

Children's Rights to Basic Education: Implications for the State to fund Schools in South Africa

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Abstract

The South African Constitution (SA, 1996a) guarantees to all citizens 'the right to basic education, including adult education'. Although the Constitution does not define a basic education, the South African Schools Act (SA, 1996b) states that there should be compulsory schooling for learners between the ages of 7 and 15. Furthermore, the Schools Act prescribes that the State must fund public schools on an equitable basis in order to ensure the proper exercise of the rights of learners to education and to redress the past inequalities in education provision.

National treasury determines what each province's share of the budget is and this budgeted amount is transferred to the nine provincial governments. There is however difficulties in determining the total budget for education, since provinces are allocated lump sums; each province then has to decide on its allocation for education (Chisholm and Vally, 1996:269).

Children have a right to basic quality education and this can only be achieved through adequate school funding. It is the responsibility of the state to ensure that schools are fully resourced, be it financial, human or physical resources. Norms and Standards of Funding (SA, 1998) sets criteria of how schools should be funded by the provincial departments of education. This paper will argue that the criteria determined by the provincial governments to fund all schools are not equitable and therefore infringes on the rights of children to receive quality education. It is the responsibility of the state to balance the rights of learners to quality education by providing adequate funding to all schools. In order to do this the criteria or formula used in allocating funds to schools should be revised so that schools receive adequate funding.

1. Introduction

It is universally recognized that the main objective of any education system in a democratic society is to provide quality education for all learners so that they will be able to reach their full potential and will be able to meaningfully contribute to and participate in that society throughout their lives. The responsibility of the education system to develop and sustain such learning is premised on the recognition that education is a fundamental right which extends equally to all learners. Exercising this responsibility involves ensuring that the education system creates equal opportunities for effective learning by all learners (Report of the National Commission on Special Needs in Education and Training, 1997).

In an ever-changing and challenging world, we need to provide learners with the best education that we can offer. We must constantly review and reflect on our whole school practice. The management and administration of our schools cannot be separated from what happens in the classroom (Asmal, 2002: 3).

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Education is one of the largest and arguably, most important domestic governmental functions (Jones, 1985: 1). At the outset it is recognized that no amount of money, no matter how large, and no expenditure patterns, no matter how fair, can absolutely ensure school quality. Finance is one of the necessary conditions for educational excellence.

Three important questions on school finance are posed (Jones, 1985: 2):

- How much money should society allocate to education, considering all other things we would like to buy?
- How shall society distribute the burdens of education among taxpayers and the benefits of education among learners?
- How shall society organize or manage financial resources to achieve desired objectives?

School finances concerns mechanisms for getting revenue to the schools and policies for translating those into quality education. The task of school business administration is to organize and direct the flow of money to achieve the desired policy objectives.

2. School funding of public schools

The Constitution of the Republic of South Africa (SA, 1996a) provides the overall framework for the delivery of education across all sectors in the country. In this respect, the key provisions that impact on the service delivery component of the provincial education department rests with the provision located in section 29 (Chapter 2) of the Bill of Rights, which indicates that everyone has the right to:

‘a basic education, including adult basic education; and to further education, which the state through reasonable measures must make progressively available and accessible’.

The Constitution does, in addition, empower the provincial education departments (PED) to determine their own legislative interventions in order to advance the cause of service delivery within the provinces. The broad mandate of the provincial education departments is to provide a compulsory basic education with the additional obligation to ensure that all reasonable measures are adopted to progressively provide access to further education.

The Norms and Standards for Funding (SA, 1998) that came into effect on 1 January 2000 require the state to fund schools for the following:

Capital cost allocations

- includes new classrooms and other construction.

Recurrent cost allocations which comprise of:

- immovable capital improvements and repairs (maintenance of buildings);
- recurrent costs easily separated from other costs (supplies and services);
- other recurrent and minor capital equipment costs (school books, stationery, equipment and media collections);
- and
- hostel costs

A substantial amount of money of the budget is also allocated for *personnel expenditure* which includes salaries of educators, non-educators and departmental officials.

According to Norms and Standards for Funding policy the method of distributing funds according to certain categories is clearly indicated and that these funds should progressively be targeted to those on the resource targeting table (poorest to the least poor). The main reason for redistribution is rather to provide critical non-personnel resources to poor learners in order to improve the quality of education. Poverty ranking in the Gauteng (a province in South Africa), for example, is driven by a per learner formula that favours the poor and is consistent with the national goals to provide equal opportunities to quality education for all and redress the access and equity challenges in the system.

