

Full Length Research Paper

The right to basic education for all: Addressing the educational needs and barriers of immigrant learners in South Africa

Nylon Marishane

Department of Curriculum Studies and Education Management, University of Venda, South Africa.

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The South African Constitution guarantees the right to basic education for all learners, including children of immigrants from across the country's borders. In view of this constitutional imperative, the Department of Basic Education is mandated to provide quality education to all learners, irrespective of their socio-economic and other backgrounds. The delivery of such education requires a child-friendly school environment where the safety of vulnerable learners and their right to quality education are assured. Enablers for this type of environment include relevant legislative framework and policies that seek to address the educational needs of learners. School leadership is responsible for the implementation of these policies and ensuring compliance with legislation. Given the importance of a child-friendly school to quality education delivery, a qualitative research was conducted in Limpopo Province to determine the extent to which schools address educational needs and barriers of immigrant learners. Data were collected through semi-structured interviews with three principals of selected schools in the Vhembe District of the province. The study points out challenges that immigrant learners experience and how school principals address them to ensure learner's right to basic quality education and comes out with recommendations for improvement in this area.

Key words: Quality education, immigrant learners, child-friendly school, the right to education, educational barriers.

INTRODUCTION

The right to basic education for all learners has occupied a centre stage in international discourse on human-rights approach to development, informed by key principles such as equality and non-discrimination, participation and inclusion and accountability and respect for the rule of law. Underpinning this discourse is a universally acceptable view that all children, irrespective of their back-grounds, should receive quality education that respects and promotes their right to dignity and optimal development. This view is articulated in various international conventions which have their roots in the 1948 Universal Declaration of Human Rights (United Nations, 1948). They include the Convention on the Rights of the Child (United Nations, 1989) and the 'International Conference on the Right to Basic Education

as a Fundamental Human Right and the Legal Framework for Its Financing' (UNESCO, 2005). These conventions legally bind governments that ratify them, necessitating the passing of compliant laws in their countries and this includes South Africa as a signatory. It is for this reason that, in addition to its human rights-based constitution, South Africa has various pieces of legislation and policies that promote the Right to Basic Education for All. What is of critical importance for this study - given the collective intent of these international conventions and country-specific legislations - is that, the right to education is an all-inclusive approach that extends to immigrant learners as beneficiaries of the approach. This suggests that the rights of immigrant learners to education are equal to the rights enjoyed by

learners who are permanent citizens of a country. Since education legislation and policy guide-lines constitute an enabling legal framework developed at the national level for implementation at the school level, the school management and leadership has the responsibility of promoting the right to basic education. Considering that immigrant learners are children at risk, potentially vulnerable to incidents of xenophobia and other discriminatory practices that may violate their right to education (Osman, 2009), addressing their special educational needs and removing barriers to learning in schools is of paramount importance.

The constitutional and legal imperative of “the right to basic education for all” in South Africa

The right to education is entrenched in the South African Constitution of 1996 (South Africa, 1996a) and subsequently enacted through a number of pieces of legislation. The constitution promotes the right to education and gives protection to children’s rights. For example, while Section 29 (1) (a) under the *Bill of Rights* expresses the right to basic education, Section 28 expresses the care that should be given to children as part of the promotion and protection of their rights. This has provided a background to subsequent acts and policies of which two examples can be cited here. The Children’s Act No. 38 of 2005 (South Africa, 2005) articulates the constitutional rights of children and sets out principles regarding the nature of care and protection that must be given to children. The ‘*best interests of the child*’ principle is the most fundamental of these principles. Section 7 (1) of the Act presents the application of this principle as including protection from physical and psychological harm caused by subjecting or exposing the child to ill-treatment, abuse, neglect and degradation among others. The care and protection provided for in the Act applies to all children (including immigrant learners) everywhere (including schools). Section 32 (2) places responsibility of child care and protection on any person that acts as or on behalf of a parent (including school managers and teachers). The South African Schools Act No. 84 of 1996 (South Africa, 1996b) gives another legal expression to the child’s right to education. Section 5 of the Act prohibits schools from practising unfair discrimination in admitting learners to schools and in providing for their educational needs. It also discourages the use of the following as conditions for admission of a learner to a school:

