

Research Article

Cite this article: Chibaya, S. (2026). Reforming School Governance: A Critical Analysis of the BELAB's Impact on SGB Roles. *Educational Process: International Journal*, 24, e2026079. <https://doi.org/10.22521/edupij.2026.24.79>

Received July 4, 2025

Accepted December 28, 2025

Keywords: Basic education laws amendment bill, school governing bodies, south African schools act, roles

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Reforming School Governance: A Critical Analysis of the BELAB's Impact on SGB Roles

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Abstract

Background/purpose. The Basic Education Laws Amendment Bill (BELAB) seeks to enhance the quality of education in South Africa and has significant implications for school governance. Over time, the influence of parents within School Governing Bodies (SGBs) has increased, allowing them to impact crucial areas such as school budgets, language policy, discipline, and the appointment and promotion of staff. This theoretical paper sets out to comprehensively and critically explore BELAB in the context of school governance.

Materials/methods. Grounded in a qualitative research approach, this theoretical paper comprehensively and critically explored the African Philosophy of Ubuntu as a theoretical framework. Data were collected through a detailed study of the BELAB and a literature review of relevant articles from the past decade, sourced from databases including Google Scholar, EBSCOhost, SABINET, court cases, newspapers, and physical libraries. The data were thematically analyzed by comparing BELAB's provisions with the established roles of SGBs prior to the Bill's introduction.

Results. Findings indicate that BELAB proposes significant changes to the SGBs' responsibilities regarding admissions, language policy, and the promotion and appointment of teaching and administrative staff. These changes may lead to increased polarisation of schools, inadequate resourcing, and additional governmental responsibilities. This paper also lays bare the scarcity of extant literature on the BELAB and elucidates the pivotal role of empirical research on the bill as it is now signed into law.

Conclusion. Conclusively, this paper proposes measures to support parents' rights and roles in school governance, ensuring they remain integral to the educational framework while adapting to legislative changes.



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1. Introduction

The Basic Education Law Amendment Bill (BELAB) seeks to enhance the quality of education in South Africa. During the conduction of this study, President Ramaphosa signed the BELAB, and two clauses were on hold for consultation. After President Ramaphosa's signing, the BELAB replaced the South African Schools Act (1996) (SASA), which was established post-apartheid to democratize the education system. SASA mandates the formation of school governing bodies (SGBs) consisting of parents, educators, and non-educator staff members, granting them the authority to govern schools, a power that does not conflict with the BELAB. Changes are in clauses, some of which include the foreseeable changes to the roles of the SGB (Kruger, 2023).

The BELAB was drafted as early as 2013 to improve education in South Africa. Part of the improvement required democratic participation and the transformative advancement of mother tongue instruction. The SGBs, composed of parents, educators, and non-educator staff members, will partner with the Department of Basic Education at the provincial and national levels (Miller & Venketsamy, 2022). In partnership with the Department of Basic Education at the different levels, the SGB represents the school and the community in the quest for quality education for the learners. Miller and Venketsamy (2022) highlight the need for school governing bodies to play a crucial role in fostering relationships between schools and parents, as they represent the interests of the parent community.

School governing bodies were meant to improve involvement, participation, and cooperation between the school and the Department of Basic Education. Over time, the influence of the SGB, from the inception of SASA (1996), led to their taking up roles in school budgets, language policy, discipline, and appointments and promotions. This gave power to the parents, which was something different from the backdrop of the apartheid era, during which children belonged to the state, with the state making all the decisions without considering the voice of parents. (Davids, 2023). The introduction of the SGB in schools was intended to involve parents in school governance and promote the democratic agenda post-1994. The SGBs were meant to improve parental involvement, and the idea was to try to evade the perception that the government wholly governed the education system, as was the case during the apartheid era (Kruger et al., 2024).

A central concern in South Africa since the advent of democracy is the pursuit of quality education. SASA (1996), a landmark piece of legislation, sought to democratize the education system through SGBs. The SGBs gave voice to the communities in school governance, but evolving societal needs and persistent educational inequalities necessitated legislative reform. The BELAB was then drafted to strengthen the school governance framework in ways that align with contemporary realities and ultimately enhance the quality of education (Kruger, 2023). Consequently, the BELAB brought about changes to South African education legislation by pushing for inclusivity and quality education.

