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THE RIGHT TO EDUCATION FOR CHILDREN WITH DISABILITIES ALLIANCE

Alternative Report to the UN Committee on the Rights of Persons with Disabilities in response to South Africa's Baseline Country Report of March 2013 on the UN Convention on the Rights of Persons with Disabilities, with particular reference to the provisions of Article 24



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The Alternative Report is endorsed by 53 organisations and individuals

See Annexure 1

The Alternative Report contains 10,358 words from paragraphs 1 to 184, on page 40.

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1 Introduction

1. The South African Constitution guarantees the right to basic education (Government of South Africa (GOSA) paragraph 198).¹ More specifically, section 29(1) (a) states that the right to basic education is unqualified, not subject to the availability of resources and therefore must be directly and immediately implemented. According to GOSA, in 2015, 597 753 children with disabilities were out of school,² which is almost double the 280 000 estimated in 2001³, indicating that GOSA is failing its national and international education obligations for children with disabilities.
2. In its five-year strategic plan 2015/16-2019/20, the Department of Basic Education (DBE) again made the commitment to prioritise the realisation of Outcome 1, Goal 26 of the National Development Plan (NDP) – to strengthen inclusive education – but has yet again failed to translate this into meaningful action plans, targets or budgetary allocations.

2 Non-discrimination and equality

3. As acknowledged by the GOSA in paragraph 216, persistent discrimination in education compromises children's equality of educational opportunities. Civil society organisations (CSOs) receive regular reports of children refused admission to ordinary schools on the basis of their disability without reasonable accommodations being considered. Protective laws and policies (GOSA paras 200, 231, 232) are not translated into practice. These exclusionary practices undermine the intent of White Paper 6 that children with disabilities attend their ordinary neighbourhood school.
4. Despite the state's duty to provide reasonable accommodations (such as assistive devices or additional classroom support), CSOs find that most parents carry this

¹ Baseline country report to the United Nations on the Implementation of the Convention on the Rights of Persons with Disabilities in South Africa, April 2013.

² The Department of Basic Education, *Report on the Implementation of Education White Paper 6 on Inclusive Education: Overview for the Period 2013-2015* (2016),

³ Department of Basic Education, *Education White Paper 6: Special Needs Education: Building an Inclusive Education and Training System* (2001), 30.

burden as a condition of their child's acceptance into school. For the majority of parents who are unable to afford it, this means the exclusion of their children.

5. Despite section 12 of the Schools Act, provincial officials and school principals have not made sufficient provision for the placement and support of learners with disabilities. CSOs and parents' experiences are that neither parents' wishes nor the best interests of the child are taken into account.
6. In addition, the accommodations for assessment policy referenced by GOSA in paragraph 234 is not being effectively implemented. Inclusive Education South Africa (IESA) found that relevant procedures are not communicated to schools, and many district and provincial officials are unsure how to process applications and implement accommodations. As a result, thousands of potential beneficiaries are denied assessment accommodations.
7. We are extremely concerned by the ways in which the South African schooling system compromises the dignity of children with disabilities. For example, private space is seldom allocated to personal care needs and buildings are inaccessible to children using wheelchairs, who then have to crawl or be carried. The discriminatory attitudes and practices that prevail in many schools have not been addressed.
8. GOSA's failure to provide reasonable accommodations to ensure the safety of learners in schools and hostels has resulted in unacceptably high levels of abuse. Despite the findings of the audit conducted in 2002 (GOSA para. 226) and more recent reports on high levels of abuse,⁴ little has been done to curb the high incidence of abuse at special schools. No specific legislation is in place to protect learners at special schools and hostels. Protective measures in the Children's Act do not apply to special schools as they are not categorised as "child and youth centres". GOSA has not developed specific legislation, guidelines, or post provisioning norms to address the ensuing gap. This is a shocking oversight.

⁴ Report on the Status of Learners with Disabilities in Special Schools, in the Department of Basic Education's Year of Inclusive Education (2013) – Are things being done differently? 30 September 2013 (Department of Women, Children and People with Disabilities).

9. With reference to article 30 s4(d), children with disabilities are not included in all sport and leisure programmes as facilities are not accessible and reasonable accommodations are not in place. They continue to feel marginalised and excluded from fully enjoying the rights contributing to their holistic development.

Recommendations:

10. GOSA must, as a matter of priority, strengthen sections 5(5) and 5(6) of the Schools Act and obligate HODs, school principals and governing bodies to ensure admissions policies and practices guarantee the right of admission of learners with disabilities.
11. GOSA must ensure that district officials are trained in monitoring curriculum delivery on the basis of flexibility, differentiation and individualised support.
12. The DBE should require mainstream schools and HODs to prove, that before refusing admission, they provide a minimum, acceptable level of additional, individualised learning or support to reasonably accommodate children with disabilities.
13. Provincial education departments must make sufficient budget available to enable mainstream and full-service schools to cover the costs of reasonable accommodation of students with disabilities, including education assistants and class facilitators.
14. GOSA must develop a time-bound plan of action to address the high levels of abuse in special schools. The plan must include a monitoring framework and process.
15. GOSA must strengthen the Equality Courts to deal with cases of discrimination and failures to make reasonable accommodation.

3 The legislative and policy framework

16. South Africa's domestication of article 24 of the UN CRPD is fragmented and piecemeal. No legislation has yet been enacted that gives full effect to the right to education within an inclusive education system for children with disabilities.
17. White Paper 6, adopted in 2001, is the country's 20-year inclusive education policy framework. In paragraph 219 GOSA acknowledges the need to urgently revise White

Paper 6. This has not happened and the implementation of White Paper 6 is considered to be wholly insufficient, as will be highlighted throughout this report.

18. Provisions related to inclusive education are scattered across a few pieces of legislation. The existing framework does not place clear obligations on the state to ensure that children with disabilities can access quality education within the general education system.
19. Despite GOSA's promised acceleration of the roll-out of inclusive education in the 2012 National Development Plan (paragraph 203), this has not happened. The government has not undertaken the systemic transformation that is required to do so; in this regard, we concur with GOSA's paragraph 220. GOSA (paragraph 219) acknowledges the need to urgently revise White Paper 6, this has not yet happened.
20. South Africa finally ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), but has a reservation limiting its response to *progressive* rather than immediate realisation of the right to basic education. This conflicts with the Constitution's recognition and Constitutional Court's confirmation of the right as unqualified.⁵
21. The revised Screening, Identification, Assessment and Support Policy (SIAS), was gazetted in 2014. We believe that the policy contains important provisions for the roll out of support to all learners experiencing barriers to learning in both ordinary and special schools and welcome the adoption of this policy. We believe, that with effective implementation, it will go a long way to embedding support at school and district levels. However, the norms and standards for resourcing the policy have not yet been approved which undermines the allocation of adequate funds for implementation.
22. Despite commitments to do so (para 199), the Minister of Basic Education has not determined the compulsory school-going age for learners with disabilities. SASA fails

⁵ South Africa Alternate Report Coalition, *Alternate Report to the UN Committee on the Rights of the Child in response to South Africa's Combined 2nd, 3rd and 4th Periodic Country Report on the UN Convention on the Rights of the Child* (2015), paragraph 41.

to provide for learners with disabilities before and beyond the ages of 7 and 15 years. Early childhood education has not yet been made compulsory and is therefore not prioritised by the state.⁶ There is concern about the upper age limits in primary schools, given that some learners as old as 17 or 18 remain in primary schools.