It needs to be mentioned that the funding norms exclude personnel funding, which is managed by the Department of Education. Similarly, capital expenditure for new buildings and additions and for emergency repairs is excluded from the Norms and is dealt with on a needs basis.

The Gauteng Department of Education's funding policy on the Norms and Standards is to strengthen schools in historically disadvantaged community as referring to the geographical entity around the school. Learners from townships and squatter communities who chose to go to more affluent schools were therefore treated, from a funding point of view, in the same way as learners from such privileged communities. In the absence of schooling alternatives in historically disadvantaged areas, the department has funded these learners in their newly placed schools on the equity principles of the Norms and Standards policy. It is important to note that top redress funding would only be applied to poor learners without choice and not to the privileged school as such. Funding will therefore follow the learners under very specific circumstances and applicable only to this class of learner.

Funding makes provision for only three categories of expenditure, namely, maintenance of school buildings, municipal services and utilities and learner support materials. Funding for each of these three categories is allocated on a per learner basis. An important funding provision in the policy is paragraph 117, which states that schools should provide each learner with a basic package of R100 for learner support materials. If funds are insufficient to make this allocation to all learners, the PED must prioritise the neediest learners.

Provincial education departments are required to draw up a resource targeting table, listing schools from the poorest to the least poor. The resource targeting list is made up of two equally weighted indices, the first of which is the index of the poverty of the community around the school. This criterion has however been interpreted in two ways and is a policy issue that needs to be clarified with the review of the policy. The two ways in which the community has been interpreted are:

- As the immediate community around the school; and
- As the community served by the school. In the second case the learners at a school will be identified in terms of the community they originate from.

The second index is based on the condition of and at the school.

The resource targeting table value was made up of 50% based on the indicators of poverty of the community and 50% based on indicators of conditions of and at the school. Learners in less poor categories were to receive 35% of allocated non-personnel, non-new capital allocations. The norms had to be applied provincially.

Most Provincial Education Departments (PEDs) are challenged by the size of total redress funding, given the small share of non-personnel expenditure in provincial budgets. This constraint restricted the ability of most PEDs to effect a meaningful distribution of redress funds to the majority of poor learners (Wildeman: <http://www.idasa.org.za/bis/briefs/default.htm>). The exceptions are Gauteng and the Northern Cape, which have relatively larger non-personnel bases. The average per learner expenditure distributed by the Norms and Standards mechanism in these provinces is R184 and R275 respectively, which by far outstrips comparable allocations by other PEDs. The average per learner expenditure in KZN, for example, is only R35. Some of the provinces made clear distinctions not only between rich and poor learners, but also amongst poor learners themselves. Many poor learners and schools, who did not fall in the top re-distributive bracket, received an average per learner allocation. This inconsistency has serious implications for the learners and the poor matric results in some of the provinces are the primary reason for inadequate funding.

The ranking of schools in each of the provinces has also been complicated by the discrepancy between the school's ranking on the 'poverty of the community' factor and its ranking on the 'poverty of the school' factor. The 'relative poverty of the community around the school' factor deals with broad socio-economic conditions of the community around the school. This factor can also be interpreted, as referring to the community served by the school, thus moving beyond the immediate geographical environment in which the school is situated. The general infrastructure needs at schools deals with the 'physical condition, facilities and crowding of schools' factor. The two best examples of the above mentioned discrepancy are the Western Cape and North West where many recently built schools are situated in poor townships and squatter communities. These schools were allocated relatively low per learner because of the weighting of social conditions in the provincial Resource allocation table.

In line with the flexibility of the policy, the definition of the ‘poverty of the community’ has also varying interpretations by PEDs. They have generally chosen two routes, namely a geographical definition of the school community and a definition that relies on the actual community served by a school, irrespective of its geographical location in two provinces, The Northern Cape and Mpumalanga followed a process where learners are traced back to the actual community conditions in which they live. Funding therefore follows the learner and schools are not penalized because they are situated in a better socio-economic area. Gauteng argues that learners who move from disadvantaged schools to advantaged schools do so out of choice, and this will not necessarily mean that such schools will be positively ranked on the poverty criteria. It is only when disadvantaged areas moved because there were no alternatives, that the Gauteng Department of Education will be willing to allow funding to follow learners. It is thus only this percentage of learners in their newly placed schools that will gain the benefit of redress funding, and not the whole school as such. The purpose is to strengthen schools in disadvantaged areas and to begin to influence the migration of learners to more affluent schools. KZN paid a flat rate of R20 to schools that accommodate learners from disadvantaged areas, but this subsidy was cancelled in 2001.

Thus, in some provinces, schools in well-to-do suburbs that have attracted learners from the townships have been favoured in view of the poverty in the learners’ place of residence. Census information such as access to water, power, sanitation, parents’ level of education, number of dependants, etc., are used as indicators of the socio-economic status of the community.

The second part of the index is made up of factors in and at the school. This relates to the condition of the school buildings, access to water, power, toilets, crowding of the school in terms of learner/classroom ratios, etc. The main source of data for this part of the index is the National School Register of Needs and the annual school survey. Once the two parts of the index are calculated and merged the resource targeting list is developed by ranking the schools from the poorest to the least poor.

Learners from these schools are then grouped in quintiles, deciles or percentiles or even in a continuous rank. The non-personnel funds of the province are then divided into the following categories:

1. Maintenance and repairs to buildings
2. Recurrent Easy – services such as utilities
3. Recurrent Other – equipment and other supplies
4. Recurrent Other – textbooks and stationery. In the case of 1–3 the funds are distributed to schools through the resource targeting table.

In the case of the 4th category – Recurrent Other (textbooks and stationery) the funding norms require that the budget must be allocated at R100 per learner from the poorest until the funds run out. Many of the provinces do not have sufficient funding.

2.1 Systems implications

There are a large number of challenges that face the Department of Education (Department of Education, 2004) in improving education provisioning and improving the quality of education in the provinces over the medium to long term. These challenges include having to deal with:

- enhancing the flow – through rate of learners;
- improving the levels of productivity among staff, particularly educators;
- improving institutional performance;
- objectively determining spending choices;
- improving management capacity at all levels; and
- overcoming the existing inequities

These funding policies have also had implications for processes such as school development, school budgeting, school accounting, school auditing and school financial reporting. Further school governing bodies are tasked with the responsibility and raising additional resources and managing applications for school fee exemptions by parents who are unable to afford school fees under question. There are also implications for district level education management. Some of these are:

- To ensure that schools are placed correctly in the ranking process;
- To ensure that they deal with issues/problems on the ground;
- To undertake the procurement for schools that do not have section 21 functions;

- To deal with school budgeting and financial issues and monitoring schools that have been allocated section 21 functions.

The implications of the funding policy at provincial level include:

- Adequate financial personnel and financial systems to deal with each school as a cost centre;
- A competent data section (EMIS) needed to ensure that the data are available to classify schools; and
- To ensure that schools are capacitated to deal with these new systems. It should be noted that each school would now have an allocation and the state has to ensure that it was spent on that specific school.

The implications of the funding policy at school level:

- Two schools with similar conditions (insufficient resources, high unemployment rate, dilapidated buildings, similar learner enrolment figures, etc.) situated not more than a kilometer apart, receive different allocations. The difference in some instances is huge.
- There are a number of schools that do not cater for learners living in the area or learners from feeder areas, for example, most of the learners from townships travel to schools in the city or suburbs. Schools situated in an affluent area cater for about 90% of learners traveling from outside the feeder area. 'The funds don't follow the learner' is applied by the provincial department of education. Although the departments of education strongly object to this practice, it is the learners whose right to quality education is infringed.
- The funding of hostels is however, dealt with in the document. The state would not be funding hostels' running costs, but would subsidise eligible learners. The school would have to determine the running cost of the hostel and charge each resident a fee to recover costs. The Department would subsidise learners who are poor, who live more than one and a half hours' traveling distance to the school nearest their home and where there are no school places nearer their homes.

2.2 Learner: educator ratio

The principal mechanism for achieving equity both between and within provinces is educator: learner ratios, one of the key indices of unequal per capita expenditure in schools in different communities. Unequal educator: learner ratios have historically been and are still currently seen as one of the most important determinants of quality in South African education. Insufficient and overcrowded classrooms have militated against effective teaching and learning by creating impossible working conditions for the majority of educators (Chisholm and Vally, 1996: 270).

The Post Provisioning Norm (PPN) is a model for allocating educator posts in schools. The aims of this PPN are to:

- reduce government expenditure on educator salaries. According to Mdlalose (2003: 24) the education sector realized that in 1998 about 90% of the budget of the PED was allocated to educator salaries. This left only 10% of the budget to be used on non-personnel costs such as learner support material, construction of classrooms and educator development (Department of Education, 1998).
- achieve equity in the provisioning of educator posts in schools on the basis of the learner: educator ratio. This process is called rationalization. Equity in educator post provisioning was to be achieved within and across provinces on the basis of equitable cost per learner.
- achieve a fair and transparent basis for staffing of schools.
- Bring about curriculum redress in previously disadvantaged institutions. Provision would be made to introduce a varied curriculum in previously disadvantaged schools. This would be achieved by retaining posts in a central pool for allocation to schools qualifying for additional posts (Mdlalose, 2003: 25). Discuss workloads of school management teams.

The learner: educator ratio is one of the factors that affect the quality of education provided in schools. According to Wildeman (2000: 2) and the Department of Education (2001: 2), the implementation of the PPN had as its target the reduction of the ratio from 47:1 in 1994 to the average 40:1 for primary schools and 35:1 for secondary schools. However, this improved ratio cannot be applied in most schools because of the workloads of educators as prescribed in the Educators' Employment Act.

This ratio assumes that the principal, deputy principal and heads of department are equated to post-level one educator. Schools that have sufficient financial resources are able to employ more educators and pay them from

school funds. In order for the school management teams to perform their managerial functions by having a lighter load, classes are loaded with pupils up to 55:1. This has serious implications for learners to receive quality education. Since the implementation of the PPN in 1998, the quality of education in South Africa has remained generally inferior, as indicated by other factors, weak academic performance and poor working conditions in many schools (Steyn and Van Wyk, 1999: 37). This situation also raises concern about the educators' attitudes towards their work, especially since the implementation of the PPN during the process of rationalization and redeployment, has impacted negatively on the educators' work satisfaction (Mdlalose, 2003: 3).

2.3 Personnel expenditure

The Ministry's personnel and funding policies aim to remove inequities in the distribution of public resources for education. The logical direction of policy is that personnel allocation costs to schools should be funded, eventually, on the basis of an equitable cost per learner, in order to address more efficiently the aim of redress and equity in the provision of quality education (SA, 1998). People have certain skills, habits and knowledge, which they sell to employers in the form of their salaried labour, and which can be expected to provide them a flow of income over their lifetimes. Thus educators who are professionals should be paid a good salary for the labour they sell to the government.

Educators are presently embarking on a strike action because of pay disputes. Many have left their schools leaving the burden to the principal and their colleagues to control the school. This has a negative effect on the educational system as a whole and impacts negatively on the delivery of quality education to learners.

2.4 Capital expenditure

Although the Department of Education will undertake to maintain or repair school assets at the Department's expense, there are problems around this issue. For example, time management is affected. How soon will these repairs and maintenance be undertaken? Reports from some school principals indicate that it can take anything from 1 week to 9 months. If these needs are not addressed immediately then it may have a serious effect on the culture of teaching and learning. For example, if the school's fencing is damaged, this can infringe on the safety and security right of the learners.

3. Linking the budget to the school development plan

According to Blandford (1997: 81) all schools should have a school development plan which provides a framework for strategic planning in which the school can identify long- and short- term objectives to manage itself effectively. A school development plan should relate clearly to the school's vision and mission.

School governing bodies are required to develop a school development plan as well as a budget. The plan includes the needs of the school and the budget that is drawn up must be linked to the plan. Any initial analysis will have a starting point: the school's current objectives ideally derived from the school development plan; and an early prognosis for the financial year about the likely level of funding, learner enrolment, prices and major financial commitments (Knight, 1993: 129). In the South African context this analysis should begin the previous year around July for the following year.

The department of education however, prescribes that the allocation provided by them should only be spent on learning support materials (60%), repairs and maintenance (28%), and services (12%) provided to the school. Thus, needs such as erecting tennis courts, will have to be financed by parents or donors. This action affects the learners' right to quality education.

To draw up the budget for a school, one has to go even further back than the school's *mission* as a source (Bisschoff and Mestry, 2003: 123). With a view to the new challenges, demands and needs of South Africa (especially those relating to social reconstruction, human resource development and democratisation) the mission of a school should be towards the provision of effective education to all. How the income of a school is divided and on what the money is spent, depends on the mission statement of the school. It becomes clear that the mission of the school is achieved through the budget.

However, the provincial department of education does not support the schools in respect of the schools development plans but will only provide funding to schools according to the norms. This has a negative influence on learners receiving quality education.

3.1 Training of school governing bodies

Subject to the South African Schools Act (SA, 1996b), the governance of every public school is vested in its governing body, and it may perform only such functions and obligations, and exercise only such rights as prescribed by the Act.

The Hunter Report (Greenstein, 2003: 207; Patel, 2002: 12) recommended that a partnership funding approach be used so that a balance was achieved among four key principles: attaining equity, redressing imbalances, advancing quality and improving efficiency. There should be a partnership between the state, which will provide the minimal level of funding, and the parents who will supplement the state funding.

Furthermore, through the Schools Act (SA, 1996b) schools were given more powers whereby they are able to perform functions (normally performed by the state) so that they could achieve efficiencies. This partnership approach was thus based on the following principles:

- The state would want to equalise internal resource allocation;
- The state would want to provide mechanisms to parents to supplement the resources of the state if they required a high level of resourcing; and
- The state would ensure that no child is denied compulsory schooling on the basis of the inability of the parents to raise school fees.

If the state provides insufficient funds to a school the burden is placed on the parents, educators, learners and the community to supplement the funds provided by the state. The principal who is a professional manager assumes the responsibility of a financial manager. Although the Act gives the SGB full responsibility to manage the finances of the school, the responsibility in most schools is shifted to the principal to raise funds. Instead of managing the teaching and learning their energies are directed to fundraising. This therefore infringes on the rights of learners in their quest for quality education.

Furthermore, the Department of Education encourages schools to apply for the allocated functions under section 21 of the Schools Act. Schools are given powers to purchase learning support materials, attend to the repairs and maintenance and pay for the services such as water and electricity. The provincial department provides an allocation for resources to schools and this is deposited directly into the school's banking account. In the case of non-section 21 schools, a paper budget is allocated. All purchases and contracts must be handled by the department of Education on behalf of schools under non-section 21. However, the Gauteng Department of Education has withdrawn from section 21 schools the function of purchasing learning support materials citing many reasons for their actions. Some of these are (GDE, 2004):

- The lack of control over cash receipts, receipt issuing and banking of cash;
- Inadequate updating or non-existence of cash books;
- Lack of control over authorization of payments and wrong requisitions;
- Lack of control over petty cash transactions;
- Poor document control, inadequate filing systems and safe keeping of documents;
- Financial statements not being compiled;
- Budgets and financial statements that do not comply with policy requirements;
- Inadequate monitoring of actual expenditure against budgeted expenditure;
- Lack of control over the issue and retrieval of LTSM;
- The lack of control over the use of telephones, cell phones, photocopiers and printers;
- The absence of minutes of meetings where strategic decisions were taken.

In compliance with the Act, provincial Heads of Departments should establish training programmes to capacitate School Governing Bodies (SGBs) in the performance of their functions. Despite the education department's numerous on-going training efforts to empower them, SGBs, particularly in the rural areas, still lack the necessary knowledge, skills and attitudes to govern schools effectively. The following problems have been observed in the governance of schools in the rural schools of the North-West Province:

- the diverse literacy levels of SGBs hampers effective governance;
- the exclusion of the SGB by the principal in decision-making;
- the lack of proper knowledge and financial management skills;
- the lack of confidence and trust in the SGB.

There is consequently a display of low morale among SGB members, lack of commitment, poor relationships amongst stakeholders, poor attendance at SGB meetings and training workshops, lack of knowledge and skills to perform SGB functions and poor maintenance of schools.

This has serious consequences for schools in their quest for quality education for their children.

4. Conclusion

It is obvious that the state is unable to fund schools adequately and require the support of the schooling community to supplement the funds of the school. The resource allocation is based on the poverty index of the community and the condition of the school. Many parents who, wanting their children to receive quality education, are seeking admissions at other schools outside their residential area, for example, many learners from Soweto travel to ex Model C or ex House of Delegate schools or parents in affluent areas are sending their children to private schools to receive 'quality' education. Some schools have up to 95% learners from outside the area but are funded based on the wealth of the community. The needs of the school are not considered when funds are allocated by the state. This unfair process infringes on the learners' rights to quality education.

Furthermore, there is a move to decentralise schools and to make them self-managed schools but essential powers are withdrawn from the governing bodies. These actions also have an effect on the children's rights to quality education. Even if the formula of educator: learner was to be followed loyally, though, it would not be sufficient to ensure a serious move towards equality. In the absence of specific funds targeting backlog, high repetition, drop-out and failure rates caused by qualified educators, disruptive schooling environment, and the lack of learning materials, and poor infrastructure, the possibilities of redistribution would remain limited. The existing situation in which differently endowed communities enjoy widely varying levels of provision, and are able to supplement state resources from their own pockets, has not changed (Greenstein, 1997: 369). Thus, a new funding method or formula is necessary to ensure that the rights of all learners to receive quality education and the state's responsibility to fund schools adequately are balanced.

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