Among the clauses affected by the BELAB are those impacting laws on language, admissions, and procurement policies, which were linked to some of the responsibilities of the SGBs as highlighted in SASA (1996) (Kruger et al., 2024). Such a shift marks a significant legislative moment, signaling a new phase in South Africa's transformation. However, despite a plethora of literature on SGBs and SASA, there is limited scholarly attention on the implications of the BELAB on school governance. The rationale for this study lies in examining how the BELAB advances or challenges the functions of the SGB and the broader objective of improving the quality of education in South Africa. Therefore, this paper critically analyses the BELAB and its potential effects on the role of SGBs if passed into law.

At the beginning of this paper, the BELAB was signed into law with two clauses put on hold due to contestations. The question that comes to mind is, how will the BELAB affect the SGB in its current form? This needs to be critically analyzed, considering the changes the roles of SGBs may undergo.

What changes are there to the roles of School Governing Bodies (SGBs) in South Africa as defined by the South African Schools Act (SASA) of 1996 concerning BELAB? The main research question for this paper is: What is the impact of the BELAB on the SGB's roles? The subsidiary question was: What are the roles of the SGB under existing legislation in South Africa? What are the roles of the SGB according to the BELAB? How do the changes appearing in the BELAB affect the SGB?

The research aimed to explore the impact of BELAB on SGB's role. The research objectives were to identify the roles of the SGB under existing legislation in South Africa. To identify the SGB's roles according to the BELAB. To outline the changes appearing in the BELAB and how they will affect the SGB.

2. Literature Review

This literature review covers the roles of the SGB as they relate to the Department of Basic Education (DBE), highlighting some of the strains experienced in their dealings, which sometimes end in court cases. This includes the SGBs' role in cooperative governance, which focuses on working in partnership with the DBE, followed by SASA's articulation of the SGBs' roles. This section then concludes by looking at the changes to the role of the SGB, considering the BELAB.

2.1. SGB and the Department of Basic Education

A preliminary literature review indicates a strained relationship between the SGBs and the DBE (Alexander, 2023). In some contexts, this strain in the relationship between these two critical elements in the provision of education is seen as a power struggle; in others, as a demand for relevance. Some contestations between these parties sometimes lead to court cases seeking adjudication to determine right and wrong. As is often the case with any court case in the republic, these cases cost money, further strain relationships, and consume a lot of time and energy. Sometimes, the contestations get nasty and act to the detriment of the child whose interests both parties purport to promote.

The SGBs are organs of the state like the PDE; however, they do not possess the same powers as the PDEs. The literature is clear on how SGBs are involved in cooperative governance as organs of the state (Basson & Mestry, 2019). The lack of clarity regarding powers and roles, and the abuse of power, has been exposed by newspaper reports on the conflicts between the SGBs and the PDE. Some newspaper reports follow up on court cases between the SGBs and the Department of Basic Education. This section will highlight some of the court cases and discuss them briefly.

In a conflict that highlighted the SGB's role regarding the Admission Policy, the case MEC for Education in Gauteng and Others v Governing Body of Rivonia Primary and Others 2013 (12) BCLR 1365 (CC) can be learned from. The judgment of this court case explained that Section 41 of the Constitution emphasizes cooperative governance, which should define the relationship between the SGBs and the PDEs. The court upheld the notion of cooperative governance, requiring cooperation in a spirit of mutual trust and good faith by assisting, supporting, consulting, coordinating activities, adhering to agreed procedures, and avoiding litigation.

Section 36 of the Constitution can also be considered during conflict. This part of the Constitution provides a limitation clause (Kruger, 2023). The limitation clause helps balance rights and provides a mechanism that provides specific criteria to be followed when conflicting rights and interests are claimed. The relationship between SGBs and the PDE is essential to achieving quality education.