Recommendations:

23. We urge the Committee to strongly recommend GOSA enact legislation on the right to inclusive education before the expiry of Education White Paper 6 in 2021. This is consistent with South African constitutional law, the Committee's expressed view in General Comment 4, and the CRC's 2016 Concluding Observations.
24. GOSA must expeditiously produce norms and standards required by the SIAS policy, including those on:
 - a) resourcing for inclusive education;
 - b) creating posts for staff in inclusive education.
25. GOSA must fulfil its commitment to urgently review Education White Paper 6. Subsequent guidelines, for example, the Guidelines for Full Service Schools (2010) and Special School Resource Centres (2014) appear to contradict provisions of White Paper 6. To avoid confusion, the policy should be revised to take into account lessons learned and new thinking around best inclusive practice.
26. GOSA must clarify the legal status of its guidelines and ensure that they are understood and implemented by provincial and district officials, school principals and school-based support teams.

⁶ The Children's Act 38 of 2005 prioritises the provision of early childhood development (ECD) services to children with disabilities. The Strategy for the Integration of Services for Children with Disabilities provides that steps must be taken to train more ECD practitioners in early identification and intervention in order to support and accommodate children with disabilities in mainstream schools. White Paper 6 proposes the establishment of mechanisms at community level for the early identification of severe learning difficulties in children during their pre-school years.

27. Parliament should amend the SASA to align with international obligations, including the duty to make primary education free and compulsory for all children, including children with disabilities.
28. SASA must be amended to extend the compulsory age to ECD, to include, at least, a reception year for five year olds.
29. The Minister must set the ages of compulsory education for children with disabilities, as required by SASA in consultation with all stakeholders.
30. In line with section 238 of the Constitution which requires compliance with obligations “diligently and without delay”, GOSA must urgently fulfil its promise as per paragraph 214 to develop regulations to strengthen provisioning and enforcement of the Constitution and its policies.

4 Barriers to accessing the right to education for children with disabilities

4.1 Exclusion of learners with disabilities from the general education system

31. Although GOSA acknowledges (paragraph 222) its obligation to ensure that children with disabilities are not excluded from general education, the state has failed to take sufficient action to achieve this.
32. It is of concern that GOSA (paragraph 222) recommends legal action against schools as the primary means of ensuring admission of learners with disabilities to ordinary schools. While schools must be responsible for complying with laws and policy, the state must take measures (including offering support to schools) to remove barriers to access.
33. Exclusionary and discriminatory attitudes pervade the education system and are a major barrier to inclusion.

Recommendations:

34. GOSA must revisit its obligations under White Paper 6 to implement an effective advocacy campaign to deepen the understanding and address discriminatory attitudes, especially among government officials, regarding inclusive education.

4.2 Notable barriers to access

4.2.1 Admission policies

35. Admission policies for ordinary and special schools remain discriminatory. For example, while GOSA acknowledges in paragraph 240 that children who are incontinent face challenges, they do not acknowledge that in reality incontinence is a ground for exclusion from many special schools. Another practice requires female learners to take contraceptives as a condition to admission.

36. The DBE's Special School guidelines require that "special schools be organised according to their programme of specialisation", and that "a special school may admit only learners who require support in the area of specialisation offered at the school".⁷ Learners with multiple disabilities who do not easily fall within a school's "area of specialisation" are often excluded.

37. At most special schools there are long waiting lists controlled by the schools. No alternative to placement is provided for learners, who can remain on these lists for up to five years.

38. The medical approach, which relies on diagnoses to determine admission to special schools, is used across the system rather than a human rights approach based on the learner's and their parents' wishes, the learner's holistic support needs, and the inclusive environment which could best meet their needs.

39. While the obligation is on the state to find placements for learners, this burden is most often carried by parents. Parents face numerous rejections, lack information or

⁷ Department of Basic Education, Guidelines to Ensure Quality Education and Support in Special Schools and Special School Resource Centres to Support Inclusive Education (2014), 7

support, and ultimately experience deep frustration. The SIAS policy fails to address exclusionary admission practices for children out of school, as the policy process only applies once learners are already in school.

Recommendations:

40. GOSA must amend the SIAS policy to ensure a clear pathway for school placement of children who are not currently in the education system. Clear school responsibilities and timelines to drive the process in collaboration with the families must be adopted.
41. The national DBE, working closely with provincial education departments, must establish a central register of children awaiting placement.

4.2.2 Accessible scholar transport

42. GOSA recognises that persons with disabilities are disproportionately affected by the lack of subsidised learner transport and that priority should “be given to learners with disabilities, taking into consideration the nature of the disability”.⁸
43. GOSA (paragraph 238) states that a National Learner Transport Policy incorporating norms and standards for accessibility is being developed. The government gazetted the National Learner Transport Policy in 2015, but it fails to “address the challenges of accessibility and the safety of learners”,⁹ particularly learners with disabilities. It specifies that transport used for persons with disabilities “must adhere to the requirements and principles of Universal Design ... [and] All processes involved from planning to implementation must take cognisance of the needs of learners with disabilities and meet the required support needs.”¹⁰ It is not explained, though, how this will be achieved, nor have any guidelines for its full operation been developed.

⁸ National Learner Transport Policy, Government Gazette 39314, No. 997, 23 October 2015, page 23, 3.3

⁹ Foreword by the Minister, National Learner Transport Policy, Government Gazette 39314, No. 997, 23 October 2015.

¹⁰ National Learner Transport Policy, Government Gazette 39314, No. 997, 23 October 2015, page 25, No. 3, 9.

Learners are still being transported in unsafe, inappropriate vehicles that have not been adapted.¹¹

44. Many families cannot afford the cost of learner transport. Funding norms and standards that comprehensively address the transport needs of learners with disabilities have yet to be adopted.

Recommendations:

45. The Departments of Education and Transport must provide scholar transport for all learners with disabilities.
46. GOSA must urgently adopt and implement norms and standards as contemplated in the National Learner Transport Policy.
47. Provincial education departments must ensure their scholar transport policies and practices comply with the principles of Universal Design.
48. GOSA must adopt comprehensive learner transport safety norms and standards and operational guidelines for transporting learners with disabilities.
49. Interdepartmental planning committees at the national, provincial and local level must prioritise transport for learners with disabilities.