- admission-related testing
- subscription to a school’s mission statement
- parental ability to pay school fees, and
- exemption of a school from damages arising out of the learner’s education

The Inclusive Education Policy, expressed through the Education White Paper 6 (South Africa, 2001) ‘Special Needs Education: Building an Inclusive Education and Training System’ lays a strong foundation for the development, promotion and support for the inclusion and participation of all learners in education. Reading its

objectives, one may deduce that the policy intends to cater for the educational needs of all learners – where *all learners* include the most vulnerable learners, immigrant learners and learners with special educational needs who are placed in a school as an inclusive centre of learning, care and safety in the system. The policy, therefore, supports the right to basic education for all.

Educational realities faced by immigrant learners in South Africa

It is important to state that despite the existing constitutional imperatives and legal provisions aimed at securing the right to basic education for all learners, immigrant learners in the country still face challenges. The qualitative study conducted by the Consortium for Refugees and Migrants in major South African cities and in border areas near Mozambique and Zimbabwe (CoRMSA, 2008) has found that despite their entitlement to social grants and education under the South African law, many immigrant learners have limited access to education, with 35% of them not attending schools. This is attributed to the following general factors or barriers according to the study (CoRMSA, 2008):

1. Undocumented and unemployed parents whose work and residential status make it difficult for their children to attend schools
2. Inability of parents of immigrant learners to afford school fees, books, uniforms and transport costs
3. Inability of immigrant learners to gain access to learning content because of their inability to speak language of instruction
4. Xenophobic comments by teachers and other learners in some schools where immigrant learners attend

Specific school access-related challenges noted in predominantly migrant-populated areas, as a recent South African report (CoRMSA, 2011) has found, include:

1. Refusal by schools to admit learners whose residential permits are due to expire before the new academic year
2. Refusing parents of immigrant learners the opportunity to apply for exemption from payment of school fees
3. Lack of access to pre-school education

These challenges are aggravated by lack of policies and both the National and Provincial Education Departments level guiding schools on how to deal with these challenges (CoRMSA, 2008). The two sets of factors just mentioned, indicate a mismatch between the constitutional guarantee and legal protection of the right to education, on one hand, and the practical reality of ensuring that learners enjoy that right, on the other hand. Such a situation is not in the best educational interest of immigrant learners in particular, and that of *Education for All* in general.

A child-friendly school environment as an enabler for the right to education

The right to basic education requires a ‘child-friendly

school' where the best interest of every learner occupies the centre stage in every education delivery process, project and programme. A 'child-friendly school' is described as a school that is welcoming, gender-sensitive, healthy, safe, protective, obstacle-free and sensitive to the needs of children (UNICEF, 2007). The Department of Basic Education in South Africa has the constitutional and legal responsibility to create enabling conditions for the emergence of such an environment. The sustainability of these conditions as well as everyday maintenance of the environment in which these conditions prevail is the responsibility of the school management and leadership. One example can be cited in this regard. A National Policy for an Equitable Provision of Enabling School Physical Teaching and Learning Environment (South Africa, 2008) puts the responsibility of the provision of an enabling physical teaching and learning environment for all learners in the country on Government. The Financial and Fiscal Commission (2009) encourages intensified devolution of responsibility, authority and accountability for the management of the physical teaching and learning environment to School Governing Bodies through principals. This is in line with the generally accepted view that management of the physical teaching and learning environment is essential for delivering quality education to all learners.

Educational needs and barriers for immigrant learners

A public school site is the most suitable point where the human-rights culture can be promoted, developed and enhanced. This is because it is a meeting point of children from diverse cultural, linguistic, religious and racial groupings who are bound together by a common goal of becoming better citizens of the world. For this reason, public schools should take measures to contribute towards children's health and well-being, taking into account the special educational needs of immigrant learners. Studies in various parts of the world present the following as the needs and barriers affecting immigrant learners' right to education:

Language development: Linguistic barriers are seen as topping the list of barriers to immigrant learner's education. These barriers interfere with migrant children's academic progress in school (Green, 2003). Studies provide overwhelming evidence that speaking a home language that is different from the language used in a school, significantly decreases the academic achievement of immigrant learners (Christensen and Stanat, 2007; Schnepf, 2004). Because of missed instructional and assessment time emanating from mobility, studies note significant language gaps among immigrant learners. In its state-wide Comprehensive Needs Assessment (CNS) study, the Florida Department of Education in the United States of America (Hanley and Ackley, 2005) 2005) has found that the immigrant learners' reading development is impeded by their lack of proficiency in English and lack of continuity of instruction. In some instances these learners face what Meyer (2000) refers to

as 'culture load' which is the amount of cultural knowledge and experiences required to comprehend linguistic meaning to participate in an activity. This is a challenge immigrant learners experience when entering a new school.

Educational continuity: Because of the mobility of their parents from place to place for socio-economic, political and other reasons, immigrant learners miss out on school days. This happens as they either enter a school later than other learners or leave earlier, giving rise to what Cranston-Gingras (2010) calls *mobility-induced educational discontinuity*. This phenomenon represents interruptions or changes in schooling which quite often results in poor academic performance and a learner dropping out of school. This is because the length of time a learner spends in school over a year enhances the learner's chances of mastering the curriculum and achieving learning outcomes (UNESCO, 2010).

Retention in lower grades: Because of language problems and challenges relating to adjustment to academic programmes in their new schools, immigrant learners are often retained in their grades to 'catch up' with other learners. Studies, however, making arrangement for learners to catch up through special classes often require learners to miss the normal curriculum (UNESCO, 2010). This supportive measure is, therefore, not helpful to immigrant learners. A recent report on Education and Migration presented to the European Commission (Heckmann, 2008) has found that when it comes to enrolment, a common practice in schools is the placement of migrant children in grades that are lower than those of their age-cohorts. This is sometimes due to non-recognition of prior schooling by a school in a host country, as a Canadian study (Dei and Rummens, 2012) has found. This delays learners' academic progress.

Integration into a new school environment: When immigrant learners enter a new school in a host country, they meet new cultural and social dynamics which may become barriers. Such barriers include social stigmatisation, stereotyping and xenophobia, which raise stakes high for social integration. There is, however, no clear policy directive for the integration of immigrants into the South African society (Tati, 2008). The absence of such a policy leaves the social space open for name calling and labelling of immigrants (refugees, asylum seekers) as *Makwerekwere* or *Mavhanda* and other derogatory names attached to foreigners. The use of such derogatory names quite often penetrates the school environment, sometimes accompanied by acts of violence perpetrated against immigrant learners (Timngum, 2001). In the absence of social integration, the learners may find it difficult to adjust to the new learning environment. Social integration is defined as "an interactive process between immigrants and the host society" (Bosswick and Heckmann, 2006). For an immigrant learner it involves building new relations with teachers and other learners, adapting to a culture of learning, developing a sense of acceptance and belonging to the new environment. For the host school it involves bridging the social gap between

between the immigrant learners and other learners. For example, a recent study (Adedayo, 2010) has found that the ability to speak a South African language predominantly spoken in a school creates opportunities for acceptance and friendship between immigrant learners and the indigenous learners. In other words, social integration involves reaching out and being welcome, accepted and included.

Socio-economic background

The socio-economic background of immigrant learners is seen as one of the factors that affect children's access to education. Studies undertaken in some countries in Latin America (Vegas and Petrow, 2008), for instance, point to a strong relationship between a parents' socio-economic background and learning outcomes, specifically indicating that average Mathematics and Language test scores of learners from advantaged socio-economic backgrounds are higher than those from disadvantaged socio-economic backgrounds. Since immigrant learners constitute part of what the 2010 EFA Global Monitoring Report (UNESCO, 2010) regards as the most *marginalized*, their right to education is trapped within the confines of their socio-economic backgrounds.

Addressing educational needs and barriers for immigrant learners: The role of school leadership

The demand put on a school to become child-friendly by promoting a human rights culture brings another dimension to the right of immigrant learners to education, notably, that of school leadership. Leadership is viewed quite widely as an important condition for organizational improvement (Leithwood et al., 2006; Coulton, 2006). This extends to school improvement. Among key aspects of school leadership in such improvement is the creation of an *enabling environment*, that is, an environment that is conducive to quality teaching and learning. The need for the creation of this type of environment sets a stage for addressing educational needs and barriers of immigrant learners. The role of school leadership in this regard can be highlighted within the framework of what constitutes the basic practices of leadership. Studies into successful school leadership (Leithwood and Jantzi, 2008; Leithwood and Riehl, 2003) identify four basic leadership practices that apply in all contexts. They include *setting direction*, *developing people*, *redesigning the organization* and *managing instructional programme* (teaching and learning). Applied to the educational needs and barriers for migrant learners, these practices can be explained briefly in the following manner.

Setting direction

Setting direction in an inclusive and child-friendly school environment involves at least three things. Firstly, it involves the development and articulation of a shared human rights-based school vision, pursued through communicating goals, objectives, values and principles that are clear and simple to understand. Secondly, it in-

volves committing through inspiration all members of the school community (learners, teachers and parents) to the realization of the vision. Thirdly, it involves advocating and personally committing to the right to education for all learners in the school. Practical examples of setting direction may be illustrated in two ways. The first way involves giving a sense of direction by communicating to the school community the special needs and challenges of migrant learners. The second way involves developing school-based policies, structures and systems to cater for the needs of immigrant learners without simultaneously discriminating against other learners in a school.

Developing people

Teachers are important people working in schools and need to be developed to enhance their support to learners. Developing teachers in the context of this study involves creating capacity-building and development opportunities for them through training on human rights education so that they can acquire knowledge and skills and develop values and attitudes necessary for teaching immigrant learners in an inclusive school environment. A report of the Special Rapporteur on The Right to Education, submitted to the fourteenth session of the United Nations Human Rights Council (UNHCR, 2010) shows that almost throughout the world, teachers lack the pedagogical, psychological and didactical education and training necessary to address the challenges posed by multilingual, multicultural and multi-ethnic learner groups. This occurs despite empirical findings showing that teachers matter importantly for learners' achievement (Rivkin et al., 2005). What this suggests is that school leadership needs to initiate staff development programmes to equip teachers with the necessary capacity to support immigrant learners in schools.

Managing instructional programme

Immigrant learners need teaching and learning processes that will accommodate their special needs. Managing the instructional (teaching and learning) programme involves curriculum support; protecting teaching and learning time; staffing the programme; and monitoring learners' progress in the school (Leithwood et al., 2006). In order for the immigrant learners to feel part of the teaching and learning programme, school leadership should strive to provide necessary curriculum support and develop strategies for monitoring the use of school's resource during teaching and learning in and outside the classroom. What happens to these learners in the classroom, laboratory and library and on the playground is of a critical importance to the leader.

Redesigning the organization

Redesigning the school as an organization is about improving the situation under which children learn and teachers work. It involves making the school responsive to the context of change and the demands placed on it by various external factors (Marishane, 2011). Responding to

a migrant learner's demand for the right to education involves turning the school into a socially, physically, and psychologically safe, healthy and secure environment for them. This demands at least two things from school leadership. First, it demands orientation of the school community to the context of the child's right to education. Secondly, it demands collective commitment to developing a culture of human rights that accepts and promotes diversity in a school. Such commitment can be shown by developing school-based policies, structures and systems that cater for the special needs of immigrant learners and address their challenges. It also involves creating strong school-community links to ensure that the human rights culture established in a school permeates through the school's physical boundaries into the local community.

Aim of study

The aim of this study is to examine the extent to which school leadership addresses the educational needs and barriers of immigrant learners in South Africa.

METHODOLOGY

This study followed a qualitative research methodology in which data were collected through in-depth interviews held with school principals of three purposively selected schools in Vhembe District of Limpopo Province, South Africa. The district serves as a northern port of entry into the country for people who come mostly from African countries. The schools were selected on the basis of being comprehensive schools that served a great number of immigrant learners. Since the focus of this study was on school leadership, only school principals were selected for interviews. The author was granted the permission to interview these principals after the purpose of the study was stated and confidentiality of the interviews assured. He visited the schools and worked out their profiles before the interviews were conducted. The profiles were noted as follows.

School A is an old school with an enrolment of 1205 learners. Immigrant learners constitute 7 percent of the total enrolment. The majority of the immigrant learners were from African countries and included learners from Zimbabwe, Ghana, Nigeria, and Somalia.

School B is a comprehensive primary school with an enrolment of 1186 learners. Immigrant learners constitute 3 percent of the total enrolment. The majority of the immigrant learners were of Asian origin, particularly India and Pakistan.

School C is a comprehensive secondary school with an enrolment of 2146 learners. Immigrant learners constitute between 30 and 40 percent of the total enrolment. The immigrant learners consist of a mixture of learners from India, Zimbabwe, Nigeria, Kenya, Democratic Republic of Congo, Mozambique and Somalia.

A semi-structured interview schedule with questions covering four themes relating to the right to education for immigrant learners was prepared. The selection of the themes was based on their recurrence in various literature studies dealing with migration. The following themes were covered:

- *Mobility and educational continuity*
- *Dealing with language as a communication barrier*
- *Integration of immigrant learners into the school culture*

• *Communication with parents*

A thematic analysis was selected on the basis of its flexibility as a suitable qualitative analytic method for this study. The author followed a step-by-step approach to thematic analysis of his data as advocated by Braun and Clarke (2006). This approach assisted him in identifying, analysing and reporting on patterns (themes) emerging in his data.

RESULTS

Based on the analysis of the four themes mentioned above, the results of the study are discussed as follows.:

Mobility and educational continuity

All the three schools covered in this study shared the same problems relating to the high mobility of immigrant learners. It emerged from the interview with the three school principals that school attendance for immigrant learners was determined by the work schedule of their parents and the length of period of their stay in the country. Problems included *late registration of learners and early departure to home countries*. The learners arrive in a school long after the registration period for the next academic year has passed and go on holidays earlier than other learners. In some instances, parents do whatever it takes to protect their children's academic progress. The principal of School C, for instance, mentioned the problem of some parents giving false academic progress reports of learners from previous schools, placing learners ahead or behind their appropriate grades. Showing the helplessness that a school faces with early departure, the principal of School B put it this way:

Sometimes a parent comes here and says, "Heish! I am moving back home for two months. I can't leave my child behind. There is nothing you can do; you just release the child.

The principal of School C clarified this problem in this manner:

When you have foreigners, sometimes they will decide to visit during awkward times when we are writing exams here at school. They will tell you some challenges that they have: when they try to book a plane, it is fully booked during the vacation. Remember, with admission they will be coming throughout because school terms are not the same in different countries.

Principals deal with this challenge by giving the affected learner work to do during the period of absence and signing a memorandum of understanding that holds a parent accountable for the learner's achievement at the end of the year. This is done in view of the fact that some of the learners leave school during or before examinations. Such early departure results in the situation where a learner is held back or remain in the same grade when a new academic year begins.

Dealing with language as a communication barrier

Language is the second big challenge after mobility for immigrant learners in the schools covered. The problem appears in either of two ways, namely, *inability to communicate in the local language (Venda)* or *inability to communicate in English*. The challenge is addressed in four ways, namely, taking a remedial measure by referring a learner to special weekend classes, taking a learner to lower grades, taking a learner to counselling or using peer mentors in which case learners from the same country of origin act as interpreters for new learners during lessons. School C has a learner support language policy that includes counselling by the School Management Team (SMT) and communication with parents of the affected learners. At one time School A had to admit a learner who spoke only Chinese in Grade 7. According to the principal, parents requested the school management to readmit the learner in Grade 5 despite being a top learner in Mathematics in the class.

Dealing with cultural diversity

The schools handle cultural diversity in different ways. Though cultural diversity is not covered in the school policy at School A, the principal acknowledged that:

We are a school that reflects our culture. We have adopted that African culture of looking after one another and this culture is imbedded into the way this school is run.