The pregnancy policies drafted by some of the SGBs brought them before the courts, as the policies infringed on the rights of pregnant women who are categorized as vulnerable learners. Cases such as *S v Mhlungu* (1995), *Head of Department, Department of Basic Education, Free State Province v Welcome High School and Another*, and *Head of Department* showcase the need for the SGB to

consider the fair and just treatment of learners when developing pregnancy policies. The court judgments advised that the SGBs must craft policies and enforce policies to protect all children, let alone the vulnerable ones.

Language policies in some of the schools were shown to be a barrier to access to education for some learners. The case *Gauteng Department of Basic Education v Rivonia Primary School* (2016) demonstrated the complexity of language rights and also held that the department may not override the school's policy agreed upon by the school governing body. This was founded on section 41 of the Constitution, which emphasizes cooperative governance as the standard for operation between the SGBs and the PDEs.

The reviewed legal cases clarify several points regarding SGBs and the primary education department. One of the things they show is the challenges that SGBs have in policy creation and enforcement. Some of the policies are poorly crafted. Hence, legal battles ensue, and some SGBs face challenges from the Department of Basic Education when it enforces certain policies. This highlights existing conflicts and requires understanding constitutional rights and national standards. The legal proceedings cited all emphasize the importance of equal access to education, considering the availability and practicality of the rights being served. The parties involved in governing children's education were reminded in the legal proceedings to uphold the child's best interest, a principle of legality. Not all SGBs have access to courts (Christie, 2020; Mohapi & Netshitangani, 2018; Ntsimango, 2016), an unfortunate situation that makes courts a tool for some and not others. This is unfair, given that litigation is often the only avenue in conflicts between the SGB and the Department of Basic Education.

2.2. SGB as per SASA

The constitution under which SASA was promulgated recognizes parents as having primary responsibility for their children's education. Consequently, parents must be consulted by the state concerning their children's education. According to SASA, this would help reduce the state's influence on education and accommodate parents' voices, views, and aspirations regarding their children's education. Therefore, SASA 84 of 1996 sets out the roles and responsibilities of SGBs and covers issues such as funding, governance, and the running of the school.

Kruger (2021) writes about how, during the apartheid era, the apartheid regime monopolized the governance of schools in a way that ostracized parents. What emerged from such a context was the disenfranchisement of parents regarding school governance, and they became unenchanted with school involvement. Literature is awash with the outcry on the lethargy of parents in being involved in their children's education. (Chidiogo et al., 2024; Myende & Nhlumayo, 2022). The advent of SGBs sought to increase parental participation, legislating it through roles specified in the SASA 84 (1996). This was meant to see parents taking critical roles in determining school budgets, language policy, discipline, and the appointment of new staff, among other responsibilities.

According to SASA 84 of 1996, section 6(1), a public school's governing body may determine the school's language policy, subject to the Constitution and any applicable provincial law. This role can be reasonably fulfilled if the SGB represents the community's language option. One way to ensure that is to make the SGB as inclusive as possible in its composition, catering to and reflecting the diversity of the community in which the school is located. Unfortunately, as shown in the court cases discussed earlier, some language policies developed by some SGBs prevented some learners from accessing education.

Another role of the SGB pertains to providing rules on religious observances. Section 7 of SASA states that religious observances may be held at a public school under rules issued by the governing body, provided they do not violate others' rights. This role empowers the SGBs to create and enforce

policies on conducting religious activities within their schools. Such a role is complex because of the various religious orientations expressed in the schools.

The SASA in sections 9 and 16 indicates that the SGB of a public school may, after a fair hearing, suspend a learner from attending school. Understanding what a fair hearing entails is essential, as any omission of the parts of the hearing procedures may render the process unlawful and void. Fairness is understood as justice, equity, and equal treatment. Suspension, temporary exclusion, expulsion, and permanent exclusion must follow the prescribed procedures stated in section 9. The *Maritzburg College v CR Dlamini N.O. and Others* case underscores the importance of a fair procedure. Some essential aspects of a fair procedure include hearing the other side, offering sufficient time to respond, and having a fair opportunity to be heard (Oostheizen et al., 2020). Section 18 of the SASA elaborates on the governing body's constitution.

2.3. SGB and the Department of Basic Education

The African Philosophy of Ubuntu (Khoza, 2012) underpins this study as the theoretical framework. From African oral history, we understand that our ancestors used to sit with their kings and family leaders to present their issues. Then the leaders would ask each other for ideas from the gathering. When the best idea is found, a decision will be made. This is Ubuntu: "I am because you are, and you are because I am." This can be likened to collective governance engendered by the establishment of the SGBs. The democratic approach of collective governance exemplifies the African Philosophy of Ubuntu, which, as Chowdhury et al. (2019) explain, is about togetherness. In this way, the theoretical framework for this study will be appropriate for critically analyzing school governance in light of the BELAB's impact on SGB Roles.

3. Methodology

This study was situated within the interpretivist paradigm because it sought to understand the subjective world of human experience while preserving the integrity of the phenomenon. (Cohen et al., 2017). The study seeks to understand how the BELAB will affect SGBs' roles and responsibilities. This is from a qualitative approach, in which the data to be gathered are non-numerical. A qualitative research approach is proposed for this study because non-numerical data will be collected to understand concepts, opinions, beliefs, behavior, and experiences from the literature (Creswell & Creswell, 2017).

The design for this study is a desktop study involving systematic document analysis. In the desktop study, the topic was identified, and the research sources from which data were collected were then combined, compared, and analyzed (Ruffell & Barry, 2021). To generate a robust and credible analysis, a systematic process of document selection was used. The primary sources comprised legislative and policy documents relating to the SASA (1996) and the BELAB, government gazettes, Google Scholar, EBSCOhost, and SABINET. A total of 28 documents were initially retrieved through targeted searches on government websites. These documents were screened for relevance to the theme of the roles of SGBs, the BELAB, SASA, and quality education.

Following the screening process, 15 documents were included in the final analysis. The inclusion criteria were: (i) documents directly related to SASA and BELA, (ii) documents on the roles of the SGBs, and (iii) documents between 2013 and 2024. The exclusion criteria were: documents not directly related to governance or basic education policy (ii) duplicating or overlapping documents with no additional insights (iii) opinion-based pieces lacking scholarly authority.

Data were analyzed using thematic analysis (Creswell & Creswell, 2017). For this study, the coding process was primarily deductive, as predefined categories informed the research questions and theoretical framework, namely, the roles of SGBs and the African philosophy of Ubuntu. However, an inductive sensitivity was retained, as it allowed for new insights and emergent codes

when data revealed patterns not initially anticipated (Braun & Clarke, 2006). The coding protocol was developed, which included familiarisation, initial coding, and theme construction to ensure transparency and consistency in the analytic process.

4. Results

Data were collected from various primary sources, including Google Scholar, EBSCOhost, SABINET, court cases, newspapers, and physical libraries. The primary focus of this study was internet searches for academic articles and books discussing the roles of the SGB in SASA and the BELAB, as well as possible changes to those roles in light of the BELAB. Articles and books about this study were downloaded and read for data. Table 1 presents a list of articles and books collected and analyzed. The main focus of the research was to examine the changes that could affect the roles of the SGBs if the BELAB were signed into law. The possible legislative changes are shown to have some implications for the functioning of the SGBs.

Table 1. Selected primary data sources

Study	Location	Title	Sample	Methodology	Findings
Miller & Venketsamy (2022).	South Africa	Supporting Parents' Needs as Educational Partners to Enhance Children's Classroom Learning	South African parents of young learners, and the sample size for the study was fourteen parents, providing valuable qualitative data on their involvement in education	utilized qualitative approach, employing semi-structured online interviews conducted via Google Forms.	a The study found that many South African parents have limited knowledge and understanding of how to support their children's learning effectively. This lack of awareness can hinder their ability to contribute positively to their children's educational journey. SGBs continue a historical narrative of exclusion and inequality, effectively widening the gaps between historically advantaged and disadvantaged schools and putting into effect renewed tensions
Dauids (2023)	South Africa				

Study	Location	Title	Sample	Methodology	Findings
Miller (2021)	South Africa	Supporting Parents' Needs as Educational Partners to Enhance Children's Classroom Learning	Population sample size: 22 participants Sampling method: Purposeful selection from six no-fee schools		of inequality and inequity. SGB members lack the knowledge to manage school finances effectively. Rigorous training by finance officials in understandable language is recommended 1
Mohapi (2021).	South Africa	Governance collaboration in schools: the perceptions of principals, parents, and educators in rural South Africa		Qualitative research methods Interviews and document analysis	Constraints to effective governance by the SGB parent component in rural SA. Recommendations for improving governance effectiveness in rural South Africa. 3
Dauids (2023)	South Africa	Governance as subversion of democratization in South African schools		Literature review on school governance Observation and interviews with SGB members Knowledge development Change management models	Parents see themselves as equal partners with educators. Improvement in learner performance is a shared responsibility 4 Knowledge impacts SGB's attitude towards policy implementation. Change management models can improve policy implementation strategies. 12
South African Schools Act 84 of 1996 Roles of School Governing Bodies (SGBs)	South Africa				

Study	Location	Title	Sample	Methodology	Findings
Kruger, B., D u Plessis (2024)	South Africa	Non-Educator Stakeholders and Public- School Principals' Views on the Proposed Amendments to the South African Schools Act 84 of 1996	Over 5000 submissions received A qualitative study using triangulation	Qualitative case study Triangulation : interviews, literature review, document analysis	The BELAB proposes decentralizing power from School Governing Bodies (SGBs) to principals, which could affect SGBs' roles in school governance.
Nwosu & Chukwuere (2017).	South Africa	The Roles and Challenges Confronting the School Governing Body in Representing Schools in the Digital Age	Qualitative research with individual and group interviews. A case study was conducted in a school in Mafikeng, South Africa.	Qualitative research design Individual interviews and semi- structured focused group interviews	The Basic Education Law Amendment Bill (BELAB) assigns roles to the School Governing Body (SGB), such as maintaining policies, controlling finances, designing curriculum, and mediating technology- related issues.
Mabusela (2016)	South Africa	The role that the school governing bodies (SGBs) play in the implementatio n of language policy in the British District	Population sample size: 6 schools Sampling method: Qualitative study using interviews, document analysis, and observation	Interviews, document analysis, observation A qualitative study to gather information.	The roles assigned to School Governing Bodies (SGBs) include implementing language policy, school maintenance, fund management, and educator hiring, but rural SGBs struggle with implementing language policy.
Duku & Salam (2017).	South Africa	The Relevance of the School Governance	Eighteen parents participated in the study.	Ethnographic approach	SGBs are vital for decolonizing education

Study	Location	Title	Sample	Methodology	Findings
		Body to the Effective Decolonization of Education in South Africa.	The ethnographic approach of qualitative research was adopted.	Interviews of and observations was	through indigenous knowledge. SGBs maintain discipline and have authority in the community.
Matshidze, Klu, Tugli & Ramakuela (2014)	South Africa	The Involvement of Governing Bodies in School Administration in the Vhembe District, Thulamela Municipality	A simple random sampling procedure for selecting respondents participants	Concurrent mixed method design (quantitative survey and qualitative phenomenological approaches). Semi-structured interviews, focus groups	The roles assigned to School Governing Bodies (SGBs) are outlined in the South African Schools Act (Act 84 of 1996), emphasizing community involvement in public school administration in the Vhembe District.
Mavuso, Duku (2014)	South Africa	Participation of Parents in School Governance: A Case Study of Two Eastern Cape Schools: A View from Below	Population sample size: 36 respondents Sampling method: Qualitative research approach through structured and semi-structured interviews	Qualitative research methodology within the interpretive paradigm Structured and semi-structured interviews, documentary analysis	The roles assigned to the School Governing Body (SGB), according to the Basic Education Law Amendment Bill (BELAB), include convening meetings, formulating policies, managing finances, and ensuring a culture of teaching.
Alexander (2023).	South Africa	AN OVERVIEW OF AN OMBUD OFFICE TO ENHANCE COOPERATION BETWEEN SCHOOL GOVERNING BODIES AND THE	A chapter in a book	Document analysis and analysis of court cases.	The Ombuds office may help improve the relationship between SGB and DOE by serving as a mediator, as the two may have a strained relationship.

Study	Location	Title	Sample	Methodology	Findings
		DEPARTMENT OF BASIC EDUCATION. <i>Journal for Juridical Science</i> , 48(1). https://doi.org/10.38140/jjs.v48i1.7099			
Nxumalo, G. & Uleanya (2021)	South Africa	Examining the Involvement of School Governing Bodies in Promoting Educators in South Africa, University of Zululand, KwaDlangezwa, South Africa, University of South Africa, Pretoria, South Africa,	Case study, random sampling, 200 respondents, educators, principals, chairpersons of SGBs,	questionnaires, respondents	The principal is also part of the SGB and is responsible for implementing policies. The common goal of the governing body is to perform its functions in support of the school efficiently and for the benefit of the community as a whole, as prescribed in the South African Schools Act No 84 of 1996 (DoE, 1997, p. 14).
Kruger (2021)	South Africa	Management and Governance Decentralization in Public Schools: Principals' Perspectives on Decentralized Decentralization (Doctoral dissertation, University of Pretoria (South Africa).			The Basic Education Laws Amendment Bill (BELAB) recommended 45 changes to SASA.

5. Discussion

The BELAB provided an unusual opportunity to make a significant amendment to the SASA to address issues that have plagued the essential provision of education in South Africa. Some of the issues amended in the BELAB are a profound reflection of the social, political, and economic landscape and a platform for arbitration and mediation between schools and the Department of Basic Education. The BELAB made provisions for arbitration and mediation to avoid litigation. Authors such as Matshe and Pitsoe (2013) and Alexander (2023) agree on the importance of avoiding litigation through mediation. One of the solutions that Alexander (2023) suggests is the use of an ombuds office to facilitate cooperation between the SGB and the DBE.

The interests, understanding, and aims of the SGBs and the DBE are sometimes at loggerheads. The literature records issues such as mistrust (Davids, 2023), reservations about being inclusive by some SGBs (Kruger et al., 2024), and interference by the DBE in the affairs of the school (Nwosu & Chukwuere, 2017). These were some of the causes of friction between the SGB and the DBE. This is evidenced by court cases and the strains in the relationship between these two parties, resulting in litigation that costs both parties time and money. While the DBE's endeavor may be to provide quality education inclusively, SGBs may sometimes have reservations about how this can be achieved and legislated.

5.1. SGB and the BELAB

The proposed Basic Education Amendment Bill makes provisions for arbitration and mediation to resolve the conflict between the SGBs and the PDE (Government Gazette 41178/2017). This is in line with the Constitution of the Republic of South Africa, 1996, which succeeded the Interim Constitution, 200/1993 (Matshe & Pitsoe, 2013). It must be emphasized that SGBs must familiarise themselves with the legislation, including the BELAB. Below, I discuss the SGB's roles in the BELAB about its relationship with the head of the department, the language policy, learners' attendance, and the exemption of learners from a part of the code of conduct.

Kruger (2021) writes about how, during the apartheid era, the apartheid regime monopolized the governance of schools in a way that ostracized parents. What emerged from such a context was the disenfranchisement of parents regarding school governance, and they became unenchanted with school involvement. The literature is awash with outcry over the lethargy of parents in being involved in their children's education (Chidiogo et al., 2024; Myende & Nhlumayo, 2022). The advent of SGBs sought to increase parental participation, legislating it through roles specified in the SASA 84 (1996). This was meant to see parents taking critical roles in determining school budgets, language policy, discipline, and the appointment of new staff, among other responsibilities.

Unlike SASA, the BELAB indicates that the governing body must submit to the Head of Department (HOD) for approval. While the SGB's role in creating and enforcing school policies remains the same, approval of policies, such as the language policy, must be obtained from the HOD. This aligns with the arbitration and mediation espoused by the BELAB, a spin-off of cooperative governance related to Ubuntu's democratic quality. However, cooperation among parties with unequal powers and motives may throw a spanner in the works of cooperative governance. The BELAB encourages a broader, more inclusive language policy. This also speaks to the SGB's representation of the community's diversity and the broader community's needs. How this relates to the child's best interests is an area for further study.

5.2. Contentious Issues

The language policy is a contentious issue, on which most comments in different media on the BELAB seem to dwell. On one side, some feel SGBs have the power to keep some learners out of their schools through the language policy; on the other, SGBs feel the quest for equality in language

integration may compromise the quality of education in their schools. In schools with small numbers, their SGBs seek to protect that space as it is and take pride in the prevalence of such conditions.

According to the BELAB, compulsory school attendance will start at Grade R. This is a welcome change in some quarters, as it allows early access to education for children; however, for SGBs, this may present many challenges. In schools that are already overcrowded, under-resourced, and short on teachers, this change in the admissions policy would add more pressure on these schools. Even in schools that are well-endowed with resources, if the BELAB is passed into law, they have to make changes to accommodate changes to the admission policy, which entails governance challenges such as resource management and distribution. However, according to the National Development Plan (NDP), primary education is vital in building the foundation for lifelong learning, and striking a balance may be necessary.

On issues regarding discipline, the BELAB adds to SASA by providing a definition of “serious misconduct” and advocating for age-appropriate disciplinary procedures. A “serious misconduct” is defined in the BELAB to include physical assault, any form of harassment; repeated offences related to bullying; the illegal possession of a drug or liquor; the repeated disruption of the school programme; serious transgressions relating to any test or examination; fraud; theft or any other dishonest act to the prejudice of another person; the possession of a dangerous object while on school premises; the possession or distribution of pornographic material; engaging in sexual activity on school premises; and any other serious act contemplated in Schedule. Regarding age-appropriate disciplinary procedures, the BELAB prescribes that they must be in the learner's best interest and align with social justice, fairness, and the Constitution.

In an effort to cut costs by procuring goods directly from manufacturers or suppliers, the BELAB proposes central procurement. The schools can procure their goods if they can obtain them at a lower price than the Department of Basic Education’s suppliers. Section 21 of SASA allowed schools to buy their supplies. The challenge with the proposed BELAB about central procurement is that it aims to reduce costs but does not improve the quality or access to educational material. There are questions about who will determine whether the products are of good enough quality and how suppliers will be chosen. This may open up to corruption and unfair distribution of resources.

Issues on possible criminalization of parents and caregivers who do not send their children to school by the BELAB exposed the underbelly of some of the inherent problems in South Africa. Though this does not directly relate to the role of the SGBs, it underscores the importance of knowledge of some aspects highlighted in the BELAB. While the criminalization was scrapped from the BELAB, the BELAB mandates that schools accept learners, even those without documentation, because this is in the child's best interest. The problems, such as undocumented learners, child-headed families, and poverty, stick out as some of the reasons why children may not be in school. Compulsory education is proposed for ages 5 to 15, and the early start is considered a stepping stone to social equality. (Kotze, 2015).

Still on compulsory education from five to fifteen years, a question lingers: whether the government can provide funds for this endeavor. The Standing Committee on Education highlights additional considerations, such as national norms and standards for school funding, learner-teacher ratios, learner-teacher supply materials, learner transport, the national school nutrition program, the requirement for special needs education, and the cost of appointing administrative staff in provincial education departments. These considerations are unfunded, and on the 24th of March 2024, members of the Standing Committee, chaired by Ms Baartman, were concerned that the BELAB was not ready for implementation due to insufficient funding. The unfunded considerations are estimated to be over R18 billion, and the committee's concern was where the Department of Basic Education would get the money. School life, as it stands, is poorly resourced and insufficiently funded,

School life has, on several occasions, been disrupted by numerous instabilities. One of the causes involves community members disrupting schooling. The SASA was silent about addressing people who caused instability that denied learners their right to education. The right to education as a fundamental right is enshrined by Section 29(1) (a) of the Constitution and Schedule 4 of the Constitution. The BELAB stipulates that a person guilty of disrupting school activities can be punished for up to twelve months. As for disciplining learners in school, the BELAB reiterates a complete ban on corporal punishment, as the SASA espouses. The president of NAPTOSA, Basil Manuel, encourages action against teachers who practice corporal punishment and calls for teachers to be supported with lawful alternatives for disciplining learners.

The appointment and promotion of school teachers were left to the Department of Basic Education to curb corruption. The BELAB provides for the SGB to recommend a candidate for appointment, but the HOD retains the prerogative to make the appointment. There are reports of disputed appointments of principals in areas where the principals' race differs from that of the communities (Dube & Tsotetsi, 2020). This is another typical conflict or strain between the community (SGB) and the appointing authorities.

Findings indicate that BELAB proposes significant changes in the SGBs' responsibilities regarding admissions, language policy, teaching, and administrative staff promotion, appointment, and procurement. These roles and responsibilities of the SGBs are spelled out by Matshidze et al. (2015) and Mabusela (2016) with close reference to the SASA, but do not consider the varied contexts in which schools find themselves. With the powers vested in the SGB by SASA, some SGBs continued with the exclusion narrative that prevailed during the apartheid era. The contestations on some of these matters during the public consultations indicated competing interests of the schools and the Department of Basic Education, as well as a lack of trust between the parties. This can be seen in the need for the HOD to ratify the policies crafted by the SGBs or to intervene and reverse their decisions. The findings point to increased governmental control over education and the watering down of the SGBs' powers.

6. Conclusion

The study on the BELAB and its effect on the roles of the SGBs shows changes in their roles, which have caused contestation and exposed conflicts of interest in some areas. The policymakers representing the Department of Basic Education's interests and the SGBs seem to differ in some critical school governance issues. There has been so much public interest in the BELAB, and mixed views about it that, in some cases, have been misdirected. Despite the contestations, the BELAB is not being rejected in its totality; specific clauses are disputed. Unfortunately, the disputed clauses run deep in South Africa's history and strike raw nerves. These clauses would include those on admission, language, and procurement, adding valuable insight into the BELAB's influence on the roles of the SGBs and contributing to the scarce literature covering this period of legislative change.

The consolidated analysis of the desktop study highlights a shift from the transformational goal, which is now lopsided. It is clear from the court cases that some SGBs abused their power, and in some cases, their powers were overridden by the Department of Basic Education. What is glaring from some judgments on language and pregnancy policies is that the power to govern SGBs has been abused in ways that deny some learners access to education. So, the BELAB seems to clip the wings of the SGBs, allowing learners to have greater access to education. As for the BELAB's ability to provide quality education, it remains to be seen.

7. Suggestion

Considering the suggested changes to the SASA, this study recommends that consultation continue in the spirit of Ubuntu. There is no need to rush the signing off on the bill. The parts that

must be chiseled up must be addressed fairly and respectfully, and trust must be restored and built among the stakeholders. The bill has been a long time coming, and much work has already been put into it; a little more work will help conflicting parties find common ground, which will be beneficial.

The recommendations include training, which must often be generalized but should be specific, intentional, and interactive. Through training on the BELAB, I will have people input into it, motivating them towards good governance and cooperation, with a direct influence on the tenets of Ubuntu. The recommendation for announcing the governing body's capacity is to provide introductory training to the newly elected members. We know that once BELAB is signed into law, everyone will be new to it. The head of the department must ensure that principals and other offices of the Department of Basic Education render all necessary assistance to governing bodies in performing their functions.

As there is scant literature on the BELAB, this study recommends research on the bill's effects on other stakeholders, on the consultative process in drafting the bill, and on the funding models if enacted into law. The pivotal role of empirical research on the bill, if passed into law, must be kept in mind, and this study recommends such studies on the BELAB. Close attention must also be given to measures to support parents, such as workshops, training, and information in newsletters and brochures to instruct them about their rights, legislative changes, and role in their children's education.

Declarations

Author Contributions. Solomon Chibaya: Literature review, conceptualization, methodology, data analysis, review-editing, and writing, original manuscript preparation. I have read and approved the published version of the article.

Conflicts of Interest. The author declares no conflict of interest.

Funding. No funding

Ethical Approval. All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Declaration of Helsinki and its later amendments, or comparable ethical standards. Informed consent was obtained from all individual participants included in the study.

Data Availability Statement. The author confirms that the data supporting the findings of this study are available within the article.

Acknowledgments. None.

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