4.2.3 Accessible infrastructure

50. Ensuring access to education requires that the school environment is accessible.¹² In November 2013 the Minister of Basic Education adopted minimum infrastructure standards.¹³ They provide that all special schools must “be fully accessible”.
51. The norms provide that, by 31 December 2030, all schools must adhere to the principles of Universal Design to accommodate learners with disabilities and provide

¹¹ SECTION27, *Too Many Left Behind: Exclusion in the South African Inclusive Education System with a focus on the Umkhanyakude District in northern KwaZulu-Natal* (2016), paragraphs 123-129.

¹² UN CRPD, articles 30(1)(c) and 30(5)(d).

¹³ Regulations Relating to the Minimum Uniform Norms and Standards for Public School Infrastructure GN 37081, 29 November 2013.

“for the specific needs of learners, educators and administrative staff with disabilities as for the needs of their able colleagues”.¹⁴

52. These time frames are too long. DBE has not met its earliest deadline of 29 November 2016.

Recommendations:

53. Review the regulations and shorten the time frames for compliance with the Minimum Uniform Norms and Standards for Public School Infrastructure for children with disabilities.

54. GOSA must engage in consultations to determine the infrastructure needs of learners with disabilities at schools.

5 Resourcing inclusive education

55. GOSA does not adequately resource education for children with disabilities. Given the state’s resources, CSOs express grave concern over the consistently inadequate allocation of funding towards the education of children with disabilities.

56. As recently emphasised in the CRC’s concluding observations on South Africa’s report,¹⁵ comprehensive, transparent and equitable inclusive education budgets are a necessary component of the right to basic education for children with disabilities. Should the state defend its failure to act on the grounds of inadequate resources, South African courts require a rational explanation of why the government lacks resources, given the immediacy of the right.¹⁶

57. The CRC specifically emphasised budgeting for children with disabilities, concluding that GOSA must “set up clear baselines, time frames and indicators for the

¹⁴ Regulations Relating to the Minimum Uniform Norms and Standards for Public School Infrastructure GN 37081, 29 November 2013. Regulation 18(1).

¹⁵ Committee on the Rights of the Child, Concluding Observations on the Second Periodic Report of South Africa, 30 September 2016, paragraph 44 .

¹⁶ *Basic Education For All and Others v Minister of Basic Education and Others* 2014 (9) BCLR 1039 (GP) (5 May 2014) at paragraph 43 (“the state must manifestly budget for basic education”).

implementation of laws and policies relevant to children with disabilities, and ensure sufficient allocation of technical, human and financial resources for their implementation.”¹⁷

58. Crucially, White Paper 6 acknowledges that funding and planning for inclusive education systems will need to be increased and recommended a conditional grant for “non-personnel funding.”¹⁸ This conditional grant has never been established.¹⁹

59. The DBE’s 2014 Policy on Screening, Identification, Assessment and Support (SIAS) states that “the development of norms and standards for resourcing an inclusive education and training system is an immediate requirement for the successful implementation of the policy”.²⁰ Although these have been drafted, a finalised and comprehensive set of norms has yet to be published.

60. Aside from the USD 250m grant (GOSA paragraph 227) dedicated to the expansion of inclusive education, there have been no further conditional grants or specific budget items relating to inclusive education. Budgeting for “special education” is the only item allocated. However, this is not disaggregated and hence analysis of budget allocations for strengthening ordinary schools, full service schools or the implementation of inclusive education is not possible.

61. “The level of disaggregation and categories used in the budget votes also make it difficult, if not impossible, to identify the amounts spent on important areas such as [learning and teaching support materials], transport and training.”²¹ This makes it difficult to scrutinise the DBE’s budgeting for inclusive education.

62. By the DBE’s own admission, budgets remain inadequate. A 2015 DBE report concludes that, “given the enormity of the support needs”, the “spending is by far

¹⁷ Committee on the Rights of the Child, Concluding Observations on the Second Periodic Report of South Africa, 30 September 2016, paragraph 41(c).

¹⁸ See, for example, Department of Basic Education, Education White Paper 6, p. 37 and 40.

¹⁹ Inclusive Education and Training System (2001), p. 37 and 40.

²⁰ Department of Basic Education, Policy on Screening, Identification, Assessment and Support (2014), p. 20.

²¹ Budlender, Debbie (2015), *Budgeting for Realising the Right to Basic Education for Children with Disabilities in South Africa*, annexure to SECTION27, *Left in the Dark*. Available at <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/160308leftinthedarkannexureC.pdf>.

not enough” and budgets are “inconsistently allocated and spent”, which results in “a very poor situation, especially in the poorer provinces”.²²

63. Budlender notes that there has been “little if any increase [in budgets] in real terms for the current period after controlling for inflation”.²³

64. The misspending of more than USD 125 million allocated by the Treasury, as referenced in paragraphs 227 and 228, is not merely a “regrettable” error, but a violation of the constitutional rights of children with disabilities and an affront to government’s policy. The difference this money could have made to children with disabilities if it was appropriately spent is incalculable. As the CRPD emphasised recently in its General Comment on Inclusive Education, “Using the lack of resources and financial crises as justification for failure to make progress towards inclusive education violates article 24.”²⁴

65. Provincial departments of education have consistently under-budgeted for children with disabilities. It “may only account for a maximum of 3 percent of total provincial spending in education”.²⁵ This is not in proportion to the number of children with disabilities and does not take into account the need for additional allocations for their special needs.²⁶

66. Human Rights Watch notes that “the budget for special schools in the 2014-2015 academic year was 12 times larger than the budget for inclusive education”.²⁷ Although “strengthening” of special schools is key, it cannot be done at the expense

²² Department of Basic Education, *Report on the Implementation of Education White Paper 6 on Inclusive Education: An Overview for the Period: 2013-2015*, (2016), p. 45. Available at <https://pmg.org.za/committee-meeting/22150/>.

²³ Budlender, Debbie, *Budgeting for Realising the Right to Basic Education for Children with Disabilities in South Africa* (2015), p. 28.

²⁴ CRPD, General Comment No. 4: Article 24, the Right to Inclusive Education (2 September 2016) at paragraph 27.

²⁵ Budlender, Debbie, *Budgeting for Realising the Right to Basic Education for Children with Disabilities in South Africa* (2015), p.2.

²⁶ Budlender, Debbie, *Budgeting for Realising the Right to Basic Education for Children with Disabilities in South Africa* (2015), p. 2.

²⁷ Human Rights Watch, *Complicit in Exclusion, South Africa’s failure to Guarantee an Inclusive Education System for Children with Disabilities* (2015), p. 78.

of inclusion of children in mainstream schools and the development of full service schools. As the Department acknowledges, “a radically different approach needs to be followed”, because merely building more special schools, which is the “current trend”, is not “feasible”.²⁸

67. No special schools are categorised as “no-fee-paying schools” and thus do not provide free basic education.²⁹ While poor families may apply for fee exemptions, many parents are unaware of this or struggle with the procedures. Secondary costs, such as hostel accommodation and transport, impact poor households. Constant underfunding and inadequate budgeting unreasonably shifts the burden of costs to parents, and schools have to cut costs, services and posts in order to survive. This has a negative impact on schools’ ability to provide quality education and care for children with disabilities.³⁰

Recommendations:

68. GOSA must urgently adopt the norms and standards for resourcing inclusive education in consultation with CSOs and other stakeholders.