In School B, the issue is covered in their policy. The principal here said:

Human rights and cultural diversity are covered in our school policy. We are a school that has many policies. I'd say I manage the school by policies.

The principal of School C indicated that they had a policy that promotes cultural diversity. The school has a *Cultural Day* on its year programme. According to the principal:

This is a big day on our calendar. Parents come. Children come dressed in their traditional colours and clothing. They show-case their different cultures and music ... the Nigerians there, the Indians there... You will like it and children love it.

Communication with parents

With the exception of School A, schools have challenges with regard to parent involvement, though the challenges are different. The principal of School C explains the reasons in the following words:

We have a problem of parents who do not come to meetings. In fact, none of the parents of immigrant learner has ever come to a parent meeting. They have been given school policies when registering their learners and these policies have been well communicated to them

so, they think, there is no reason for them to come. They think their children are in good hands and, therefore, there is no reason for them to come.

The three principals agreed that there was a need of a district-initiated policy enforcing parent involvement in schools. The principal of School B put it thus,

"Unless parents sign a contract and we enter in some form of agreement to say, 'we register your child on condition you respond when we invite you to a meeting,' we are not going to succeed."

Protection of teaching and learning time

Protection of teaching and learning time is dealt with in different ways. School B and School C have a common problem of loss of teaching time. Learners of Islamic religion leave schools briefly to attend their midday prayers. School B does not have a policy on religion. According to the principal:

The learners don't pray at school. Parents usually come between 13h00 and 13h30 to fetch them; they do it daily. When you measure the accumulation of time lost at the end of the year, you realise that, no-no, the learners have lost a great deal of time. The Circuit Manager is not helping us that much, because there is no clear district policy on this. I have planned to talk to the SGB about this to say, "How about having a policy?"

At School C arrangement was made with parents to release learners at lunch for prayer. The school management has adjusted the school timetable to cater for this and to minimise loss of teaching and learning time. According to the principal the arrangement works well.

DISCUSSION AND CONCLUSION

The role played by school leadership in the promotion and entrenchment of human-rights culture in schools is critical. As indicated in the literature study, the role of school leadership is to develop staff and create safe and secure conditions suitable for effective teaching and learning for all children in a school. What this suggests is that school leadership should not only adapt inclusive policies to their schools, but also monitor the implementation of such policies. To promote and protect the rights of immigrant children in schools, teachers should have knowledge of constitutional and legislative requirements pertaining to children's rights.

Literature has revealed in this study a worrying lack of pedagogical and didactic education and training of multilingual, multicultural and multi-ethnic learners among teachers. What this suggests is the need for teachers to be knowledgeable and skilled in applying differentiated instructional methodologies relevant for teaching learners from diverse backgrounds. This requires focus on professional development of teachers in this area.

As literature in this study shows, challenges faced by

immigrant parents, are passed on to their children. It is the responsibility of school management and leadership to focus on key challenges around language, culture and mobility that immigrant learners face and incorporate these issues in their school policies. For instance, school principals should not feel completely helpless if the timetable can be adjusted to cater for religious practices and remedial language classes to mitigate the effects of cultural, linguistic and religious differences among learners.

Although the results of this study cannot be generalised, given the limited scope covered, they give a picture that portrays common challenges experienced in schools serving immigrant learners. The challenges affect the right of the learners to education. From the study of how principals in the selected schools deal with these challenges two important issues emerge, namely, *how* to manage a school with immigrant learners and *what* tools to use in the process.

Given the different ways in which schools in the district address the educational needs of immigrant learners, a *model* for managing a school with immigrant learners is needed. Once developed, such a model can be applied in a structured and coordinated manner to facilitate capacity building and development programme for school principals and teachers. It is also important to note from this study that addressing immigrant learners' educational barriers and needs is a responsibility that cannot be left to schools alone. It is a shared responsibility that requires district *policy guidelines* on how schools and other social partners can work effectively with immigrant learners. Lack of policy guidelines at both the national and provincial levels does not absolve the District from working in partnerships with schools to develop such guidelines, given the generally acceptable view that schools are better managed by those situated closer to them.

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