punishment in that

- discipline is intrinsic, while punishment is external
- discipline is educative, while punishment is punitive
- discipline is about self-control for the sake of self-actualisation, while punishment is the exercise of control over people for the sake of compliance.

14.3 RESPONSIBILITIES OF CLASSROOM MANAGERS

Educators have mandates to observe and promote learners' rights and to follow a positive approach to discipline, and these mandates are interrelated. This interrelatedness was emphasised in *Antonie v Governing Body, Settlers High School* 2002 (4) SA 739 (C) (at para 14). The court, referring to the *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners*, stated:

> [T]he focus in the schedule is on positive discipline (Par 1.4 and 1.6) and … This must be done within the context of the democratic values of human dignity, equality and freedom, as enshrined in the Bill of Rights ….

As organs of state, schools are bound by international law to promote human rights. Since educators fulfil their functions in the name of the school, they are bound by the Constitution in terms of Section 7(2) to "respect, promote and fulfil the rights in the Bill of Rights" (Coetzee & Mienie 2013: 87–90). This mandate is also stated in the South African Council of Educators' Code of Professional Ethics (2013), which requires educators to: "acknowledge, uphold and promote" basic human rights (item 2.3); respect "the dignity, beliefs and constitutional rights of learners" (item 3.1); and "enable learners to develop a set of values consistent with the fundamental rights contained in the Constitution" (item 3.3).

Positive discipline is mandated by the *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (South Africa 1998b: Par. 1.4, 1.6) which provide that the main focus of schools' Codes of Conduct "must be positive discipline" and that the "purpose of a code of conduct is to pro-

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mote positive discipline". The *Alternatives to corporal punishment: a learning experience* (hereafter *Alternatives to corporal punishment*) (Department of Education 2000: Preface) also requires that discipline must be positive and constructive and should be based on consensus among educators, learners and all who are associated with schooling.

Coetzee and Mienie (2013: 93) contend that educators can, by adopting a positive discipline approach, also fulfil their mandate to promote and observe human rights. This is possible because establishing a positive discipline approach in a school or classroom requires a firm human rights value base (Du Preez & Roux 2010: 13, 24).

The process of establishing positive discipline consists of four essential, interrelated steps (UNESCO 2006: 6–7):

- Distinguish between discipline and punishment.
- Focus on relationships.
- Create a positive and supportive learning environment.
- Obtain knowledge of, and apply constructive ways to respond to, misbehaviour.

The Department of Education (2000: 12) suggests that educators should adopt a proactive approach by

- preparing for lessons
- exercising self-discipline
- having extension work available
- ensuring that teaching and learning take place consistently
- ensuring that learners are stimulated
- making space for time-out or a conflict-resolution corner
- affirming learners
- building positive relationships with learners.

It is required of every classroom manager to adopt classroom rules. The concept *classroom rules* can be defined as rules that regulate the relationship between the educator and learners in the classroom, (other) classroom interactions, as well as classroom management (South Africa 1998b: Par. 5.1).

In terms of the *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (South Africa 1998b: Par. 5.1):

- Learners must be involved in the formulation of classroom rules and must conform to such rules.
- Classroom rules must be consistent with the school's Code of Conduct.
- Classroom rules must be clear and understandable and must make provision for fair warning.
- Classroom rules should be posted in the classroom.
- The consequence(s) of breaking a specific rule should be indicated in the classroom rules.

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- Punishment must fit the offence and must be graded to make provision for repeated offences.
- Learners are expected to know and obey classroom rules. Ignorance of these rules is not an acceptable excuse.

In addition, classroom rules should meet various legal requirements:

- Constitutional requirements must be taken into account. Classroom managers must consider learners' rights.
- Statutory requirements must be taken into account. For example, classroom rules cannot provide for corporal punishment as a form of punishment, because corporal punishment is prohibited by the Schools Act.
- Common law requirements must be taken into account. For example, classroom rules must provide for due process (the rules of natural justice).
- Rules must be drafted by authorised persons – that is, the educator, in consultation with the learners.
- Classroom rules must not conflict with school policy.
- Existing rules must be taken into account before new rules are made.
- The announcement of rules is important. All rules should be announced at the beginning of the year and when necessary thereafter.
- Rules should be in writing and given verbally to young learners who cannot yet read. Rules should always be discussed when they are announced to ensure that the learners understand them.
- Rules should be applied consistently in an unprejudiced and fair manner.
- Rules should be stated positively wherever possible. For example, the rule stating that learners must not run in the classrooms can be phrased positively by saying learners must walk in classrooms.
- Rules should not prescribe the impossible (e.g. learners may not talk in class).
- The power to make rules must not be exercised in an arbitrary or absurd manner. A decision for which no reason is given would be arbitrary.
- Rules must not inflict an injustice.

Joubert (2009: 512–514) lists categories of rules that should be included in schools' codes of conduct. Some of these categories are equally relevant to and can be adapted for classroom rules:

- Rules relating to learner behaviour. These rules should indicate the standard of behaviour for learners while in your classroom.
- Rules on school work. Rules in this regard could include rules on learners' commitment to their school work (e.g. not wasting time or disrupting teaching), rules on the completion of homework, and rules on learner responsibilities in case a learner was absent or had missed part of a class.

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- Rules relating to protection and care of classroom property. Classroom rules should provide for rules regulating the use of classroom furniture. The removal and damaging, destruction, dirtying or defacing of classroom property should be made punishable offences. Learners can be held liable for repair costs should they, for example, write or engrave their initials on their desks or the classroom walls.
- Rules regarding safety. Classroom rules should include rules on conduct that will endanger their own or others' safety.
- Rules relating to orderliness. These rules should include rules on entering and leaving the classroom, handing out and collecting scripts, group work, asking questions during the lesson and requesting permission to leave the classroom.
- Rules relating to punctuality and class attendance. Educators should bring the *Policy on learner attendance* to learners' attention and ensure that effect is given to this policy in the classroom rules. In terms of paragraph 12 of the *Policy on learner attendance*, learners will be regarded as absent if they are not present in class or not participating in a school activity when the register is marked. Classroom educators have the duty to maintain a period register, and if the educator has reason to believe that a learner is absent from a period without valid reason, the educator must report such absence to the school office. Being late is not a valid reason for absence; a classroom educator can mark a learner absent if the learner is not in the classroom at the time that the period register is marked (South Africa 2010: Par. 12, 13, 34, 35).
- Rules on classroom environment. Rules on cleanliness are essential for instilling in learners a sense of pride in and respect for their school. Rules on promoting a green environment such as using electricity sparingly, not wasting paper (for example, by writing on one side of a page only) or not wasting paper and pens by making "pea-shooters", are necessary.

14.4 SCOPE OF DISCIPLINARY POWER

Disciplinary power is vested in parents and other persons with authority over children, such as principals and educators. The person vested with the power may delegate the exercise of discipline and has the discretion to impose discipline on another. Educators have original disciplinary power by virtue of their status as educators. Disciplinary powers are mainly derived from common law and especially from the *in loco parentis* principle. Legislation has, however, increasingly made provision for disciplinary powers. For example, the National Education Policy Act 27 of 1996 (South Africa 1996c, S 3(4)(n)) empowers the Minister to determine policy for control and discipline of learners. It is stated that this policy may not allow corporal punishment or psychological or physical abuse. The public document, *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (South Africa 1998b: Par. 7.5) also mentions educators' disciplinary powers.

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Literally translated, the expression *in loco parentis* means "in the place of the parent". In terms of common law, guardians, educators and those running school hostels have authority over children in schools and hostels who are participating in official school activities. The *in loco parentis* principle does not imply that the parent is replaced – the parent merely delegates his or her parental authority to educators. The tasks, rights and duties that parents delegate to educators, in other words what one could refer to as educators' "delegated authority", must be consistent with the overall aim of education. This delegated authority must also promote the welfare and aims of the relevant institution. The educator acts in the place of the parent and is responsible for disciplining children.

The powers of parents and educators to discipline and punish children are, however, restricted by law. If educators exceed their disciplinary powers, they may obviously be liable for damages and may be prosecuted. The limitations and scope of their disciplinary powers are defined by legislation and have been defined in a number of court decisions, such as *Christian Education SA v Minister of Education of the Government of the RSA* 2000 (10) BCLR 1051(CC).

What steps can be taken against classroom managers who exceed their disciplinary authority?

It has already been noted that any punishment inflicted must be reasonable. If educators exceed their powers and contravene the law, they may be charged with assault, and disciplinary action may be taken against them.

According to private law, an educator may be held liable for compensation if a child is punished contrary to the rules and regulations, or if the punishment is unreasonable. In terms of criminal law, an educator may be charged with assault with intent to do grievous bodily harm and/or with child abuse. Educators in the employ of a department of basic education may be charged with misconduct in terms of the Employment of Educators Act 76 of 1998 and the South African Council for Educators Act 31 of 2000 (South Africa 2000c), should they exceed their power. In addition, professional educators' associations may take disciplinary action against members if they are found guilty of a criminal offence or misconduct.

Activity 14.1

Explain briefly what charges may be laid against an educator who exceeds his or her disciplinary authority according to

1. private law
2. criminal law.

14.5 PUNISHMENT

As stated above, punishment as such is not forbidden. Only corporal punishment or punishment that is degrading and inhuman, is prohibited.

By now you are familiar with the sources of education law. Which of these sources regulate punishment in schools?

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14.5.1 Education law sources regulating punishment

You have already learnt a great deal about the Constitution and will have realised its significance for classroom discipline and punishment. Before you continue with this chapter, revise the following sections of the Constitution which form the legal basis of a school's discipline policy and classroom rules, and which have a direct bearing on discipline and punishment (especially as far as corporal punishment, suspension and expulsion are concerned): human dignity (S 10), freedom and security (S 12), privacy (S 14), and administrative justice (S 33). Please study these sections thoroughly.

At this stage you should refresh your memory by turning back to section 11.3.

The second education law source regulating punishment is legislation. The Schools Act is an example of a statute that has significant implications for how punishment may or may not be administered in schools. See, for example, Section 10 of the Schools Act. Despite the prohibition on the use of corporal punishment, the 2012 national study on school violence in South Africa found that 49,8% of the high school learners surveyed reported that they received corporal punishment at school (Burton & Leoschut 2013: 29–30). The high incidence of corporal punishment in schools is confirmed by the SACE report for the period 1 April 2012 to 31 March 2013, wherein it is indicated that 182 of the 556 cases the council received, dealt with corporal punishment and assault (SACE 2013: 15). The SAHRC also commented on the fact that it receives many complaints of violence that extend even beyond the ambit of what would normally be regarded as corporal punishment (SAHRC 2013b: 6).

Care should be taken not to interpret or quote law incorrectly. It is, for instance, not correct to state that the Bill of Rights expressly prohibits corporal punishment. Corporal punishment is not even mentioned in Section 12 of the Constitution. Section 12(1)(e) guarantees a person's right not to be treated or punished in a cruel, inhuman or degrading way, and because corporal punishment is regarded as cruel and inhuman punishment, administering it will be regarded as a violation of this right. Section 10(1) of the Schools Act, on the other hand, expressly prohibits corporal punishment: "No person may administer corporal punishment at a school to a learner."

The third education law source regulating punishment is common law. Common law gives educators certain powers to discipline learners. These powers derive mainly from the fact that we regard educators as acting *in loco parentis* (i.e. in the place of the parent). In the absence of parents, educators assume certain rights and responsibilities, such as supervision and discipline. All the same, educators' powers are not unlimited. Two important common law principles that regulate an educator's actions are the rules of natural justice and the principles of reasonableness and fairness. The rules of natural justice are now embodied in Section 33 of the Constitution. (Study sections 12.3.12 and 13.4.1 again.)

The fourth education law source that regulates punishment is case law. Case law provides important legal principles concerning punishment, e.g. whether the educator has acted in a fair and reasonable manner.

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14.5.2 Types of punishment and legal implications

Educators use a variety of methods for dealing with learners who infringe school rules. However, it is important to ensure that punishment methods are fair and appropriate and do not infringe on learners' constitutional rights. Making children stand on one leg for long periods of time, or making them sit outside in the corridor to do their work, would be considered unreasonable and could lead to legal action being taken against the educator. Educators also need to be careful when assigning extra homework as a means of punishment. Such homework should be constructive in that it should relate to class work.

Classroom managers should always keep a record of disciplinary action taken against a learner, e.g. verbal warnings and written warnings (Pienaar 2003: 265).

Types of punishment with specific legal implications are:

- Minor sanctions
- Corporal punishment (now outlawed)
- Detention

14.5.2.1 Minor sanctions

Minor sanctions are used for so-called level 1 misconduct, such as failing to be in class on time, bunking classes, failing to complete homework, failing to respond to reasonable instructions and being dishonest (Department of Education 2000b: 25).

Examples of minor sanctions are:

- A verbal warning or written reprimand
- A reprimanding look
- Withdrawal of privileges
- Additional, supervised schoolwork which is constructive
- Small menial tasks, such as tidying up the classroom
- Referral to a senior member of staff
- Demerits – losing credits which have already been gained
- Detention in which learners use their time constructively, but within the confines of the classroom

14.5.2.2 Sanctions for level 2 misconduct

Level 2 misconduct would be if a learner frequently repeats the level 1 misconduct or is guilty of level 2 misconduct, such as smoking or being in the possession of tobacco, leaving the school without permission, using abusive language, interrupting education in the classroom, showing disrespect for another person, engaging in minor vandalism, such as graffiti, and being dishonest with more serious consequences.

The following sanctions can be used for level 2 misconduct (Department of Education 2000b: 26):

- Any of the minor sanctions listed above
- A disciplinary talk with the learner

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- Talks with the learner's parents or guardians
- Written warnings
- Signing a contract with the learner, who agrees to improve
- Daily report taken by learner and signed by all educators
- Performing duties that improve the school environment, such as cleaning, gardening or administrative tasks

14.5.2.3 Sanctions for level 3 misconduct

Level 3 misconduct would include:

- Frequently repeating level 2 misconduct
- When action taken by school authorities is considered to be ineffective
- Inflicting minor injury to another person
- Gambling
- Being severely disruptive in class
- Forging documents or signatures with minor consequences
- Discriminatory behaviour, such as using racist or sexist language
- Possessing or distributing pornographic, racist or sexist material
- Possessing dangerous weapons
- Theft
- Vandalism
- Cheating during exams

The following sanctions can be used for level 3 misconduct:

- Any of the sanctions used for level 1 or 2 misconduct
- A written warning that the learner may be suspended
- Referral to a counsellor or social worker
- Community service (with the approval of the HOD)

Sanctions for levels 4 and 5 misconduct are carried out by the principal, governing body and/or HOD and fall outside the scope of this book.

14.5.2.4 Corporal punishment

Classroom managers must take note of the fact that *corporal punishment* is very broadly defined as (Department of Education 2000b: 6):

> Any deliberate act against a child that inflicts pain or physical discomfort to punish or contain him/her. This includes, but is not limited to, spanking, slapping, pinching, paddling or hitting a child with a hand or with an object; denying or restricting a child's use of the toilet; denying meals, drink, heat and shelter, pushing or pulling a child with force, forcing the child to do exercise

Corporal punishment is outlawed in South Africa. The prohibition of corporal punishment is part and parcel of the transformation of the education system in order

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to bring it in line with the letter and spirit of the Constitution (Department of Education 2000b: 6). South Africa is a signatory of the *Convention on the Rights of the Child*, which compels it to pass laws and take social, educational and administrative measures to protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. As a signatory to the *African Charter on the Rights and Welfare of the Child*, South Africa is also committed to ensure that a child who is subjected to discipline shall be treated with humanity and with respect for the inherent dignity of the child.

According to Section 10(1) of the Schools Act, "no person may administer corporal punishment at a school to a learner" and "any person who contravenes Subsection (1) is guilty of an offence and is liable on conviction to a sentence which could be imposed for assault". This means that no person (e.g. educator, principal or parent) may administer corporal punishment at a school (public or independent) to a learner (boys or girls). Parents may not give principals or educators permission to use corporal punishment. This provision applies to both public and independent schools. In addition, Section 12 of the Constitution states that everyone has the right not to be punished or treated in a cruel, inhuman or degrading way. Besides formal corporal punishment, non-formal use of force, such as slapping and rough handling, is also prohibited. Anyone who metes out corporal punishment at a school may be charged with assault in a court of law and punished (Squelch 1997b: 2–3).

In 1995, in the case of *S v Williams and Others* 1995 (3) SA 632, the Constitutional Court declared juvenile whipping unconstitutional, but did not specifically outlaw corporal punishment in schools. In this regard the court stated that:

> It is not necessary to comment on the suggestion that judicial corporal punishment is in reality no worse than cuts imposed at school; the subject of corporal punishment is not before us.

The court held that punishment in general requires measures "that assail the dignity and self-esteem of an individual" and that brutal and dehumanising treatment and punishment cannot be justified.

In the case of *Christian Education SA v Minister of Education of the Government of the RSA* 2000 (10) BCLR 1051(CC), the Constitutional Court delivered a final judgment on corporal punishment in schools. The court declared corporal punishment unconstitutional because it constitutes a violation of Sections 10 and (12)(1)(c), (d) and (e) of the Constitution. Administering corporal punishment thus constitutes an infringement of the learner's right to human dignity and his or her right to freedom and security of the person (see section 12.3). The court also held that the administering of corporal punishment constitutes a violation of Section 10 of the Schools Act.

Remember that a principal's discretionary powers do not extend to making a decision to use corporal punishment. This would constitute an *ultra vires* act, that is, an act beyond his or her legal authority, and the principal could be charged with the criminal offence of assault.

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Activity 14.2

Study the following statements made by educators and parents and evaluate these statements against the legal provisions on corporal punishment:

i) I have an internal arrangement with the educators to mete out corporal punishment whenever they feel my child's conduct warrants it.
ii) In our school, corporal punishment may be administered as long as it is selectively used. Corporal punishment can only be used as a last resort.
iii) Corporal punishment may be administered at school by the parent under the supervision of the principal.
iv) At our private religious school, corporal punishment is administered to boys because parents insist that their biblical belief of "spare the rod, spoil the child" should be applied.

Activity 14.3

Study the following scenario and then evaluate the statement that follows:

You are teaching a particularly difficult Grade 5 class. One learner is really annoying you with his incessant talking. After several warnings and interruptions you grab the child by the arm, pull him roughly out of his chair and slap him several times on the leg with your hand. You then shove him towards the door and tell him to stand outside until you have finished the lesson and can deal with him.

Evaluate the legal validity of the punishment in terms of the education law provisions.

14.5.2.5 Detention

Detention is quite commonly used and is often an alternative to corporal punishment. It may take the form of isolation during class, during break or after school. Most high schools have a system whereby detention is held on a specific afternoon each week and learners have to sign and inform their parents. It is suggested that primary schools should have a greater duty of care and thus a greater responsibility to contact parents when detention is given as punishment. Imposing detention must always be done in a fair and reasonable way and should also be guided by common sense.

Before you consider giving a learner detention, you need to consider a few legal implications. Too often educators detain children after school without thinking about the consequences. This is not to say we must not detain children, but it must be done in a responsible way. An educator could find himself or herself in serious trouble if he or she had detained a 10-year-old child after school for misbehaving, and as a result the child was left stranded at school or had to walk home because he or she had missed the school bus.

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Some of the most important factors to bear in mind are the following:

- The level of the misconduct
- The age of the learner
- The distance the learner has to travel home
- Availability of transport

When arranging detention, educators should give the learners and parents fair warning – in writing. Furthermore, details about how detention is used in a school should be included in the Code of Conduct and brochures, and made known to all learners and parents.

CONCLUSION

In this chapter you have learnt more about school discipline and punishment, which constitute a complex and often controversial issue. The biggest challenge facing educators in this regard is to balance the need for a well-disciplined classroom with the rights of learners.

Figure 14.1 is a mind map of the main aspects of this chapter. Use it to reflect on what you have learnt as you worked through the chapter.

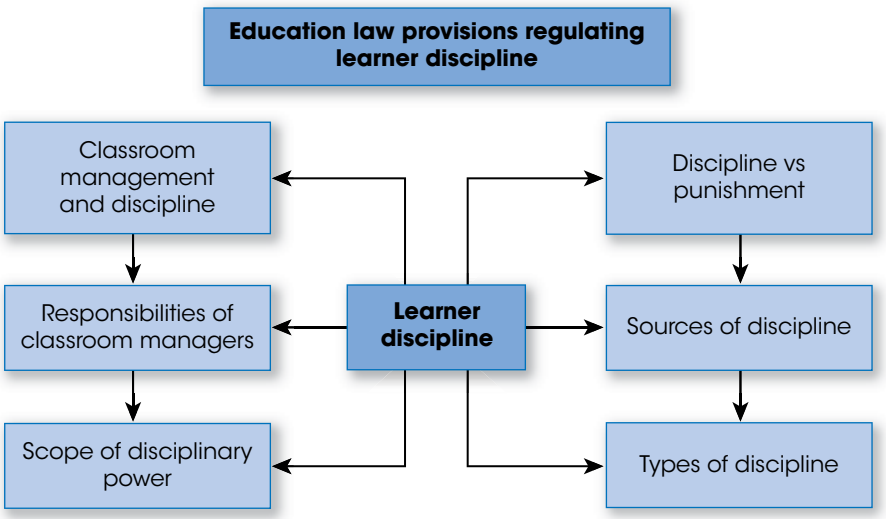


FIGURE 14.1 A summary of Chapter 14

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S.A. Coetzee

Education law provisions regulating learner safety

INTRODUCTION

In a recent national study on violence in high schools it was found that 1 020 597 learners experienced violence in South African schools during 2012 (Burton & Leoschut 2013: xi). It is, however, not only violence, HIV and Aids, drugs and initiation practices that threaten learners' safety, but also unsafe situations resulting from classroom managers' conduct, such as negligence and sexual misconduct.

By now you have a good idea of the education law sources and how these sources regulate various aspects of a classroom manager's duties. One of the most important responsibilities of a classroom manager is the supervision and care of learners while they are in the classroom. The legal rules dealing with the safety of learners are derived from the Constitution, statutory law, common law and case law. Classroom managers must manage their classrooms in line with their school's safety plans and programmes.

15.1 THE LAW OF DELICT AND SAFETY IN CLASSROOMS

The focus of the discussion here is on the *law of delict*, which is a section of private law. This branch of law deals with civil wrongs against another person that cause the injured party to go to court to seek compensation from the wrongdoer for damages. There are various kinds of delict, such as defamation, assault and invasion of privacy.

Before an educator or learner can be held delictually liable, his or her conduct should meet the following requirements for delictual liability:

- To constitute a delict, one person (e.g. the educator) must have caused harm or damage to another by his or her conduct (act). The conduct must be a voluntary human act and may be either a positive act (i.e. doing something) or an omission (i.e. failure to do something).

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- The act (conduct) that causes harm must be wrongful, i.e. it must be legally reprehensible or unreasonable in terms of the legal convictions of the community. To test for unlawfulness, the *boni mores* principle is applied. The question here is whether the harm caused was unjustified in the circumstances. In the absence of wrongfulness, a defendant may not be held liable.
- The act must be the result of fault in the form of intent (*dolus*) or negligence (*culpa*). "Fault" refers to the blameworthy attitude or conduct of someone who has acted wrongfully.
- There must be a causal link between the conduct of the perpetrator and the harm suffered by the victim. In general, it should be shown that the person's injury did indeed result from the actions of the person charged with negligence. In other words, there must be a clear causal relationship between the act and the injury. A person cannot be liable if he or she has not caused any damage.
- Since a delict is a wrongful and culpable act which has a harmful consequence, damages (causing harm) in the form of patrimonial (material) loss or non-patrimonial loss must be present. There must be a connection between the negligent conduct and the injury (physical or mental). To receive an award for damages, the plaintiff must have suffered an injury as a result of the defendant's negligent conduct. The plaintiff must prove that some damage occurred. Although the injury or damage does not need to be substantial for an award to be ordered, the injury must be real rather than imagined. The courts are generally reluctant to award damages where there is not some form of injury.

We will now discuss *negligence*, as a form of fault, in more detail.

15.1.1 Negligence

Negligence can be defined as the "failure to exercise the necessary degree of care for the safety and well-being of others". It may occur as a result of a failure to act when there is a duty to act, or it may occur as a result of acting in an improper manner.

A classroom manager may be found guilty of negligence if he or she

- failed to provide proper supervision
- failed to aid the injured or ill
- permitted learners to play unsafe games
- failed to provide adequate instructions
- took unreasonable risks.

The test used to determine negligence is the *reasonable person test*. The criterion adopted by law to establish whether a person has acted carelessly and thus negligently is the objective standard of the "reasonable person", the *bonus paterfamilias* (also referred to as the *diligens paterfamilias*). The reasonable person is a concept created by the law in order to have a workable, objective norm for con-

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duct in society. The law regards a reasonable person as being an average person who has a certain minimum knowledge and certain mental capacities that enable him or her to appreciate the dangerous potential of certain actions or behaviour (Neethling et al. 2010: 136). A defendant is judged to have been negligent if the reasonable person in his or her position would have acted differently and if, according to the courts, the unlawful causing of damage was reasonably foreseeable and preventable (Neethling et al. 2010: 131, 139).

Thus the test for negligence rests on two pillars: reasonable foreseeability and reasonable preventability. In *Kruger v Coetzee* 1966 (2) SA 428 (A), Holmes J.A. stated that:

> For the purpose of liability, culpa (acts of negligence) arise if –
>
> (a) a *diligens paterfamilias* in the position of the defendant –
>
> (a) (i) would foresee the reasonable possibility of his conduct injuring another person or property and causing him patrimonial loss; and
>
> (a) (ii) would take the necessary steps to guard against such occurrence; and
>
> (b) the defendant failed to take such steps.

There are different views on whether the same standard (e.g. that of the reasonable person) could be applied in considering the conduct of a defendant of which a certain expertise or professionalism is required. Neethling et al. (2010: 139) are of the opinion that this cannot be the case and that the standard must be that of a "reasonable expert". In the case of an educator, that would be the standard of a reasonable educator. The reasonable expert is identical to the reasonable person in all respects, but a reasonable measure of the relevant expertise is added. Neethling et al. (2010: 1340) refer to the *Van Wyk v Lewis* 1924 AD 438 444 case, where it was explained that the standard would be determined by the general level of skill and diligence possessed and exercised by the branch of the profession to which the practitioner belonged. Thus the standard of reasonableness expected of an educator would be different from the standard of reasonableness expected of a principal. The South African Supreme Court of Appeal upheld the decision of *Van Wyk v Lewis* in *Durr v ABSA Bank Ltd* 1997 3 SA 448 (SCA). Potgieter (2004: 855) argues, and in my opinion rightly so, that the *in loco parentis* principle is partly to blame for the confusion with regard to the standard of a "reasonable parent", which is used to determine delictual negligence of educators. He warns that the standard of care exercised by parents over their children is not appropriate for determining the possible negligence of educators and that the correct standard of care is that of a "reasonable educator". Classroom educators should keep in mind that they are not only acting in the place of the parents but also in their own professional capacity.

However, the courts have, in the past, consistently applied the reasonable parent standard, i.e. educators are expected to do what reasonable parents might do in similar circumstances. This was indicated in the case *Rusere v The Jesuit Fathers* 1970 (4) SA 537 (RSC), in which the court stated that:

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> The duty of care owed to children by school authorities has been said to be to take such care of them as a careful father would take of his children ... This means no more than that schoolmasters, like parents, must observe towards their charges the standard of care that a reasonably prudent man would observe in the particular circumstances.

Another aspect that is evident from *Rusere v The Jesuit Fathers* is the application of the English law "duty of care doctrine". This doctrine means that the court first has to establish whether the defendant owes the plaintiff a duty of care before applying the reasonable person test. If there is no duty of care owed, there cannot be negligence. Neethling et al. (2010: 153) contend that this doctrine is incompatible with Roman-Dutch law, which forms the basis of our law of delict, and that it should rather be rejected.

I agree that the standard should be that of a reasonable educator. Applied to an educator charged with negligence, this would mean that it must be decided whether it was possible for the reasonable educator to *foresee* (the first pillar on which the assessment of negligence rests) whether injury could occur if a particular course of action were followed, or if the educator refrained from doing something. The onus is on the individual educator to decide what action should be taken or avoided to ensure the safety of learners in respect of known or foreseeable risks and dangers.

The second pillar on which the assessment of negligence rests (i.e. reasonable preventability) is establishing whether a reasonable educator would have taken all the necessary steps to *prevent* accidents or injury from occurring and whether the educator had indeed taken such steps. The factors that should be taken into consideration when deciding whether an educator has acted in accordance with the standard of the reasonable educator in his or her position are the following:

- Whether the educator works with things that are inherently dangerous, e.g. an educator teaching woodwork and working with dangerous machinery.
- Whether the educator deals with individuals who have some form of disability or incapacity. A greater duty of care is also expected from an educator teaching small children.
- Whether there was a situation of sudden emergency. In such an instance, the doctrine of "sudden emergency" will apply, which means that the law cannot expect a person who has to act swiftly in a situation of imminent peril to show the same judgement as a person who is not acting in such a situation, e.g. when a learner armed with a gun threatens another learner.
- Whether the educator has relied on another person to act in a reasonable manner (Neethling et al. 2010: 150–151). For example, an educator is asked to act as one of the supervisors during a rugby tour. He relied on the principal or at least the organisers of the tour to ensure that the buses they have organised are in a roadworthy condition. If there is then an accident due to the fact that a bus was not in a roadworthy condition, the educator may offer the defence that he had relied on the principal and tour organisers to act in a reasonable manner.

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In conclusion, the law does not expect educators to anticipate every accident, but it does expect them to behave like reasonable people. It is easy to anticipate the possible occurrence of an accident involving educators and children if a group of children is badly supervised, if a minibus that transports children is not maintained, or if dangerous equipment is not properly stored. Only in the case of a truly unexpected event will it be possible to assert that it was not reasonable to foresee harm. To what extent an educator can reasonably be expected to foresee dangers and anticipate risks will depend on the facts of the case and on the circumstances (e.g. the nature of the school activity, the location of the school or the age of the learners).

In the *Minister of Education and Another v Wynkwart* 2004 (3) SA 577 (C) case, an eight-year-old was injured when he detached himself from the class and tried to climb over a locked exit gate. He fell on his head and was paralysed. The trial court found in favour of Peter Wynkwart and held that the boy's injuries were occasioned by negligence on the part of the school (educator). The MEC and the Highlands Primary School appealed to the Cape of Good Hope Provincial Division. The court quoted the requirements for liability in a case of alleged negligence from the *Kruger v Coetzee* case. It emphasised that to determine whether a *diligens paterfamilias* would take reasonable steps to guard against injury would depend on what could reasonably be expected in the circumstances of the case. It held that where learners are not kept under the constant supervision of educators, this is not in itself a breach of duty or care. The degree of supervision required depends on the risks to which the learners are exposed. The court held that the respondent did not establish a failure by the appellants to take reasonable steps which, if taken, would have prevented the boy's injuries. The appeal succeeded and the order of the *court a quo* was set aside.

15.1.2 Contributory fault

As you will remember from the above discussion of delict, there are two forms of fault, namely intent and negligence. Contributory fault comes into play when determining the extent of the defendant's liability and takes two forms: contributory intent or contributory negligence (Neethling et al. 2010: 161). The following possibilities exist:

- A defendant intentionally caused harm to the plaintiff: the defendant will not be able to rely on contributory negligence.
- There was contributory intent on the part of the plaintiff but only negligence on the part of the defendant: the plaintiff has no claim (Neethling et al. 2010: 163).

If a learner fails to exercise the degree of care usually expected of a person of his or her age, knowledge and experience, the court may decide that the negligent educator is not solely liable for damages resulting from an injury. This could be important where older learners are concerned, especially if they understand the full implications of their actions. Of course, young children or learners cannot be expected to fully comprehend the consequences of their actions and behaviour.

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Thus, *contributory negligence* involves negligence on the part of the injured person. The injured person failed to exercise the required standard of care for his or her own safety. Contributory negligence comes into play when conduct on the part of the injured person contributes to his or her injuries (Alexander & Alexander 1992: 471). When the court has to determine the damages, it will reduce the damages apportioned to the plaintiff in proportion to his or her own fault (e.g. contribution to his or her own injuries through his or her own negligence) (Neethling et al. 2010: 161–167).

A case dealing with, *inter alia*, contributory negligence is the *Carl Pierre Rabie v MEC for Education in Gauteng* case (heard in the High Court of South Africa, Transvaal Division, Case No. 3203/2005). During the yearly "picture session" at Waterkloof High School, some of the boys belonging to the Cricket Academy got permission to practise in the nets. Later the Grade 11 boys arrived and first started to flip each other in the air with the cricket net, but then called the younger boys, including 14-year-old Christiaan, and started to flip them into the air. Christiaan did not want to take part, but later got onto the net because of peer pressure. He landed on his head, was severely injured and lay in a coma for six weeks (Venter 2006: 3). His father alleged that it was foreseeable that learners could be injured in unsupervised activities and claimed damages from the MEC. The court had to decide whether the educators had been negligent. It found that although the school had foreseen that learners participating in dangerous activities could be injured and had implemented a system of school ground duty, on the day of the accident there were no educators supervising around the cricket nets. The court therefore found that the school had been negligent in fulfilling the safety of learners during break. It further found that there was no contributory negligence on Christiaan's part because he was pressured into taking part in the activities.

Activity 15.1

Study the following scenario and explain how the court applied the *diligens paterfamilias* principle and the "reasonable person test" requirement for negligence in this case.

The Grade 5 Science class was busy with a potentially dangerous experiment. Halfway through the lesson, the educator was called to the office to take a telephone call in connection with a cricket match that was to be played that afternoon. While the educator was out of the classroom, a learner was seriously injured during the experiment. The learner's parents accused the educator of negligence.

Activity 15.2

Study the following case and determine whether the educator was negligent. Your answer should include a definition of the concept of "negligence", an explanation and an application of the test used to determine negligence, and reference to a court case in which this test was used.

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Mr B is terminally ill and has to take medicine every two hours. In the beginning he locked the medicine away, but because he sometimes forgot to take his medicine, he decided to leave it on his desk so that he could see it and be reminded to take it. When Mr B left the class to get some water, one of the learners, who had a terrible headache, took one of the pills from a bottle with a label "For pain". The learner became ill and it became evident that he was allergic to the medicine. His parents accused Mr B of negligence.

15.2 HIV AND AIDS AND SAFE CLASSROOMS

HIV and Aids will affect classroom managers one way or another.

15.2.1 General guidelines for classroom managers

Classroom managers should ensure that the *National Policy on HIV/Aids, for Learners and Educators in Public Schools, and Students and Educators in Further Education and Training Institutions* (hereafter *National Policy on HIV/Aids*) (South Africa 1999b) is addressed in the classroom rules. In adherence to this policy, classroom managers should take note of the following:

- If any information about the medical condition of a learner with HIV or Aids has been divulged to you, you must keep this information confidential. In terms of the *National Policy on HIV/Aids*, no learner is compelled to disclose his or her HIV or Aids status to the school (South Africa 1999b: Par. 6). In terms of Section 133 of the Children's Act 38 of 2005, no person may disclose the fact that a child is HIV positive without consent. Information on the HIV status of a child must be kept confidential. Such information may be made known only for specific purposes and with the consent of
  - the child, where the child is older than 12, or where the child is younger than 12, but is sufficiently mature to understand the benefits, risks and social implications of such disclosure
  - the parent or caregiver, if the child is under the age of 12 and is not of sufficient maturity to understand the benefits, risks and social implications of such disclosure
  - a designated child protection organisation arranging placement of the child, if the child is under the age of 12 and is not of sufficient maturity to understand the benefits, risks and social implications of such disclosure
  - the superintendent or person in charge of a hospital, if the child is under the age of 12 and is not of sufficient maturity to understand the benefits, risks and social implications of such disclosure, or if the child has no parent or caregiver and there is no designated child protection organisation arranging placement
  - a children's court, if consent is unreasonably withheld or the parent or caregiver is incapable of giving consent.

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- A learner with HIV or Aids should lead as full a life as possible and should not be denied the opportunity to receive an education to the maximum of his or her ability.
- The risk of contracting HIV within the context of sexual relations is significant. There are high numbers of sexually active people within the learner population group in schools. Educators are not permitted to have sexual relations with learners. If this happens, the matter must be handled in terms of the Employment of Educators Act. (See section 16.2 in this regard.)
- You may not, either directly or indirectly, discriminate unfairly against any learner with HIV or Aids. Educators should be alert not to make unfair accusations against any person suspected of having HIV or Aids. Classroom managers should treat all learners in a just and humane manner. A classroom manager should create a balance between the rights and responsibilities of all parties by making all learners aware of their rights and responsibilities. Any special measures taken must be fair, medically justifiable and taken in consultation with the learner and the parent(s). Remember that in Chapter 12 we looked at what actions would constitute unfair discrimination. It is logical that a classroom manager will treat a learner with HIV or Aids differently from other learners, but such treatment must be fair and justifiable. For example, a learner with HIV or Aids may be told that he or she is too ill to take part in certain activities on a certain day. However, if the classroom manager's refusal is based solely on the fact that the learner has HIV or Aids, the refusal will constitute unfair discrimination.
- The classroom manager must ensure that a pair of latex or household rubber gloves is available in the classroom and must know, and ensure that the learners know, where the first-aid kits and appropriate cleaning equipment are stored.
- The classroom rules should include provisions regarding the unacceptability of behaviour that may create the risk of HIV transmission. These provisions should be in line with the school's Code of Conduct (South Africa 1999b: Par. 7).
- Classroom rules should include clear and commonly understood procedures for dealing with any incident where there are open wounds, sores, breaks in the skin, grazes and open skin lesions.

15.2.2 Testing

What happens if a classroom manager has contracted HIV and is convinced that this had occurred during an incident in which a learner was injured. Can such an educator ask that the learner be tested for HIV?

In terms of Section 130 of the Children's Act 38 of 2005, no child may be tested for HIV except when

- it is in the best interest of the child

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- a health worker or any other person may have contracted HIV due to contact with any substance from the child's body that may transmit HIV.

In all these instances, however, the test must be authorised by a court.

15.2.3 Universal infection control measures

Because of the right to privacy (and confidentiality) and the policy of non-disclosure, the only way a classroom manager can ensure adequate protection for everyone is to make certain that universal infection control measures are implemented. Classrooms need to be managed in such a manner that all learners are aware of these measures/precautions and adhere to these measures. The assumption is that if the same precautions are applied in every situation in which there is blood, everyone will be safe from HIV and other diseases carried in blood and other bodily fluids (Department of Education 1998: 9).

The universal precautions include the following (South Africa 1999b: Par. 7):

- It should be assumed that all persons are potentially infected and all blood, open wounds, sores, breaks in the skin, grazes and open skin lesions, as well as bodily fluids, should be treated as potentially infectious.
- All open wounds, sores, breaks in the skin, grazes and open skin lesions should at all times be covered completely and securely with a non-porous or waterproof dressing or plaster.
- Cleansing and washing should always be done under running water and not in containers of water.
- All persons attending to blood spills, open wounds, sores, breaks in the skin, grazes and open skin lesions, bodily fluids and excretions, should wear protective latex gloves or plastic bags on the hands.
- If a surface has been contaminated with bodily fluids and excretions that could be contaminated with blood, that surface should be cleaned with running water and fresh, clean household bleach (1: 10 solution) and paper towels or disposable cloths.
- Blood-contaminated material should be sealed in a plastic bag and incinerated or sent to an appropriate disposal firm.
- If instruments (e.g. scissors) become contaminated with blood or other bodily fluids, they should be washed and placed in a strong household bleach solution for at least an hour before reuse.
- Needles and syringes should not be reused, but should be safely disposed of.

15.3 DRUG-FREE CLASSROOMS

The fact that there is a serious drug problem in South African schools, which is growing by the day, cannot be disputed. Deputy Minister Surty in her keynote address delivered at the Department of Basic Education's Commemoration of

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the International Day against Drug Abuse and Illicit Trafficking on 08 June 2013, referred to the increase in binge drinking and dagga use among learners, and the increase in the availability of drugs on school premises (Surty 2013).

What procedure should classroom managers follow when they have every reason to believe that learners are in possession of drugs? Are they entitled to search either the learners themselves or their property?

15.3.1 Education law sources regulating searches and seizures in schools

When cognisance is taken of the right of learners to human dignity (S 10) and their right to privacy (S 14(1)), it may seem that educators are not authorised to conduct searches or confiscate property belonging to learners. However, original legislation such as the Schools Act 84 of 1996, subordinate legislation such as the *Regulations for Safety Measures* and the *Regulations to Prohibit Initiation Practices in Schools* (hereafter *Regulations to Prohibit Initiation Practices*), and public documents such as the *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* all authorise searches and seizures in schools. Unfortunately, these legal instruments differ in respect of the type of search authorised, the persons authorised to conduct the searches and seizures, and the requirements to be met before a search or seizure could be regarded as lawful.

15.3.2 Random vs individual searches

Coetzee (2009: 16) refers to the fact that there are many inconsistencies with regard to the type of search that is permissible under the different legal instruments (e.g. individual or random searches). Whereas Section 8A of the Schools Act (as inserted by the Education Laws Amendment Act 31 of 2007) grants a principal or his or her delegate the power to conduct random searches and seizures, the *National Policy on the Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions* (hereafter *National Policy on the Management of Drug Abuse by Learners*) (Promotion of Administrative Justice Act 3 of 2002, Item 21) prohibits random searches of individuals. The *Regulations for Safety Measures* (South Africa 2001, R 3(b)), the *Regulations to Prohibit Initiation Practices* (South Africa 2002a, R 3.2.1), and the *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (South Africa 1998b) only authorise searches of individuals but do not address random searches.

15.3.3 Persons authorised to conduct searches and seizures

The Schools Act (South Africa 1996b, S 8A) authorises the principal or his or her delegate to conduct random searches of a group of learners or the property of a group of learners. It also requires that, when body searches are conducted, the person conducting the search be of the same gender as the learner being searched

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(South Africa 1996b, S 8A(4)(a)). Taking into account the requirements of valid delegation, it can be assumed that the delegate is likely to be a more senior educator and not just any educator. The following definitions are essential for interpreting the scope of this power:

- A **dangerous object** means "any explosive material or device, any firearm or gas weapon, any article, object or instrument that may be employed to cause bodily harm to a person or damage property, or to render a person temporarily paralysed or unconscious, or any object that the Minister of Education may, by notice in the *Gazette*, declare to be a dangerous object for the purpose of this Act".
- **Illegal drug** means "any unlawful substance that has a psychological or physiological effect; or any substance having such effect that is possessed unlawfully".
- Any "official educational, cultural, recreational or social activity of the school within or outside the school premises" is regarded as a **school activity**.

The *National Policy on the Management of Drug Abuse by Learners* (South Africa 2002b, Item 21) does not identify specific persons to conduct a search. It requires only that searches of individual learners be conducted by persons of the same gender. Police officials may conduct warrantless searches in terms of the *Regulations for Safety Measures* (South Africa 2001, R 3(b)) or, in the absence of such police official, the principal or his or her delegate may conduct a search. The *Regulations to Prohibit Initiation Practices* (South Africa 2002a, R 3.2.1) authorise the principal or an educator to conduct a search.

15.3.4 Requirements for lawful searches

Although all these legal instruments require reasonable suspicion of the possession of or presence of dangerous objects or illegal drugs, the reasonable suspicion required when random searches are conducted differs from the reasonable suspicion required when individual searches are conducted. All these legal instruments, except the Schools Act, require "individualised suspicion". The Schools Act merely requires "fair and reasonable suspicion" before a *random search* may be conducted.

The fact that the reasonable suspicion requirement is included only in Regulation 3(a), and is not in the main regulation or repeated in Regulations 3(b) and (c) of the *Regulations for Safety Measures* (South Africa 2001, R 3(b)), is confusing. Although it may thus seem that reasonable suspicion is not a requirement when an individual is searched on the school premises, the author of this chapter is of the opinion that this was merely an oversight on the part of the legislative authority and that it was not the intention to exclude this requirement from the searching of individuals.

Before an individual learner is searched, the person conducting the search must be able to justify acting on a reasonable suspicion. To do this the person must be able to prove a connection between the

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- particular learner and the transgression the learner is suspected of
- particular object sought and the transgression
- particular object and the place searched (Van Dyke & Sakurai 1996: 3–2).

This is called the *nexus requirement*. It is important to note that this requirement rules out the possibility of legally valid mass or random searches. Coetzee (2009: 16) asks whether the fact that the Schools Act requires only reasonable suspicion that a dangerous object or illegal drugs could be found on the school premises, and that a learner is or learners are in possession of dangerous objects or illegal drugs before *a group* of learners may be searched, may be regarded as a reasonable infringement of the learners' right to privacy? She concludes that it will be impossible to prove that there is a direct connection between the suspicion and individual learners in the group searched. It seems inevitable that the South African courts will in future be faced with deciding whether random searches unjustifiably infringe upon individual learners' right to privacy.

The provisions for searches and seizures should be read together with the limitation clause (S 36), because they presume curtailment or restriction of a learner's right to human dignity and privacy in certain circumstances. Whether random searches will withstand the scrutiny of the Constitutional Court remains to be seen.

Before a search is conducted, the principal or his or her delegate must take the following factors into account (South Africa 1996b, S 8a(3)(a)):

- The best interests of the learners to be searched, as well as the best interests of the other learners at the school
- The safety and health of the learners to be searched, as well as the safety and health of the other learners at the school
- Reasonable evidence of illegal activity
- All relevant evidence received

The Schools Act (South Africa 1996b, S 8A(3)(b)) requires that the search be conducted in a manner that is reasonable and proportional to the suspected illegal activity.

Only the Schools Act (South Africa 1996b, S 8A(4)) makes specific mention of body searches. The following requirements must be met:

- If the principal is of the same gender as the learner, he or she must conduct the search.
- If the principal is not of the same gender as the learner, he or she must delegate the task to a delegate of the same gender as the learner.
- The search must be conducted in a private area and not in view of another learner.
- One adult witness of the same gender as the learner must be present.
- The search may not extend to a search of a body cavity of the learner.

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15.3.5 Requirements for lawful seizures

The Schools Act (South Africa 1996b, S 8A(5)) lays down the following requirements for seizures:

- The item must be clearly labelled. The particulars that must appear on the label are the name of the learner in whose possession the object or drugs was or were found, the time and date of the search, an incident reference number, the name of the person who searched the learner, the name of the witness, and any other information that may be necessary to identify the item or the incident.
- The item must be recorded in the school record book.
- The item must then be handed over to the police. The police must dispose of the item in terms of the Criminal Procedure Act 51 of 1977. If the police cannot immediately collect the item, the principal or his or her delegate must take the item to the nearest police station.
- The police must issue a receipt for the item.

The Schools Act (South Africa 1996b, S 8A(14)) disallows the institution of criminal proceedings by the school against a learner in whose possession a dangerous object or illegal drugs were found. Only disciplinary proceedings may be instituted and such proceedings must comply with Section 8A of the Schools Act. Coetzee (2009: 9) contends that searches and seizures on school premises by police officials and the institution of criminal proceedings by the police are not prohibited merely because they are not expressly provided for in the Schools Act. It is suggested that police action will be regulated by the Criminal Procedure Act 51 of 1977, the South African Police Service Act 68 of 1995, the Drugs and Drug Trafficking Act 140 of 1992, the Arms and Ammunition Act 75 of 1969, and the Control of Access to Public Premises and Vehicles Act 53 of 1985.

15.3.6 Guidelines for searches and seizures in schools

The following guidelines provided by Van Dyke and Sakurai (1996: 4-1-4-22), and amended and extended by the author, give a good indication of how to go about conducting a search.

- The learner to be searched should be informed of the educator's intention to conduct a search, and also of the purpose of the search and the alleged transgression of which the learner will be guilty should the suspected evidence be found. This information session should be kept brief and factual. It is also recommended that a standardised form be compiled to record such information.
- The classroom manager should avoid infringing the learner's right to privacy by naming the item sought and giving the learner the opportunity to hand over the object voluntarily or to indicate where it is located.
- Begin the search by first searching areas or containers that are most likely to contain the item sought.

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- The search should take place in the presence of the learner concerned, a person of the learner's choice and a second witness (*National Policy on the Management of Drug Abuse by Learners* (South Africa 2002b: Par. 21)).
- Avoid damaging property at all cost.
- The search should not be prolonged.
- Body searches should be avoided, but if one is absolutely unavoidable, the classroom manager conducting the search must be of the same sex as the learner being searched. This is a requirement expressly provided for in the *National Policy on the Management of Drug Abuse by Learners* (South Africa 2002b: Par. 21) and the *Regulations for Safety Measures* (South Africa 2001: Par. 5(e)).
- Before commencing a body search or making physical contact, assess whether the level of intrusion correlates with the item sought. For example, it will not be regarded as reasonable to do a body search when you are looking for stolen money, but if you are looking for a weapon, the level of intrusion may be regarded as reasonable.
- Always do a visual inspection (without touching the learner) before proceeding to a body search, which is more intrusive.
- It is recommended that the class rules on searches should be in line with the school's safety programmes, which should be compiled with input from and the support of a variety of public and private agencies.

15.4 CLASSROOMS FREE FROM SEXUAL MISCONDUCT

During the period 1 April to 31 March 2013 the South African Council for Educators (SACE) received 556 disciplinary cases of which 104 dealt with sexual misconduct (SACE 2013: 15). This makes sexual misconduct the type of misconduct that attracted the second highest number of cases during that period. The national study on violence in schools brought to light that 4,7% of the 5939 learner respondents had been sexually assaulted (this includes all forms of uninvited sexual contact) (Burton & Leoschut 2013: vii).

To make matters worse, cyber sexual misconduct (mostly in the form of cyber pornography) is becoming increasingly common in schools. This includes sexting, downloading pornographic images, learners trading with pornographic images that they have downloaded or which were sexted to them, filming sexual acts by co-learners, and accessing pornographic websites while at school.

Sexual misconduct includes (Department of Safety and Security and Department of Education 2002: Item 3.3)

- verbal abuse (of a sexual nature)
- nudity, undressing or exposing
- covertly watching a nude child
- kissing in an intimate way
- fondling or improper touching
- sexual harassment (verbal, non-verbal or physical)

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- interfering with a child in a sexual manner
- forcing a child to engage in any sexual act
- sexual intercourse with a child
- pornography (exposing a child to this and/or forcing a child to pose for pornographic material).

To this list we can add

- cyber pornography such as: sexting, that is, sending nude photos of a sexual nature of yourself to another person; the distribution of images of co-learners having sex; posting fake obscene photographs of co-learners or educators; sending malicious messages with descriptions of a sexual nature; outing, that is, sharing a co-learner or educator's embarrassing secrets via cellphone or computer; trickery, that is, convincing somebody to post nude photos or other information of a sexual nature (Coetzee 2013: 752-754)
- cyber-bullying of a sexual nature (which could include forms of cyber pornography) (Coetzee 2013: 754).

Classroom managers should keep in mind that in most cases sexual misconduct constitutes not only a crime, but also unprofessional behaviour in terms of the *SACE Code of Professional Ethics*, as contained in the South African Council for Educators Act (South Africa 2000c). Education law sources that regulate sexual misconduct are the Constitution, common law and legislation.

15.4.1 The Constitution and sexual misconduct

An educator who commits an act that constitutes sexual misconduct infringes on various fundamental rights of the learner, such as

- the right to human dignity
- the right to freedom and security of the person (in particular the right to be free from all forms of violence), and the right not to be treated in a cruel, inhumane and degrading manner
- learners' rights to bodily and psychological integrity, which includes the right to security of and control over their bodies
- their children's rights, as set out in Section 28, which include the right not to be maltreated, neglected, abused or subjected to degradation. Furthermore, an educator who commits sexual misconduct also violates the learner's right to appropriate alternative care.

15.4.2 Legislation regulating sexual misconduct

Sexual misconduct is regulated by the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, the Films and Publication Act 65 of 1996, the Employment of Educators Act 76 of 1998, the South African Council for Educators Act 31 of 2000, and the Children's Act 38 of 2005.

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15.4.2.1 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (as amended by the Judicial Matters Amendment Act 66 of 2008)

The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 creates the following offences relating to sexual intercourse or sexually indecent acts:

- **Rape.** In terms of Section 3, "Any person ('A') who unlawfully and intentionally commits an act of sexual penetration with a complainant ('B'), without the consent of B, is guilty of the offence of rape". The common law offence of **rape** is thus replaced by an extended statutory offence of rape to include all acts of *non-consensual sexual penetration* of any genital organ or the anus. In terms of common law, the term *rape* refers to a male having unlawful and intentional sexual intercourse with a female without her consent (Snyman 2008: 355). The definition of rape has therefore now been freed of gender bias and recognises that men and boys can also be raped. Section 57 states that a person under the age of 12 is incapable of consent. Thus an act of sexual penetration with a child under the age of 12 will always constitute rape.
- **Compelled rape.** Section 4 creates the new offence of compelled rape. "Any person ('A') who unlawfully and intentionally compels a third person ('C'), without the consent of C, to commit an act of sexual penetration with a complainant ('B'), without the consent of B, is guilty of the offence of compelled rape."
- **Sexual assault.** The Act repeals the common law offence of indecent assault and replaces it with a new statutory offence of sexual assault, which is applicable to all forms of *sexual violation* without consent. In terms of Section 5, it is not only the unlawful and intentional sexual violation of another that constitutes sexual assault, but also the unlawful and intentional *inspiring* of the belief that the other person will be sexually violated. Thus an educator who intentionally convinces a learner that he or she will be sexually violated if he or she does not adhere to the educator's request (for example to buy drugs for the educator), commits sexual assault even though he or she may not have touched the learner. Sexual violation is also a penetrative act which is committed when a person causes penetration of any object (such as any part of an animal, any body part of that person – other than genital organs – or bottles or sticks) into or beyond the genital organs or anus of another person. Oral genital sexual violation also constitutes sexual assault.
- **Compelled sexual assault.** The Act also creates the new offence of compelled sexual assault. "Any person ('A') who unlawfully and intentionally compels a third person ('C'), without the consent of C, to commit an act of sexual violation with a complainant ('B'), without the consent of B, is guilty of the offence of compelled sexual assault."
- **Sexual offences for person 18 years or older.** Sections 8 to 11 of the Act create new statutory offences for adults such as compelling or causing persons 18 years or older to witness sexual offences, sexual acts or self-masturbation,

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exposure or display or causing exposure or display of genital organs, anus or female breasts to persons 18 years or older ("flashing"), exposure or display or causing exposure or display of child pornography to persons 18 years or older, and engaging the sexual services of persons 18 years and older.

The Act creates new, expanded and amended *sexual offences against children*. Educators should note the following sexual offences against children:

- **Statutory rape (acts of consensual sexual penetration with certain children).** If an educator commits an act of sexual penetration with a child of 12 years and older but under the age of 16 (thus between 12 and 15 years of age), it will constitute statutory rape, notwithstanding the fact that the child may have consented to the act. Thus statutory rape will not apply in cases where the learner has consented and is 16 or older. Does this mean that an educator may have a sexual relationship with such a learner? The answer is NO. The educator will still transgress various other Acts, namely the Employment of Educators Act 76 of 1998, the SACE Act 31 of 2000, and the Children's Act 38 of 2005.
- **Statutory sexual assault (acts of consensual sexual violation with certain children).** If an educator commits an act of sexual violation with a child of 12 years and older but under the age of 16 (thus between 12 and 15 years of age), it will constitute statutory sexual assault, notwithstanding the fact that the child may have consented to the act.
- **Sexual exploitation of children.** In Section 17 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, various offences of sexual exploitation of children are listed. Section 17(1) reads: "A person ('A') who unlawfully and intentionally *engages* the services of a child complainant ('B'), with or without the consent of B, for financial or other reward, favour or compensation to B or to a third person ('C') –

  (a) for the purpose of engaging in a sexual act with B, irrespective of whether the sexual act is committed or not; or

  (b) by committing a sexual act with B,

  is, in addition to any other offence which he or she may be convicted of, guilty of the sexual exploitation of a child.

  Similarly, the unlawful and intentional *offering* of the services of a child, with or without the consent of the child, for financial or other reward, favour or compensation to another person, constitutes sexual exploitation –

  (c) for the purpose of engaging in a sexual act with B, irrespective of whether the sexual act is committed or not; or

  (d) by committing a sexual act with B,

  is, in addition to any other offence which he or she may be convicted of, guilty of the sexual exploitation of a child."

  Another act that constitutes sexual exploitation of a child is when a primary caregiver, parent or guardian of a child intentionally allows or knowingly per-

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mits a third party, with or without the consent of the child, to commit a sexual act with the child.

A person who intentionally receives a financial or other reward, favour or compensation for the commission of a sexual act with a child (with or without the consent of the child) is guilty of the *offence of benefiting from* the earnings of the *sexual exploitation of a child*.

A person who intentionally lives wholly or in part on rewards, favours or compensation for the commission of a sexual act with a child (with or without the consent of the child), is guilty of the *offence of living from the earnings of the sexual exploitation of a child*.

- **Sexual grooming of children.** The offence of sexual grooming of children includes
  - the manufacturing, production, possession, distribution *or* the facilitation of manufacturing, production, possession or distribution of an article that is exclusively intended to facilitate the commission of a sexual act with or by a child
  - the manufacturing, production, possession, distribution *or* the facilitation of manufacturing, production, possession or distribution of a publication or film that promotes or is intended to be used in the commission of a sexual act with or by a child
  - the supply, exposition or display of an article that is intended to be used in the performance of a sexual act, child pornography, pornography or the publication of a film with the intention of encouraging, enabling, instructing or persuading that person to perform a sexual act with a child
  - arranging or facilitating a meeting or communication between a third person and a child by any means with the intention that such person will perform a sexual act with the child
  - supplying, exposing or displaying an article that is intended to be used in the performance of a sexual act, child pornography, pornography or the publication of a film with the intention of encouraging, enabling, instructing or persuading a child to perform a sexual act
  - committing any act with or in the presence of a child or describing the commission of any act to or in the presence of a child with the intention of encouraging or persuading the child or of reducing any resistance or unwillingness on the part of the child to
    - perform a sexual act either with that person himself or herself or with a third person
    - perform an act of self-masturbation in the presence of that person himself or herself, or of a third person or both
    - be in the presence of or watch that person himself or herself (A) or a third person (C) performing a sexual act or an act of self-masturbation
    - be exposed to child pornography or pornography

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  - be used to create, make or produce child pornography
  - expose his or her body or parts of his or her body to that person himself or herself (A) or to a third person (C), in a manner or in circumstances that violate or offend the sexual integrity or dignity of the child
- arranging or facilitating a meeting or communication with a child by any means with the intention of committing a sexual act with the child.
- Exposure or display of or causing exposure or display of child pornography or pornography to children
- Using children for or benefiting from child pornography
- Compelling or causing children to witness sexual offences, sexual acts or self-masturbation
- **Flashing.** This includes the exposure or display of or causing exposure or display of genital organs, anus or female breasts to children.

Activity 15.3

Define *rape* in your own words.

15.4.2.2 The Films and Publications Act 65 of 1996

Children under the age of 18 years are also protected by the Films and Publications Act 65 of 1996 with regard to child pornography (South Africa 1996d). In the *De Reuck v Director of Public Prosecutions, Witwatersrand Local Division and Others* 2003 (3) SA 389 (W) case, the applicant sought an order declaring S 27(1) of the Films and Publications Act constitutionally invalid. The Section made it an offence to create, produce, import, distribute or be in possession of child pornography, be it in the form of a publication or a film. The applicant was arrested for being in possession of the prohibited material and released on bail. The court held that the Section was constitutionally valid and that the rights of children override the constitutional rights of the respondent to freedom of expression and the right to privacy. The court emphasised that these rights are not absolute and that they must yield to children's rights, which are paramount in any matter concerning the child.

The objectives of the Films and Publications Act 65 of 1996 are set out in Section 2 (South Africa 1996d). The first objective of this Act is to regulate the creation, production, possession and distribution of certain publications and certain films by means of classification, the imposition of age restrictions and the giving of consumer advice. It is specifically mentioned that due regard should be had for the protection of children against sexual exploitation or degradation in publications, films and on the internet. The Act further aims at making the exploitative use of children in pornographic publications, films or on the internet punishable. (Note

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that S 2 of the Films and Publications Act 65 of 1996 was substituted by S 2 of Act 34 of 1999.)

Classroom managers should take note of what would constitute child pornography and which actions would be regarded as sexual conduct and sexual violence.

Child pornography is defined as "any image, however created, or any description of a person, real or simulated, who is, or who is depicted, made to appear, look like, represented or described as being, under the age of 18 years, *inter alia*:

- being engaged in sexual conduct
- participating in, or assisting another person to participate in, sexual conduct
- showing or describing the body, or parts of the body, of such a person in a manner or in circumstances which, within context, amounts to sexual exploitation or in such a manner that it is capable of being used for the purposes of sexual exploitation". (Definition inserted by S 1(a) of Act 34 of 1999 and amended by S 1(a) of Act 18 of 2004 and again by S (1)(c) of Act 3 of 2009.)

According to the definition inserted by Section 1(f) of Act 18 of 2004 (South Africa 1996d, S 1), *sexual conduct* includes

- "male genitals in a state of arousal or stimulation
- the undue display of genitals or of the anal region
- masturbation
- bestiality
- sexual intercourse, whether real or simulated, including anal sexual intercourse
- sexual contact involving the direct or indirect fondling or touching of the intimate parts of a body, including the breasts, with or without any object
- the penetration of a vagina or anus with any object
- oral genital contact
- oral anal contact".

When s*exual violence* is accompanied by "either force or coercion, actual or threatened, or ... induces fear or psychological trauma in a victim" it will constitute "sexual violence" (definition inserted by S 1(q) of Act 3 of 2009 (South Africa 1996d, S 1)).

15.4.2.3 The Employment of Educators Act 76 of 1998

In terms of Section 17 of the Employment of Educators Act (South Africa 1998a), an educator must be dismissed if he or she is found guilty of

- committing a sexual assault on a learner
- having a sexual relationship with a learner of the school where he or she is employed.

This creates the impression that an educator may have a sexual relationship with a learner from another school. It should, however, be kept in mind that the

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Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 still applies and, furthermore, such an educator may be found guilty of unprofessional conduct.

15.4.2.4 The South African Council for Educators Act 31 of 2000

Although it may seem that the Employment of Educators Act does not prohibit a sexual relationship between an educator and a learner from another school, it should be kept in mind that the Sexual Offences Act still applies and if the learner is younger than 16, having sex with such a learner constitutes statutory rape. Furthermore, such an educator is guilty of unprofessional conduct.

Paragraph 3 of the *SACE Code of Professional Ethics*, as an addendum to the South African Council for Educators Act (South Africa 2000c), provides that an educator must, *inter alia*

- respect the dignity of learners
- avoid any form of humiliation
- refrain from any form of abuse (physical or psychological)
- refrain from improper physical contact with learners
- refrain from any form of sexual harassment (physical or otherwise) of learners
- refrain from any form of sexual relationship with learners at a school.

The name of an educator who has breached the Code of Professional Ethics may be removed from the register (South Africa 2000c: S 23). When an educator is dismissed on the basis of sexual abuse of a learner, he or she will be deregistered as an educator and may not be appointed by any person, including private education providers, as an educator (Asmal 2002).

15.4.2.5 The Children's Act 38 of 2005

Classroom managers should note that in terms of the Children's Act, *sexual abuse* includes sexually molesting or assaulting a child, or *allowing* a child to be molested or assaulted. Thus an educator who is aware that a colleague is sexually molesting or assaulting a child and who does not report this, can be charged with sexual abuse. Sexual abuse also includes encouraging, inducing or forcing a child to be used for the sexual gratification of another person, using a child for or deliberately exposing a child to sexual activities or pornography, or using a child for sexual exploitation. *Commercial sexual exploitation* is defined as the "procurement of a child to perform sexual activities for financial or other award, including acts of prostitution or pornography, irrespective of whether the reward is claimed by, payable to or shared with the procurer, the child, the parent or caregiver of the child or any other person" (South Africa 2005: S 1).

The Children's Act 38 of 2005 places a statutory duty on educators to report sexual abuse of children. Section 110(1) provides that an educator (and others), "who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report

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that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official". According to Section 305(1) and (6), failure to report the suspected abuse is an offence and the individual is liable to a fine and/or imprisonment. Note that Section 54 of the Sexual Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (as amended by the Judicial Matters Amendment Act 66 of 2008) also places an obligation on any person who has knowledge that a sexual offence has been committed against a child to report such knowledge immediately to the police. If such a person fails to report the offence, he or she is guilty of an offence.

The Act also provides that the following should be recorded in Part A of the National Child Protection Register (South Africa 2005: S 114):

- All reports of abuse or deliberate neglect of a child made to the Director-General
- All convictions of all persons on charges involving the abuse or deliberate neglect of a child
- All findings by a children's court that a child is in need of care and protection because of abuse or deliberate neglect of the child

In Part B of the Register, all persons who are unsuitable to work with children should be listed (South Africa 2005: S 118). A person can be found to be unsuitable to work with children by a children's court, any other court or any forum established or recognised by law in any disciplinary proceedings concerning the conduct of that person relating to a child (South Africa 2005: S 120(1)). Thus the SACE can find an educator unsuitable to work with children. A person must, *inter alia*, be found unsuitable to work with children if convicted of rape or indecent assault (South Africa 2005: S 120(4)). If a person's name is included in Part B of the register, such a person may not work in or have access to children at a school (South Africa 2005: S 123(1)(b)). A person whose name is entered in Part B of the Register and who works with or has access to children in a school (either as an employee or as a volunteer), must disclose that fact to the principal and School Governing Body (South Africa 2005: S 124).

15.4.3 The classroom manager's duty to abused learners

The intergovernmental resource document *Signposts for Safe Schools* (Department of Safety and Security and Department of Education 2002: Item 3.4) stipulates that educators need to be able to look for the signs that a learner is being abused. The document lists the following signs which, together with a change in the learner's behaviour, may indicate that the learner is a victim of sexual abuse:

- Unusual knowledge and/or curiosity about sex
- Sexual acting out or masturbation
- Withdrawal or being secretive
- Poor hygiene or compulsive washing
- Poor peer relationships

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- Poor school performance
- Sudden unexplained gifts
- Sleep disruptions, nightmares or bed-wetting
- Acting out, being aggressive or being irritable
- Fear of undressing for sports, etc.
- Being fearful of home life, a certain educator or a certain school, or running away
- Clinging behaviour or a constant need for reassurance
- Tearfulness
- Regression
- Suicide attempts

What should you, as the classroom manager, do to verify that the learner is in fact being abused? In terms of the *Signposts for Safe Schools* document (Department of Safety and Security and Department of Education 2002: Item 3.4):

- You should record the learner's behaviour over a few days or weeks.
- You may conduct an interview with one of the learner's friends, but must keep this interview confidential.
- You may try to speak to the learner if you have a good relationship with him or her.

What should you do if a learner confides in you about the abuse? In terms of the *Signposts for Safe Schools* (Department of Safety and Security and Department of Education 2002: Item 3.4) document:

- You should keep in mind that your first reaction to his or her confession will be crucial in the healing process.
- You need to tell the learner:
  - I believe you.
  - I am glad you told me.
  - I am sorry this happened to you. You are very brave to tell me.
  - It is not your fault.
  - I need to speak to other adults in order to help you, but I will keep you informed about everything I am going to say or do.

Remember that your role is one of reporting the abuse and supporting the learner, and not one of investigating the case or confronting the alleged perpetrator. You should not examine the learner because it is not your role to ask the learner about physical signs of abuse. Inform the principal, who should, in consultation with you and a social worker, decide on how to handle the case.

What should you, as a classroom manager, do if a learner enters your classroom and it is evident that he or she may have been sexually assaulted or raped? In terms of the *Signposts for Safe Schools* (Department of Safety and Security and

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Department of Education 2002: Item 3.4) document, you should inform the learner as follows:

- He or she must keep all the clothing that he or she was wearing at the time of the sexual assault or rape. The clothes should be placed in a *paper bag* or wrapped in a *newspaper*. They should not be placed in a plastic bag or container, as this can interfere chemically with the evidence.
- He or she must not wash.
- He or she should not drink anything, wash his or her mouth or take medicine before the doctor examines him or her. This is especially important if the learner was forced to perform oral sex.
- He or she should be examined as soon as possible. The sooner a doctor examines the learner, the greater the chance that strong evidence will be found.
- The learner should decide whether to report the case to the police.

However, the Children's Amendment Act 41 of 2007 and the Sexual Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 now make reporting sexual abuse compulsory.

Activity 15.4

Study the following case and then discuss the legal validity of the arguments of Sophia's parents and Mr B.

Sophia, a 13-year-old learner, was experiencing problems with Maths. Mr B offered to help her if she was willing to stay after school. He wrote a note to her parents, stating that she should stay after school for extra lessons in Maths. After a few extra lessons, Mr B started to make sexual advances to Sophia; he asked her to start a dating relationship and meet him in his room for sex during the time they were supposed to be having extra Maths lessons. She was flattered and agreed to his proposition. When her parents found out about the relationship, they accused him of rape. He argued that they had had consensual sex.

15.5 INDUCTION THROUGH INITIATION

Classroom managers should remember that Section 10A of the Schools Act (South Africa 1996b) stipulates that no person may conduct or participate in any initiation practices against a learner at a school or in a hostel accommodating learners of a school, and that any person who contravenes this provision is guilty of misconduct. A learner may also institute civil action against a person or group who manipulated and forced that learner to conduct or participate in any initiation practices.

Initiation practices are defined in Section 10A(3) as "any act which the process of initiation, admission into, or affiliation with, or as a condition for continued membership of, a school, a group, intermural or extramural activities, interschool team, or organisation

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(a) endangers the mental or physical health or safety of a person
(b) undermines the intrinsic worth of human beings by treating some as inferior to others
(c) subjects individuals to humiliating or violent acts which undermine the constitutional guarantee to dignity in the Bill of Rights
(d) undermines the fundamental rights and values that underpin the Constitution
(e) impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern, or
(f) destroys public or private property."

Classroom managers must also study Government Notice 1589 of 2002 (South Africa 2002a) which contains the *Regulations to Prohibit Initiation Practices*. In terms of Paragraph 4 of this Notice, classroom managers must

- not allow or participate in any initiation practice that involves, causes or results in humiliation, degradation, harassment, assault, *crimen injuria*, intimidation or maltreatment of learners
- ensure that the relationship of trust that exists between learners and between learners and educators is not destroyed by acts of victimisation of one by another
- not give the right or the authority to punish other learners
- protect learners from abuse by adults and other learners and must uphold the democratic values of human dignity, equality and freedom.

In terms of Paragraph 6, classroom managers also have the following duties:

- Protect, promote and respect the learners' right to privacy, human dignity, freedom and security of the person and the right not to be detained, except as a measure of last resort.
- Control the conduct of learners when such conduct may cause harm to others or to the learner himself or herself, or may violate the rights of other learners. In such instances, classroom managers should take reasonable measures to prevent a learner from harming others or himself or herself.

In the so-called *Initiation Ceremonies* (unreported) case of 2001 heard by the Western Cape office of the South African Human Rights Commission (SAHRC 1999), the parents of a first-year student at the Elsenberg Agricultural College alleged that the first-year students had undergone an initiation programme in which they had been physically and emotionally abused. Although this case does not deal with initiation practices at schools, it provides valuable lessons:

- If the initiation programme violates the rights of initiates and is aimed at psychological and physical humiliation rather than at orientating the initiate to become part of an institution, a declaration signed by initiates stating that they are participating freely in the initiation programme has no legal force and effect.

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This is so because it is against public policy to allow unlawful and unconstitutional actions because they infringe the rights of the initiates.

- Unlawful initiation practices would include
  - forcing initiates to shave their heads
  - forcing initiates to call seniors "baas"
  - having to bow their heads and not being allowed to look a senior in the eye
  - confiscating or damaging initiates' property
  - continuously depriving initiates of sleep
  - forcing initiates to do physical exercises
  - applying any form of corporal punishment.

Activity 15.5

Study the summary of the *Initiation Ceremonies* case above and also Chapter 12, section 12.3. Identify five rights of initiates that were infringed by the unlawful initiation practices. Substantiate your answer.

Activity 15.6

(1) List at least five actions of a classroom manager that would constitute initiation practices.
(2) List the rights of the learners that would be infringed by each of these actions. Give a motivation as to why each action could be regarded as an infringement of that specific right.

CONCLUSION

In this chapter you have learnt more about the classroom manager's duty to ensure the safety of learners. You will now be aware of the important role that a classroom manager plays in combating the sexual abuse of children.

Figure 15.1 is a mind map of the main aspects of this chapter. Use it to reflect on what you have learnt as you worked through the chapter.

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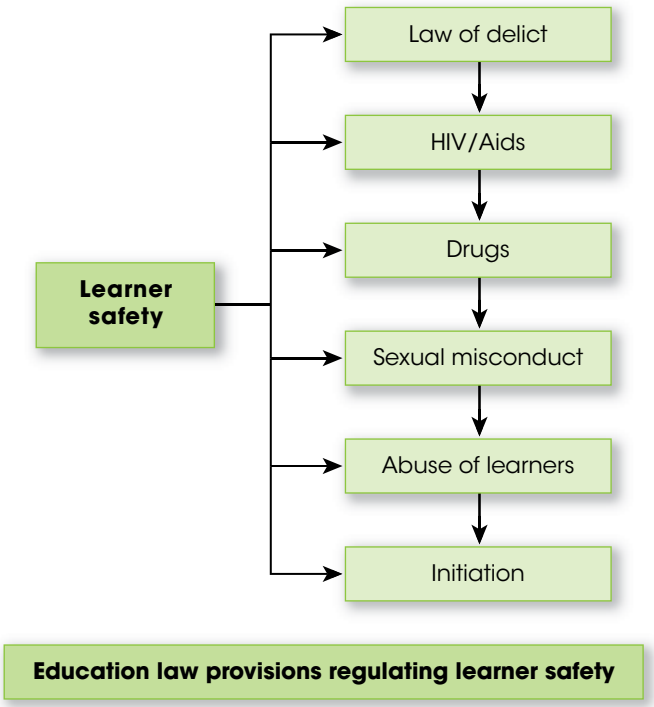


FIGURE 15.1 A summary of Chapter 15

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16

S.A. Coetzee

Education law provisions regulating the employment of the classroom manager

INTRODUCTION

In the previous chapter you were introduced to the duty of the classroom manager to keep learners safe. You should now be aware of the fact that an educator must be dismissed if found guilty of sexual misconduct. But sexual misconduct is not the only type of misconduct that could result in an educator being dismissed. It is therefore important that classroom managers should have some knowledge of the provisions that regulate their employment.

The employment of the classroom manager is regulated by general labour relations legislation such as the Labour Relations Act 66 of 1995 (hereafter referred to as the Labour Relations Act), and also by labour relations legislation that only applies to education, namely the Employment of Educators Act. This chapter gives only a brief overview of what action constitutes a strike and when an educator may strike, and also what constitutes misconduct and what actions may be taken against an educator who has been found guilty of misconduct.

16.1 THE LABOUR RELATIONS ACT 66 OF 1995 ON STRIKES AND LOCKOUTS (CHAPTER 4, SECTIONS 64–68)

The term *strike* can be defined as "the partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to the term *work* in this definition includes overtime work, whether or not it is voluntary or compulsory".

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The term *lockout* can be defined as "the exclusion by an employer of the employees from the employer's workplace, for the purpose of compelling the employees to accept a demand in respect of any matter of mutual interest between employer and employee, whether or not the employer breaches those employees' contracts of employment in the course of or for the purpose of that exclusion" (see Section 213 of the Labour Relations Act).

Activity 16.1

Explain the concept of a *strike*.

Sections 67 and 68 deal with protected and unprotected strikes. A protected strike is a strike that complies with the provisions of Chapter IV of the Labour Relations Act. Employees cannot be dismissed for taking part in a protected strike, but may be dismissed for taking part in an unprotected strike. It is interesting to note that an employer is not obliged to remunerate an employee for services that the employee does not render during a protected strike. If the remuneration includes payment in kind (accommodation, food, etc.), such payment may not be withheld, but the monetary value thereof may be recovered after the end of the strike. An employee found guilty of misconduct during a protected strike may be dismissed. If, as a consequence of the strike, the employer's employment needs change, an employee may be dismissed for operational reasons.

Activity 16.2

You want to take part in a strike. What consequences will taking part in a strike have for you as a classroom manager? How will you balance these consequences with your right to strike?

16.2 THE LABOUR RELATIONS ACT 66 OF 1995 ON DISMISSAL (CHAPTER VIII, SECTIONS 185–197) AND THE CODE OF GOOD PRACTICE (APPENDIX 8)

Dismissal means that:

1) An employer terminated a contract of employment with or without notice.
2) An employee reasonably expected the employer to renew a fixed-term contract of employment on the same or similar terms, but the employer offered to renew it on less favourable terms, or did not renew it.
3) An employer refused to allow an employee to resume work after she:
   a) had taken maternity leave in terms of any law, collective agreement or her contract of employment, or
   b) was absent from work for up to four weeks before the expected date and up to eight weeks after the actual date of the birth of her child.

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4) An employer who dismissed a number of employees for the same or similar reasons offered to re-employ one or more of those employees but refused to re-employ another.
5) An employee terminated a contract of employment with or without notice because the employer made continued employment intolerable for the employee.

The Labour Relations Act sets out specific reasons for dismissal which cannot be accepted.

The following are examples of reasons for a dismissal which automatically make a dismissal unfair (South Africa 1995, S 187):

- The employee took part in union activities.
- The employee took part in a protected strike or protest action.
- The employee refused to do the work of someone who was on strike.
- The employee was pregnant (or any reason related to pregnancy).
- The employer unfairly discriminated against an employee on arbitrary grounds such as race, age, religion, sex, gender, sexual orientation or family responsibilities.
- The employee was forced to accept a change in working conditions.

However, in the following two instances an employer may retire an employee (South Africa 1995, S 187(2)), namely if

- the employee has reached the normal or agreed retirement age
- the reason for dismissal is based on an inherent requirement of the job (for example, in a Catholic diocese, the religious practice of the bishop's secretary is closely related to the nature of the job; if the secretary abandons the religious faith or changes to another faith, this may be grounds for dismissal).

In the Code of Good Practice (Appendix 8) three kinds of fair dismissal are discussed. These are dismissals for the following reasons:

MISCONDUCT

This means that an employee has done something unacceptable. For misconduct, note the following:

- All employers must establish disciplinary rules that stipulate the required behavioural norms for their employees.
- When necessary, employers must attempt to rectify the behaviour of employees.
- Dismissal should occur only in the case of serious or repeated misconduct.
- Examples of serious misbehaviour are: gross dishonesty or malicious damage of the employer's property, deliberate threat to the safety of another person, physical attack on the employer, a co-worker, client or customer, and gross insubordination.

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- When a decision to dismiss is made, factors such as the circumstances of the employee, the nature of the work and the circumstances surrounding the offence must be taken into account.

INCAPACITY

This means that an employee is too ill or too injured to work or does the work poorly. For incapacity, note the following:

Poor health or injury

- When an employee is temporarily unable to work, the nature of the work, the period of absence, the seriousness of the illness or injury and the possibility of getting a temporary substitute for the ill or injured employee are taken into account as relevant factors. In cases of permanent unfitness for work, the employer must investigate the possibility of alternative employment, or the adaptation of the employee's duties to accommodate the employee's disability.
- The nature and cause of the unfitness is relevant in determining the fairness of any dismissal.
- Consideration must be given to employees who have been injured at work or have contracted work-related illnesses.
- Certain guidelines must be observed by the person who decides whether a dismissal due to poor health or injury is unfair.

Poor performance

- An employee can be appointed for a reasonable trial period, but the work circumstances must be taken into account.
- After the trial period the employee may under certain circumstances be discharged because of poor performance.
- Certain guidelines exist to determine whether dismissal because of poor performance is unfair.

OPERATIONAL REASONS

This means that the employer needs to cut back on staff for economic reasons or no longer needs the type of work performed by certain employees. This kind of dismissal is usually referred to as retrenchment.

Note what the Labour Relations Act has to say about operational reasons (South Africa 1995, S 189):

- An employer must provide all the relevant information on the proposed retrenchments.
- An employer must pay a retrenched employee severance pay equal to at least one week's pay for every year of completed service.
- An employer must select the employees to be dismissed according to criteria agreed to by the consulting parties, or if there are no agreed criteria, according to criteria that are fair and objective.

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The Labour Relations Act sets out how consultation with regard to retrenchments should take place. The employer should try to reach an agreement on the following (South Africa 1995, S 189(2)):

- Ways to avoid the retrenchments
- Ways to reduce the number of people retrenched
- Ways to limit the harsh effects of retrenchment
- The method for selecting the employees to be retrenched
- Severance pay

16.3 THE EMPLOYMENT OF EDUCATORS ACT 76 OF 1998

Some of the key provisions of the Employment of Educators Act are discussed next.

16.3.1 Termination of Services (Chapter 4, Sections 10–16)

The services of educators may be terminated by the employer on the grounds of retirement, resignation and the discharge of educators.

The *retirement* of educators is addressed in Section 10. The normal mandatory retirement age is 65 years, but there are exceptions. If you are interested, you may study Section 10 yourself.

According to Section 15, an educator may *resign* by giving 90 days' notice in writing. A shorter period of notice may be approved by the employer at the request of the educator. The *Education Law and Policy Handbook* (Boshoff & Morkel 2013: 3A 14) mentions that a shorter period is possible under certain circumstances, for example when a replacement is already available and the post can readily be filled or when the employee's appointment with a new employer may be jeopardised by the 90-day notice period.

An educator may be *discharged* from service by the employer (for an educator in the service of a provincial department, it is the HOD of that department)

a) on account of ill-health in the circumstances referred to in Schedule 1 (Subsection 11(1)(a) was amended and Schedule 1 was added by the Education Laws Amendment Act 53 of 2000)

b) on account of the abolition of the educator's post or any rEducation in, or reorganisation or readjustment of, the post establishments of departments, schools, institutions, offices or centres

c) if, for reasons other than the educator's own unfitness or incapacity, the educator's discharge will promote efficiency or economy in the department, school, institution, office or centre in which the educator is employed, or will otherwise be in the interest of the state

d) on account of unfitness for the duties attached to the educator's post or incapacity to carry out those duties effectively. In Section 16 (as amended by Section 9 of the Education Laws Amendment Act 53 of 2000) it is stipulated that

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if it is alleged that an educator is unfit for the duties attached to the educator's post or is incapable of carrying out these duties efficiently, the employer must assess the capacity of the educator and may take action against the educator in accordance with the incapacity code and procedures for poor work performance as provided in Schedule 1

e) on account of misconduct

f) if the educator was appointed in the post in question on the grounds of misrepresentation made by the educator relating to any condition of appointment. The educator in such a case will be deemed to have been discharged on account of misconduct

g) if, in the case of an educator who is appointed on probation, the appointment is not confirmed.

An educator who is appointed in a permanent capacity is also deemed to be discharged if

a) he or she is absent from work for a period exceeding 14 *consecutive* days without permission

b) he or she assumes employment in another position while absent from work without permission

c) he or she assumes other employment or resigns while suspended from duty

d) he or she assumes other employment or resigns while disciplinary steps against him or her have not been disposed of.

16.3.2 Misconduct

16.3.2.1 Defining misconduct

In Section 17(1) (as amended by Section 10 of the Education Laws Amendment Act 53 of 2000) it is stipulated that an educator must be dismissed if he or she is found guilty of serious misconduct, such as

a) theft, bribery, fraud or an act of corruption in regard to examinations or promotional reports

b) committing an act of sexual assault on a learner, student or other employee

c) having a sexual relationship with a learner of the school where he or she is employed

d) seriously assaulting a learner, student or other employee with the intention of causing grievous bodily harm

e) illegal possession of an intoxicating, illegal or stupefying substance

f) causing a learner or a student to perform any of the acts contemplated in paragraphs a) to e).

The procedure to be followed if it is alleged that an educator had committed serious misconduct is set out in Schedule 2.

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Misconduct is defined in Section 18 (as amended by Section 11 of the Education Laws Amendment Act 53 of 2000) as "a breakdown in the employment relationship". An educator commits misconduct if he or she

a) fails to comply with or contravenes this Act or any other statute, regulation or legal obligation relating to education and the employment relationship

b) wilfully or negligently mismanages the finances of the state, a school or an adult learning centre

c) without permission possesses or wrongfully uses the property of the state, a school or an adult learning centre, another employee or a visitor

d) wilfully, intentionally or negligently damages or causes loss to the property of the state, a school or an adult learning centre

e) in the course of duty endangers the lives of himself or herself or others by disregarding set safety rules or regulations

f) unjustifiably prejudices the administration, discipline or efficiency of the Department of Education, an office of the state or a school or an adult learning centre

g) misuses his or her position in the Department of Education or a school or an adult learning centre to promote or prejudice the interests of any person

h) accepts any compensation in cash or otherwise from a member of the public or another employee for performing his or her duties without written approval from the employer

i) fails to carry out a lawful order or routine instruction without just or reasonable cause

j) absents himself or herself from work without a valid reason or permission

k) unfairly discriminates against other persons on the basis of race, gender, disability, pregnancy, marital status, ethnic and social origin, sexual orientation, age, disability (*sic*), religion, conscience, belief, culture, language, birth, family responsibility, HIV status, political opinion or other grounds prohibited by the Constitution

l) performs poorly or inadequately for reasons other than incapacity

m) without the written approval of the employer, performs work for compensation for another person or organisation either during or outside working hours

n) without prior permission of the employer accepts or demands in respect of the carrying out of, or failure to carry out, the educator's duties, any commission, fee, pecuniary or other reward to which the educator is not entitled by virtue of the educator's office, or fails to report to the employer the offer of any such commission, fee or reward

o) without authorisation sleeps on duty

p) while on duty is under the influence of an intoxicating, illegal, unauthorised or stupefying substance, including alcohol

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q) while on duty conducts himself or herself in an improper, disgraceful or unacceptable manner

r) assaults, or attempts to assault or threatens to assault, another employee or another person

s) incites other personnel to unprocedural and unlawful conduct

t) displays disrespect towards others in the workplace or demonstrates abusive or insolent behaviour

u) intimidates or victimises fellow employees, learners or students

v) prevents other employees from exercising their rights to freely associate with trade unions in terms of any labour legislation

w) operates any money-lending scheme for employees for his or her own benefit during working hours or from the premises of the educational institution or office where he or she is employed

x) carries or keeps firearms or other dangerous weapons on state premises without the written authorisation of the employer

y) refuses to obey security regulations

z) gives false statements or evidence in the execution of his or her duties

(aa) falsifies records or any other documentation

(bb) participates in unprocedural, unprotected or unlawful industrial action;

(cc) fails or refuses to –

(i) follow a formal programme of counselling as contemplated in item 2(4) of Schedule 1

(ii) subject himself or herself to a medical examination as contemplated item 3(3) of Schedule 1 and in accordance with Section 7 of the Employment Equity Act 55 of 1988

(iii) attend rehabilitation or follow a formal rehabilitation programme as contemplated in item 3(3) of Schedule 1

(dd) commits a common law or statutory offence

(ee) commits an act of dishonesty

(ff) victimises an employee for, among others, his or her association with a trade union.

Activity 16.3

Study the following extract from a report of the Human Rights Watch and determine whether the educator(s) are guilty of misconduct. Substantiate your answer.

> In some cases, girls acquiesce to sexual demands from teachers because of fears that they will be physically punished if they refuse. In other cases, teachers abuse their position of authority by promising better grades or money in exchange for sex. In worst cases, teachers operate within a climate of seeming entitlement to sexual favours from students.

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16.3.2.2 Actions against educators found guilty of misconduct

If an educator is found guilty of misconduct the employer may take the following actions (South Africa 1998a, S 18(3)):

a) Counselling
b) A verbal warning
c) A written warning
d) A final written warning
e) A fine not exceeding one month's salary
f) Suspension without pay for a period not exceeding three months
g) Demotion
h) A combination of the sanctions referred to in paragraphs a) to f)
i) Dismissal, if the nature and extent of the misconduct warrants dismissal

CONCLUSION

You should now have a basic knowledge of the education law sources regulating classroom management and how you can manage your classroom in a lawful manner.

Figure 16.1 represents a mind map of the main aspects of this chapter. Use it to reflect on what you have learnt as you worked through the chapter.

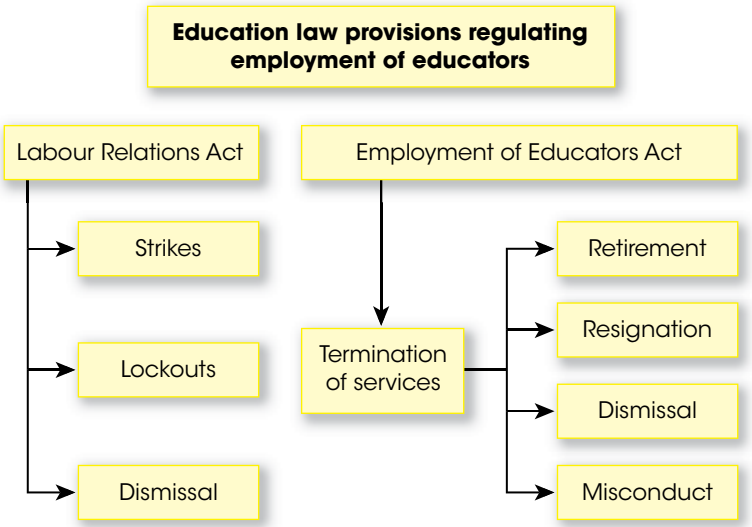


FIGURE 16.1 A summary of Chapter 16

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