69. GOSA must make adequate budgetary provision for the cost of education including hostels, transport, assistive devices and LTSM to ensure education is free for children with disabilities.

70. National Treasury must prioritise the conditional grant contemplated by White Paper 6.

²⁸ Department of Basic Education, *Report on the Implementation of Education White Paper 6 on Inclusive Education – An Overview for the Period: 2013-2015*, (2016), p. 70.

²⁹ Human Rights Watch, *Complicit in Exclusion* (2015), p. 24, fn. 80.

³⁰ SECTION27’s *Left in the Dark* report notes that special schools for visually impaired learners complain about the lack of funds in an environment where independent audits estimate that the average cost of schooling per learner per year is R89,000. Some schools for visually impaired learners go without electricity for months because of lack of funds, and schools are “compelled to choose between which expenses to cut”. Though underfunding is a problem for all schools it is particularly inhibiting for schools in which expensive assistive devices and materials need to be procured and additional specialist teaching and non-teaching staff members must be hired.

71. The provincial and national departments of basic education must budget comprehensively, transparently and equitably. In doing so, they must prioritise the inclusion of learners with disabilities in mainstream and full service schools and ensure that money budgeted is appropriated and spent for its intended purposes.
72. GOSA must seriously consider the requirements set out in the CRPD's General Comment 24 and the CRC's General Comment 19 and Concluding Observations dated 30 September 2016.

6 Statistics and data

6.1 Disability statistics

73. GOSA paragraphs 1-6 highlight the challenges associated with “the lack of adequate reliable, relevant and recent information on the nature and prevalence of disability in South Africa”.³¹ It refers to three ways in which disability-related data have been collected in South Africa to date, but because of the different methods used, it is not possible to make comparisons between them.

6.1.1 2011 National census (paragraphs 7-14)

74. The Washington Group set of questions were used, and these have a number of shortcomings:
 - a) Questions are not appropriate for children under the age of five years and prevalence rates for the age group 5-9 are to be treated with caution.
 - b) Questions do not take into account psychosocial, neurological and/or emotional impairments.
 - c) Questions relating to “general health and functioning” were asked in households only and therefore did not include those in residential care and boarding school facilities.³²

³¹ Baseline Country Report to the United Nations on the Implementation of the Convention on the Rights of Persons with Disabilities in South Africa, (April 2013), paragraph 1.

³² Statistics South Africa, Census 2011: Profile of persons with disabilities in South Africa (2014), p. 24.

d) The age cohorts 5-9, 10-14, 15-19 do not correspond with those of the DBE.

75. The GOSA (para 10) states the impairment prevalence rate to be 10.3% whereas Census 2011 gives a disability prevalence rate of 7.5%.³³ The breakdown of impairment types is helpful and in line with the requirement of UN CRPD reporting. However, no age-specific, gender-specific, district- or province-specific prevalence rates are presented. The data on access to assistive devices are missing, even though these data were collected through the census.

6.1.2 2011 General Household Survey (GHS) (paragraphs 15-19)

76. The Washington Group set of questions was used for the 2011 GHS, with the same shortcomings mentioned above. There are no child-specific prevalence rates for reported disability.

6.1.3 2001 Census data (paragraphs 20-24)

77. This dataset is now 15 years old and cannot be compared with 2011 Census because different questions were used.

6.2 Article 24 – education

78. The following table presents the key statistics contained in the country report and our comments on these.

Category (para)	Comment
Not attending school (paragraph 205)	Using GHS data, the country report states that 480,036 children with disabilities are out of school. The periodic report (paragraph 141) estimates this number

³³ Statistics South Africa, Census 2011: Profile of persons with disabilities in South Africa (2014), v.

	<p>to be 197, 517³⁴.</p> <p>The DBE estimated the number to be 597,753 in 2015.³⁵</p> <p>There are huge discrepancies in these estimations.</p>
Enrolment in ordinary schools (paragraph 206)	There is a discrepancy between DBE and GHS statistics on the number of children with disabilities attending school.
	Comparing 2002 and 2010 GHS figures is problematic because of different disability criteria.
	The failure to use a consistent measurement standard renders it impossible to measure progress or identify where drop-out rates are occurring.
	There is no disaggregation for gender, impairment type or population group. The report uses GHS 2010 and 2011 data, whereas the same year should be used if these figures are intended as a baseline.
	There is no data to indicate the number and profile of children with disabilities enrolled in full service schools
Enrolment in reception year (paragraph 207)	There is no disaggregation for gender or impairment type and no comparisons to indicate if enrolment is increasing.
Enrolment in special schools (paragraph 208)	<p>No disaggregation for gender or impairment type.</p> <p>No analysis of the pass rate and why the drop might have occurred in 2011.</p> <p>No disaggregation of types of impairments for which these</p>

³⁴ First Periodic Country Report To The United Nations On The Implementation Of The Convention On The Rights Of Persons With Disabilities In South Africa Draft Released For Public Comment By Cabinet On February 2015

³⁵ Department of Basic Education, *Report on the Implementation of Education White Paper 6 on Inclusive Education: An Overview for the Period: 2013-2015*, (2016).

	<p>schools cater,³⁶ or percentage of special schools offering National Senior Certificate.</p> <p>There are no comparisons with the general child population which would suggest the rate of marginalisation of children in special schools.</p>
<p>Post-school qualifications (paragraph 209)</p>	<p>The source of the data is not stated.</p> <p>No definition is given as to what “Higher Education Institutions” are included. There is no breakdown for universities and TVET colleges, and no comparisons with the general population.</p> <p>No disaggregation for gender, impairment type or population group.</p>

79. GOSA paragraph 211 refers to the Learner Unit Record Information Tracking System (LURITS) which was set up in 2008 to track learners in special schools. No information is given about the indicators used or outcome of the tracking. This has the potential to be an important tool for identifying learners at risk of dropping out and for linking them to support through systems such as SIAS. However, unless data details specific domains, it cannot be used to inform planning for support. The success of LURITS is dependent on receipt of data from schools. The data currently available on the Thutong portal runs until 2012 and does not include a breakdown of impairment types of children in special schools,³⁷ nor is there a reference to LURITS data in the statistics presented by the DBE.³⁸

³⁶ Experience among CSOs reveals inadequacies in data collection systems with respect to special schools. For example, DeafSA found that the School Masterlist data on National SNE Centres gives information on Efata school for the Deaf and Blind, indicating that it caters for blind children, whereas it also has a section for children who are deaf. Further, special schools catering for children with various impairment types describe the children that they cater for as having “special needs”.

³⁷ See

<http://www.thutong.doe.gov.za/administration/Administration/GeneralInformation/LearnerUnitRecordInformation/tabid/3341/Default.aspx>.

³⁸ Department of Basic Education, *Education Statistics in South Africa 2012 (2014). First Periodic Country Report To The United Nations On The Implementation Of The Convention On The Rights Of Persons With*

80. GOSA (paragraph 212) acknowledges that there is no system in place to track children with disabilities who have been denied admission to special schools and/or are currently out of school. Paragraph 379 presents a figure far above the estimated crude prevalence rate of disability for the population older than six years. This could be attributed to the shortcomings of the Washington Group method of measuring disability below age five. Using this figure as a prevalence rate for young children with disabilities is misleading and renders an attendance rate at ECD facilities inaccurate.

6.3 Article 33 – statistics and data collection

81. We welcome GOSA's acknowledgement in paragraph 391 of the importance of statistics and research. However, it fails to indicate what steps are being taken to ensure that the youngest group (children aged 0-4) is included in these processes. Paragraph 394 highlights South Africa's involvement in international and regional data collection initiatives, but does not propose a systematic data collection strategy. Even in the national evaluation of ECD (paragraph 395), the tool used to identify children with disabilities is different to that used by the DBE.³⁹

Recommendations:

6.4. Strengthen disability information collection systems

82. GOSA must urgently initiate consultations to identify indicators for collecting data on access to, and the quality of, education for children with disabilities. StatsSA, the DBE, the Department of Higher Education and Training (DHET), the Departments of Health and Social Development, organisations of persons with disabilities, academic and research institutions, and other stakeholders, should be included in the process.

Disabilities In South Africa Draft Released For Public Comment By Cabinet On February 2015 (paragraph 29) states that from 2014 data will be available from LURITS on learners with disabilities enrolled at school, but this is not contained in the report.

³⁹ In the ECD audit the determination of a child with a disability depended on a professional assessment. The audit recognises this as problematic and "indicative of the fact that centres are not aware of the importance of conducting disability assessments or that they do not have the resources to arrange such assessments". Department of Social Development, *Audit of Early Childhood Development (ECD) Centres: National Report* (2014), p. 118.

83. GOSA must ensure that data collection tools and systems reflect the definitions contained in policy, providing a framework which is consistent across sectors so that comparisons can be made and progress measured. GOSA must provide disability-sensitisation training for data collecting agencies.

84. Clarity is required on which measure to use for establishing the prevalence rate of children with disabilities. We recommend that the data on reported disability from Census 2011 be used for children over the age of five. StatsSA must indicate what plans are in place to ensure the availability of accurate disability prevalence data on children below the age of five. Technical support for this may be sought from UNICEF.

85. GOSA must establish a system for the regular collection of data relating to the education of children with disabilities. The data must be disaggregated for age, gender, population group, province and geographical location down to district level⁴⁰ and must include:

- a) indicators on children currently in the education system: ECD programmes, ordinary, full service and special schools; and special care centres must account for the numbers of children with disabilities enrolled, the grades they are in, progression, drop-outs and waiting lists;
- b) measures of accessibility and the quality of education provided (infrastructure, staffing, training, resources available, as well as access to assistive devices, which includes human support such as sign language interpreters); and
- c) budget allocations and expenditure for inclusive education.

86. GOSA must commit to consistent and regular collection of data and statistics, using the same framework (for example, consistent identification of functional limitations)

⁴⁰ This is also a recommendation made by the Committee on the Rights of the Child in its Concluding Observations on the Second Periodic Report of South Africa (2016), paragraph 42.

so that results can be compared over time. These should include national surveys and localised education-focused surveys.

6.5 Data analysed and used to inform planning and budgeting

87. GOSA must analyse data to better understand barriers to access and quality of services and where progress is being made in special, full service and ordinary schools.

88. Data collection agencies must ensure that their systems and categories align with categories used for planning of services, with services themselves being a vehicle for collection of information.

89. GOSA must use data and statistics to inform the development of evidence-based interventions and associated budgets, with a baseline against which targets are set.

90. GOSA must establish a sustainable inter-sectoral system to ensure identification and tracking of vulnerable children and continuity of support with DBE as the lead department.

6.6 Children with disabilities out of school

91. Given the constitutional imperative for access to basic education for all children, GOSA must take urgent action to ensure that children with disabilities who are out of school are suitably placed.

92. GOSA must urgently clarify the formula on which to base a calculation of the number and profile of children with disabilities who are out of school, including those in facilities managed by the Department of Social Development (DSD). This figure must be disaggregated as required by the UN CRPD, and give an indication as to where and among which learners drop-outs are occurring (for example, is it between primary school and high school? Is it in particular grades? Is it higher among children of specific impairment groups?).

6.7 Dissemination of data

93. GOSA must make collected data available to the public, CSOs and parents, as required by the UN CRPD. In particular, current reports such as snap surveys of

specific schools and the audit on braille production facilities in schools must be released.

7 Monitoring and evaluation

94. To date, the education system in South Africa only monitors admission in schools and the academic achievement of learners. No targets or accountability measures are in place to effectively monitor support provided to learners experiencing barriers to learning.
95. We concur with GOSA's paragraphs 221 and 260. These, however, are the only two references made to the weak systems in place for monitoring education for children with disabilities.
96. GOSA's planning provides few benchmarks or adequately defined indicators to ensure appropriate monitoring of inclusive education – quantitative or qualitative.
97. Regular reporting through data and statistics provides a mechanism for accountability and monitoring. GOSA's inadequate monitoring and reporting is directly linked to poor data collection and analysis, and reflects GOSA's lack of political will around this issue.
98. SECTION27's report notes that lack of effective coordination negatively compromises the right to education of learners with disabilities. It further notes that lack of expertise within local, provincial and national departments aggravates the harm caused by ineffective coordination.⁴¹ In 2015 there were 231 vacancies in IE directorates in at least six provinces which points to significant gaps in skilled and knowledgeable personnel.⁴²

⁴¹ SECTION27, *Left in the Dark: Failure to Provide Access to Quality Education to Blind and Partially Sighted Learners in South Africa* (2015).

⁴² Department of Basic Education, *Report on the Implementation of Education White Paper 6 on Inclusive Education: Overview for the Period 2013-2015* (Progress Report) (2016).

99. Despite GOSA claiming to have completed Phase 1 – a comprehensive awareness-raising campaign – of White Paper 6, inclusive education remains misunderstood by departmental officials tasked with its monitoring and implementation in schools across the country. GOSA acknowledges in paragraph 223 that inclusive education has not been mainstreamed in most of intervention programmes and that senior managers have therefore not been held accountable for implementing policy directives. It is however of concern that there is no indication of how this will be remedied.
100. The DBE has developed guidelines for full service schools and special school resource centres. These contain important criteria, processes, systems and measures for these schools to function as inclusive schools. However, no monitoring mechanisms have been put in place to ensure compliance with these guidelines.
101. In paragraphs 225 and 232 GOSA reports on the numbers of schools designated as full service schools and resource centres, but have no means to monitor whether or not they are functioning effectively.
102. Lack of accountability mechanisms and lack of expertise within the DBE contributes to inadequate monitoring. GOSA does not provide sufficient detail about how the challenges identified will be addressed and by whom.

Recommendations:

103. GOSA must prioritise monitoring of the implementation of inclusive education. A monitoring plan with reasonable defined time frames must be adopted.
104. GOSA must develop and implement performance targets and monitoring systems across all DBE programmes, holding them to account for implementation of inclusive education responsibilities.
105. GOSA must use more detailed indicators to report on the performance of full service schools as inclusive schools, rather than simply providing the numbers of such schools.

106. Performance indicators for districts, ordinary and special schools, principals and teachers must include measures indicating support for meaningful participation of learners experiencing barriers – including disability – to learning.
107. The implementation of SIAS in ordinary and special schools in districts must be monitored.
108. GOSA must collect statistical and research data that will enable it to formulate, implement, monitor and evaluate policies and programmes to give effect to the CRPD.
109. The DBE must provide a comprehensive training programme for all officials so that they are fully conversant with inclusive education policies and monitoring and support obligations.
110. GOSA must prioritise filling all provincial inclusive education directorate vacancies.

8 Meaningful participation

111. Despite claims by GOSA in paragraph 206 that 96% (CSOs dispute this figure which conflicts with GOSA's other data) of learners with disabilities of school-going age are attending school, the report fails to adequately highlight the poor quality of education that the majority of learners with disabilities receive in both special and ordinary schools.
112. GOSA has interpreted accessibility narrowly as referring to physical access rather than meaningful participation in learning. It does, however, in paragraph 215 acknowledge that a large percentage of learners with disabilities are unable to access the curriculum effectively.
113. The DBE's SIAS policy identifies "curriculum differentiation" as a key to making learning accessible to all. In other words, teachers must be capacitated to modify curriculum delivery to suit the needs of all learners. Training in this skill must be based on a thorough, applied knowledge of the CAPS curriculum, a knowledge

which not all teachers can be assumed to possess. DBE reported that the training of provincial and district officials and teachers on the SIAS policy is underway.⁴³ However, the report fails to indicate that the training is entirely inadequate being conducted once-off, over two days. As a result, the support outlined in SIAS and referenced in paragraph 218 is not yet in place.

114. The SIAS policy, as referenced in paragraph 216, was finalised and gazetted in November 2014 and an implementation plan for its roll-out is in place. However, the DBE is already behind in meeting its targets.

115. We concur with the shortcomings admitted by GOSA in paragraph 226 relating to conditions in special schools. SECTION27's report exposes shocking conditions in the 22 public special schools for visually impaired learners across the country. It reveals inadequate support from provincial and district departments of education; poor understanding of what is required for the education of visually impaired learners; and inadequate provision of educational material, assistive devices and teacher training to enable appropriate education for learners who are deaf or in need of alternative communication.

116. Whilst there is reporting on the establishment of full service schools and district-based support teams in all provinces (paragraphs 232 and 236), the mere designation of full service schools does not reflect the underlying exclusion from meaningful participation that is a reality for learners with disabilities in these schools. There is generally very little information on how full service schools manage the enrolment and accommodation of children with disabilities. In addition, the DBE does not clarify what kind of "conversion" has taken place in physical infrastructure, resource allocation or teaching. This creates the impression of progress and conceals the Department's failure to create genuinely inclusive full service schools.

117. Despite SIAS requiring participation by learners and parents in deciding upon, and implementing individualised support measures for learners, CSOs report this is

⁴³ The Department of Basic Education, *Report on the Implementation of Education White Paper 6 on Inclusive Education: Overview for the Period 2013-2015* (2016), p. 60.

practised in very few cases. Decisions regarding support are generally made by teachers or medical professionals without input from parents or learners.

118. Teachers in the majority of ordinary schools supported by IESA experience difficulty in identifying barriers to learning and implementing interventions at classroom level because they lack skills to do so. This is corroborated by other CSO reports.⁴⁴ According to the promotion and progression policy, learners who do not meet grade requirements may not repeat a grade more than once per phase. Regulations require that they are progressed to the next grade “with support”. However, support is not provided, severely limiting their access to the curriculum and their ability to develop.

119. There is no holistic curriculum in place for many learners with intellectual disability. As a result, they achieve below their potential and leave school with negligible prospects of further study or employment.⁴⁵ The curriculum review mentioned by GOSA in paragraph 217 has not been finalised. In special schools accommodating learners with intellectual disabilities, teachers have had to adapt the mainstream CAPS curriculum themselves, despite the fact that many do not have the skills to do so. This places an unfair burden on these teachers and also provides no standard regulated national curriculum.

120. The lack of class assistants in most special and ordinary schools poses significant challenges. Teachers often spend large amounts of teaching time attending to the personal care needs of learners in class. Inadequate time is spent on curriculum coverage, resulting in many learners not reaching their full learning potential.

121. Both the 2002 Special School Audit and 2013 DWCPD Audit of Special Schools highlighted the extremely poor quality of curriculum delivery in special schools. No

⁴⁴ SECTION27, *Too Many Left Behind*, p. 58-86.

⁴⁵ The promised curriculum is meant to be piloted in 2017.

action has been taken to comprehensively address this matter urgently. Piecemeal improvements at some schools are not effective, sustainable or adequate.

122. The endorsed matric for learners with special education needs (LSEN) is still in effect. The only option for those who obtain this limited school-leaving certificate is to attend a Technical and Vocational Education Training (TVET) college. There is no possibility of simply adding a further two subjects to complete their Grade 12. Instead learners must undergo a new three-year course to achieve the same outcome.

Recommendations:

123. GOSA must:

- a) Prioritise adequate training in the implementation of SIAS for education officials at all levels.
- b) Prioritise and implement effective monitoring and evaluation of curriculum delivery and support provision in special, full service and ordinary public schools according to the guidelines established by the DBE.
- c) Adapt the LURITS to monitor the provision of support to learners with disabilities.
- d) Introduce without further delay the curriculum for learners with severe intellectual disability as well as the vocational skills curriculum.
- e) Do away with the endorsed Senior Certificate and give learners the opportunity to complete Grade 12 according to their own pacing requirements.

9 Compliance with section 3 of article 24 of the UN CRPD with regard to learners who are deaf, hearing impaired, blind, visually impaired and deaf-blind

124. GOSA acknowledges it has not complied with section 3 of article 24 of the UN CRPD. A Human Rights Watch report notes that “[c]hildren with sensory disabilities face exclusion across the education system due to the lack of materials in braille and sign language in mainstream and special schools”.⁴⁶

9.1 Visual impairment (VI)

125. Systemic and administrative failures cause a lack of appropriate LTSM for children with VI. We concur with GOSA (paragraph 239) and with the fact that the implementation of the National Curriculum and Assessment Policy Statement (CAPS) further contributes to delays in provision of accessible LTSM.

126. At the South African National Disability Rights Summit in March 2016, President Zuma stated that Cabinet had “directed that the establishment of a government braille printing works be accelerated”. No details have been provided regarding resourcing, strategy and timelines for development of the national braille service. Problems with payment, tender processes and management have worsened delays in production.

127. The CAPS curriculum was introduced in 2012, yet by 2015, 17 out of 22 special schools for learners with VI reported not having received a single textbook, workbook or teacher’s guide for the CAPS curriculum in braille, and only 150 of the more than 600 CAPS textbooks had been adapted into braille.⁴⁷ This is in direct

⁴⁶ Martinez, Elin, *Complicit in Exclusion: South Africa’s Failure to Guarantee an Inclusive Education for Children with Disabilities* (2015), Human Rights Watch, p. 46.

⁴⁷ The DBE established a Braille Advisory Committee in 2016. The Committee has not met and does not have a mandate.

violation of the Supreme Court of Appeal's ruling that each learner has a right to a textbook for each subject at the start of the academic year.⁴⁸

128. The GOSA report implies that an appropriate curriculum for learners with VI is based on the provision of braille and large-print textbooks. While these are crucial, it reflects a lack of awareness regarding the importance of other aspects of the extended core curriculum for learners with VI, such as orientation and mobility (O & M) training, training in IT using assistive applications, social skills training, and alternative and augmentative communication (AAC) skills for learners with multiple disabilities. The needs of this last group are broadly neglected by the GOSA report.

129. The limited braille LTSM produced neglects indigenous African languages. GOSA's ongoing delay in ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (World Intellectual Property Organisation, Marrakech, 2014) threatens to prolong the deprivation of children and adults with VI in South Africa.

9.1.1 Accessible curriculum

130. The CAPS curriculum is visually oriented, and thus presents difficulties in teaching learners with VI. Furthermore, the volume of the curriculum does not accommodate the additional time required to teach learners with VI essential skills such as braille literacy, O & M, and social skills, amongst others.

131. Key subjects such as mathematics and physical science are not offered by most special schools for visually impaired learners. Career and higher education options for learners with VI are limited as a consequence.

9.1.2 Assistive technology

132. GOSA's statement in paragraph 226 reflects the prevailing poor understanding of key issues relating to the provision, planning for, and monitoring of

⁴⁸ *Minister of Basic Education v Basic Education for All* (20793/2014) [2015] ZASCA 198; [2016] 1 All SA 369 (SCA); 2016 (4) SA 63 (SCA).

assistive devices. No details are provided of need versus provision, nor evidence that provision was appropriate. It concludes with an uncorroborated assertion that the learners concerned will now be able to “access education and be integrated into society”.

133. Special schools for learners with VI report a severe lack of basic equipment such as Perkins Braillers which every learner should have. Reports describe learners having to work in relays due to lack of available working machines.

134. By contrast, vast sums of money have, at times, been spent on high-tech devices of highly questionable appropriateness. An example of this is the Apex BrailleNote machine. Some DBE staff seem to have assumed incorrectly that this device can replace braille textbooks and workbooks, when in fact it can only supplement these. Furthermore, the machine uses only English and is extremely expensive, placing a financial burden in insurance premiums on the school and limits where and when learners can use the devices. No clear repair and maintenance plan for the devices is in place. Learners who have come to depend on the devices during their school years are abruptly deprived of access to them on finishing school, with traumatic and disempowering effects.

135. Special schools often have few or outdated computers, insufficient funding for software licences, and limited training in using assistive applications.

Recommendations:

136. GOSA must urgently develop an implementation plan with timelines to produce braille and large print LTSM for all visually impaired learners.

137. GOSA must appoint a team of experts in the adaptation of print materials into braille, to be tasked with ongoing curriculum development.

138. Provincial departments of education should provide comprehensive annual training of teachers in how to read, write and teach both contracted and uncontracted braille.

139. All forms of assessment must be provided to schools accommodating learners with VI, appropriately adapted and printed in braille.
140. GOSA must adapt and translate any and all standardised testing that may be prescribed by the DBE, including the National Senior Certificate examinations, for braille learners.
141. Schools for learners with VI must be provided with sufficient staff to achieve a ratio of one teacher for every eight learners.
142. Urgent steps must be taken to ensure that all braille learners have access to their own Perkins machine.
143. Urgent steps must be taken to provide all schools accommodating learners with VI with adequate numbers of personal computers and appropriate assistive software, as well as high quality training of staff in how to use, and teach children to use these devices.

9.2 SASL education (while this section focuses on SASL, it should not detract from the GOSA's requirement to provide support to learners with hearing impairments using other means of communication, e.g. loop systems and note takers, etc.)

144. There remains a critical lack of advanced South African Sign Language (SASL) skills in schools for the deaf.⁴⁹ Despite the fact that 859 of the 1,332 teachers in schools for deaf learners have received in-service SASL tuition, only 92 are qualified to teach in SASL. This suggests very limited proficiency of the remaining teachers teaching deaf learners.⁵⁰ This lies at the heart of the poor educational attainment of deaf learners.⁵¹

⁴⁹ Martinez, Elin, *Complicit in Exclusion: South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities* (2015), Human Rights Watch, p. 47.

⁵⁰ Question 1776 (NW214tE) by Ms H S Boshoff (DA). Date of Publication of Internal Question Paper: 26/09/2014.

⁵¹ Martinez, Elin, *Complicit in Exclusion: South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities* (2015), Human Rights Watch, p. 66.

145. No effort has been made to train educational SASL interpreters or to create posts for either these or specialist teaching assistants in schools for the deaf.

146. A SASL curriculum (as a school language subject) was introduced in 2015 at foundation phase and Grade 9, and in the intermediate phase and Grade 10 in 2016. This is a positive development, but GOSA has not declared SASL as one of the country's official languages (there are currently 11). In addition, there has been no increase in higher education institutions offering SASL as a subject for Bachelor of Education degrees.

Recommendations:

147. GOSA must take urgent measures to adequately train teachers in SASL at schools accommodating deaf or hearing impaired learners.

148. GOSA must declare SASL an official language.

149. GOSA must implement a programme aimed at removing environmental and attitudinal barriers to ensure that learners with VI, hearing impairment or those in need of AAC acquire essential language skills in the foundation phase.⁵²

150. GOSA must approve budgets and timelines for:

- a) the improvement of infrastructure at schools for VI and deaf learners, and
- b) the recruitment of adequate, appropriately qualified non-educator staff at these schools.

151. GOSA must implement a programme to assess and provide learners who need AAC with meaningful AAC devices, techniques (for example, key word signing) and strategies.

⁵² Martinez, Elin, *Complicit in Exclusion: South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities* (2015), Human Rights Watch, p. 47.

10 Staff qualifications and support staff

152. The goal set by the Minister of Education (paragraph 246) to ensure that at least one educator in each of the 26,000 schools is trained to screen and support learners by 2014 has not been met.
153. The claims by GOSA in paragraph 247 that inclusive teaching content was included in nationwide NCS training of educators in 2011 is overstated. This add-on to NCS training was either not done at all in some provinces, or only briefly mentioned in others. This cannot be reported by GOSA as adequate skills development of educators.
154. We concur with GOSA (paragraph 248) that the lack of qualified and skilled educators remains a challenge. GOSA fails to acknowledge the extent to which this negatively impacts the poor quality of education for children with disabilities, and fails to mention how it plans to adequately remedy this.
155. The designation and identification of schools as full service schools or resource centres (GOSA paragraph 232) reveals little about the qualifications, attitudes or competence of the staff at these schools to address the needs of learners with disabilities in an inclusive education system.⁵³ CSO reports highlight their lack of skills and qualifications and the negative impact this has on the quality of curriculum delivery.
156. Further, GOSA's reporting on the number of educators trained in policies and strategies does not measure implementation and competence. Training has been found to be inadequate. For example, GOSA training on SIAS and curriculum differentiation runs over only five days. At best it can be described as orientation. Further, training is facilitated by a variety of private and public service providers, is poorly coordinated and lacks monitoring and quality assurance.

⁵³ SECTION27's report *Left in the Dark* reveals that teacher training is inadequate as most of the country's teachers do not understand how a child's disability affects his or her ability to learn. Teachers are not sufficiently supported by necessary non-educator posts.

157. While policies, implementation guidelines and protocols for the implementation of inclusive education exist and are provided to teachers and education officials (GOSA paragraphs 233 and 234), and in some cases have been used for training teachers (GOSA paragraphs 247 and 249), this has been inadequate.
158. There are no professional qualifications specifically for teaching children with intellectual and visual impairment, autism, or severe and complex support needs.
159. There is no professional category, qualification or training for teacher assistants. Little, if any, training is provided for class assistants and district and provincial personnel.
160. There is a severe shortage of educators with advanced braille skills – a brief introductory training in uncontracted braille is at times mistakenly portrayed as braille proficiency.

Recommendations:

161. DBE must make inclusive education a compulsory component of all professional development programmes.
162. The DHET must ensure that inclusive education is a core component of all initial teacher education qualifications. Theoretical training must be accompanied by practical strategies to support learners who experience barriers to learning and learners with disability.
163. DHET must develop and offer a postgraduate qualification in teaching learners who are blind, deaf, or who have complex developmental impairments such as autism.
164. DBE must effectively coordinate and monitor training for inclusive education. Training of in-service education staff (managers, teachers, district support staff, school-based support teams and teacher assistants) should focus on practical implementation skills to improve the quality of education of learners experiencing barriers to learning.

165. DBE must review the in-service training model and include cost-effective, on-the-job training and support. These strategies should include on-site professional development using technology and professional learning communities as forms of continuous support.

11 Post-school education

166. Regarding the state's obligation to progressively realise access to tertiary education,⁵⁴ there has been some increase in access to further education for school-leavers with disabilities (GOSA paragraph 251). The poor standard of basic education for most learners with disabilities results in many not reaching the Further Education and Training (FET) phase (Grade 10-12 equivalent). For example, many special schools offer only limited Grade 12 subjects, either due to insufficient staff or unavailability of textbooks.

167. Financing for reasonable accommodations within post-school education is not yet in place. Reports to CSOs indicate little or no support for students with disabilities within the TVET sector, notably for those with high-level support needs.

168. Despite GOSA's financial commitment to improve infrastructure and facilities at universities (paragraph 257), similar initiatives are absent in TVET and community colleges. The lack of adequate resources to ensure accessibility is unacceptable. There is no clear indication of how government has sought to provide the envisaged (paragraph 253) barrier-free access to TVET colleges. Numerous requests from disability groups to engage with the TVET directorate have been ignored or turned down.

169. Despite the government's commitment in 2011 to develop a school-leaving qualification for learners accessing skills programmes (GOSA paragraph 252), this has not happened. The unacceptably long time taken to achieve this causes us to question GOSA's commitment.

⁵⁴ South African Constitution (1996), section 29(1)(b).

170. With reference to GOSA paragraph 256, the Higher Education Disability Services Association (HEDSA) is aware of 15 established disability rights units and at least two institutions that are in the process of establishing units, mostly at universities. While this is commendable, we note with concern the lack of similar commitment at universities of technology and TVET colleges.
171. The Social Inclusion and Equity Unit at the DHET has been established and is working on ensuring the continued realisation of access for students with disabilities. The work of this unit should become more visible, especially at universities of technology and TVET colleges.
172. The National Student Financial Aid Scheme (NSFAS) (GOSA paragraph 258) has increased access to bursaries and post-school learning opportunities. HEDSA's lobbying to ensure that financial support is offered for human assistance as part of the assistive devices funding from NSFAS is acknowledged with appreciation.

Recommendations:

173. The DHET must prioritise initiatives facilitating access to post-school education opportunities for learners with disabilities.
174. GOSA must make provision for annual ring-fenced budgets for reasonable accommodation for students with disabilities. This should include providing posts for interpreters, carers and other forms of human support as well as staffing for disability rights unit staff and the assistive devices and capital equipment and infrastructure expenses.
175. GOSA must undertake rigorous auditing of the TVET and community college sector and plan to provide it with adequate funding to improve accessibility and support to students with disabilities.
176. DHET must legally obligate the establishment of disability rights units in all post-school education institutions, including TVET and community colleges.
177. In November 2016 the Draft Framework on Disability for Post School Education and Training was gazetted for public comment. GOSA must expedite the

finalisation of the policy framework and the development of the Strategic Implementation Plan.

178. The DHET must establish a joint committee to promote transitions from secondary to post-school education opportunities. This includes the transfer of information relating to the support needs of learners, including any accommodations they may require.
179. The Minister of Higher Education must immediately instruct SETAs of their obligation to make funding available for reasonable accommodation costs.
180. DHET must provide training in inclusive education practices to all teaching staff in post-school settings.
181. GOSA must clarify its plans (paragraph 253) to address accessibility and inclusive environments and develop implementation guidelines.
182. The DHET must support curriculum differentiation within higher education to address specific learning barriers experienced by learners with disabilities.
183. GOSA must ensure that students have full access to social and other aspects of student life within all post-school education settings (article 30) with the same assistance as provided to learners without disabilities.
184. GOSA must establish a national central advice service for students with disabilities to ensure that all have access to up-to-date information on study choices and locations, bursaries and career paths.

ANNEXURES

ANNEXURE 1 LIST OF ENDORSING PARTNERS

ANNEXURE 1 LIST OF ENDORSEMENTS

1. Adri Combrinck, Principal, Carel du Toit Centre
2. Angelique Sweeting, Speech and Language Therapist and Audiologist
3. Autism South Africa
4. Bev Garner
5. Cape Mental Health
6. Chaeli Campaign
7. Children First
8. Daleen Du Plessis Venter, Department of Health, Free State
9. Disability Studies Unit, University of Cape Town
10. Disabled Children's Action Group (DICAG)
11. