A case study of the knowledge of the Zimbabwe Educational Framework among teachers, school administrators and School Development Committees in Masvingo district.

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Abstract
This study sought to assess the knowledge of education practitioners of the education legal framework obtaining in Zimbabwe. The participants in this study were sampled from workshops on financial management for teachers, school heads and School Development Committees in Masvingo district. The educational legal framework in Zimbabwe is composed of a number of statutory instruments as well as the Education Act Chap 25; 04 and the Zimbabwean Constitution. From this plethora of legal instruments guiding the Zimbabwean education system this study confined itself to the Zimbabwean constitution, Education Act Chap 25; 04, SI 87 of 1992, SI 70 of 1993 and Administration and finance Circular 6 of 1994. The study concludes that teachers, school administrators and SDCs know that education is a fundamental right. However, the study also revealed that teachers, school administrators and SDCs were conversant on the legal instruments obtaining in Zimbabwe.

Key words: Education legal framework, Education Act, SI 87 of 1992, Zimbabwe

1.0 Introduction
This study sought to assess the knowledge of education practitioners of the education legal framework obtaining in Zimbabwe. The participants in this study were sampled from workshops on financial management for teachers, school heads and School Development Committees in Masvingo district. The educational legal framework in Zimbabwe is composed of a number of statutory instruments as well as the Education Act Chap 25; 04 and the Zimbabwean Constitution. From this plethora of legal instruments guiding the Zimbabwean education system this study confined itself to the Zimbabwean constitution, Education Act Chap 25; 04, SI 87 of 1992, SI 70 of 1993 and Administration and finance Circular 6 of 1994.

2.0 Legal Instruments
These are many pieces of legislation which were taken together form the education legal framework. This section takes a cursory analysis of the education legal framework.

2.1 The constitution of Zimbabwe
The Zimbabwean constitution as amended by the Constitution of Zimbabwe Amendment (No. 20) Act enshrines that education is a fundamental right. Section 19 (2) states that, “The state must adopt reasonable policies and measures, within its limits of the resources available to it, to
ensure that children-(d) have access to appropriate education and training.” Thus, the supreme law of the country acknowledges and protects the right of children to education. The Constitution is read together with the Education Act which provides that primary education is compulsory in Zimbabwe.

2.2 The Education Act (Chap 25; 04)
The Education Act (hereafter the Act) was passed as Act 5 of 1987 and has been amended by quite a number of times. The Act has been amended by Act 26/1991, Act 24/1994, Act 19/1998 and Act 22/2001. Section 4 of the Education Act as amended recognizes education as children’s fundamental right. Mapuva and Mapuva (2014) state that, “The right to education in Zimbabwe has traditionally been a creature of statute, with the Education Act forming the legislative framework for the provision of education in the country.”Section 36(1) of the Education states “The responsible authority of every registered school to which a grant is made in terms of section thirty five shall establish a committee, to be known as a school development committee. Thus, it can be argued that it is jurisprudent on education practitioners to be knowledgeable of this legal instrument. In addition, section 36(1) of the Education Act proscribes for the establishment of School Development Committees (SDCs). Therefore, this entails that the Education Act provides a legal framework for the participation of parents in the education of their children. The Education Act can be viewed as covering all the essentials of the education system in Zimbabwe. Consequently, it can be reasoned that knowledge of this Act for education practitioners is fundamental.

2.3 Stationary Instrument 87 of 1992

The statutory instrument is derived from the Education Act (Section 36) which provides for the establishment of School Development Committees for registered non-governmental schools. Statutory Instrument 87 (1992:613) spells out some of the objects of the SDC as to:

- Provide and assist in the operation and development of the schools;
- Advance the moral, cultural, physical and intellectual welfare of pupils at the school; and
- Promote the welfare of the school for the benefit of its present and future pupils and their parents, and its teachers.

Therefore, according to this legal instrument the SDC is an organ that promotes participation and empowerment of both teachers and parents in the improvement of the quality of education. In addition, SDCs have the mandate to charge and administer levies from parents of students enrolled in their schools (Statutory Instrument 87 of 1992:621). Hence, it is essential that education practitioners be conversant with this legal instrument as it provides for the role of parents in the affairs of the school.

2.4 Statutory Instrument 70 of 1993

SI 70 of 1993 is also derived from the Education Act, just like SI 87 of 1992. The statutory instrument provides guidelines for parental involvement in government schools. Statutory Instrument 70 of 1993:494 empowers School Development Association (SDA) to:

- Promote, improve and encourage the development and maintenance of the schools;
- Assist in the advancement of the moral, cultural, physical, spiritual
and intellectual welfare of the pupils at the schools; and

- Promote and encourage programmes of interest, both educational and social, for the benefit of the students and their parents and teachers.

Hence, it can be revealed that SDAs are empowered to make full use of locally available resources to improve the provision of education in schools. There are a few schools which are government schools in the area under study.

2.5 Administration and Finance Circular 6 of 1994

The Administration and Finance Circular 6 of 1994 is a manual on financial administration in non-governmental schools. According to Gumiro (1994) the manual contains detailed but very basic accounting procedures and other administrative matters which all school heads and SDCs need to be well acquainted with for the proper administration of the school. The Under Secretary (Revenue and Suppliers), Gumiro (1994) states that one copy of the circular should be kept by the head and another by the SDC chairperson. The distribution of the circular and explanation by the Under Secretary expounds glaringly the importance of the knowledge of its contents to the school administrator and SDCs. Thus, it becomes imperative that teachers, school heads and SDCs be conversant of the circular to a greater extent. The increase in the number of newspaper articles on alleged abuse of school funds reveals tellingly that there is non-conversance and non-adherence to the circular in schools. Examples of newspaper headlines include; Three school heads suspended over fees mismanagement (Newsday, 10 July, 2014); Two school heads jailed over fraud (The Herald, 16 July, 2012) and Three headmasters fired, four under investigation for abusing school funds (Bulawayo.24.com, 11 April, 2013).

3.0 Purpose of the study

The overall aim of the study was to analyse the knowledge of education practitioners of the legal framework obtaining in the education system in Zimbabwe.

4.0 Context of the study

The researcher used a case study approach. Yin (2003:13) states that the case study investigates, “contemporary phenomenon within its real-life context, addresses a situation in which the boundaries between phenomenon and context are not clearly evident, and uses multiple sources of evident.” The researcher carried out the study in Masvingo district. The participants were drawn from workshops on school financial management that were carried out in the district. The workshops drew five participants from each and every school, the head and deputy head and a teacher as well as the chairperson and vice-chairperson of the SDCs. The researcher purposively sampled participants from the teachers, head and deputy heads and SDCs who participated in the workshops. A purposive sample of 40 participants was selected by the researcher based on the knowledge of the population and the purpose of the study (Patton, 1990). The researcher utilised a questionnaire which had both open and closed questions. The questions covered by the questionnaire included aspects on education in the Zimbabwean Constitution, the Education Act, SI 87 of 1992, and SI 70 of 1993 and the Finance and Administration Circular 6 of 1994.

5.0 Discussion

The majority of participants (80%) revealed that they knew that education was a
fundamental right according to Zimbabwe’s legal framework. However, only 40% of the participants were able to identify the legal instruments which provide that education was a fundamental right.

In addition, all the participants revealed that at their respective schools they had a file with all the four legal instruments. The teachers, school administrators and SDCs indicated that they had the Constitution of Zimbabwe, Education Act, SI 87 of 1992 and the Finance and Administration Circular Number 6 of 1994. However, only 50% of the participants indicated that they were conversant with the dictates of the legal instruments.

Furthermore, 90% of the participants revealed that they did not know that the Education Act had been amended Act 19/1998 and Act 22/2001. This finding shows that schools were still utilizing the Education Act as amended by Act 24/1994 that is the revised edition of 1996.

70% of the participants revealed that they only heard about SI 87 of 1992 during SDC elections. Statutory Instrument 87 of 1992 covers procedures, qualifications and disqualifications of members for SDC membership. Therefore, the study revealed that the SI was mainly used as an election tool while negating its other core objects already alluded to in this paper.

Moreover, the majority of participants (80%) stated that they had attended only one workshop which covered the legal instruments pertaining to the education system. Thus, the study revealed teachers, school administrators and SDCs prior to the workshop which was used for this study had not attended any other workshop covering legal instruments obtaining in the education system.

6.0 Conclusion

From the preceding discussion of the main findings of this study the researcher concludes that teachers, school heads, deputy heads and SDCs know that education is a fundamental right. The study also concludes that education practitioners and SDCs & SDAs were not up-to-date with amendments to the Education Act as revealed by the lack of knowledge on amendments by Act 19/1998 and Act 22/2001. In addition, the study concludes the schools in Masvingo district have copies of the legal instruments obtaining in the education system in the country.

7.0 Recommendations

The researcher makes the following recommendations from this study;

- Workshops on education legal instruments should be carried out regularly.
- Workshops should include all stakeholders in the education system in order to clarify any sources of conflict in the school system.
- The Ministry of Primary and Secondary Education should disseminate information pertaining to any amendments on the Education Act.

References


[7] Legal Instruments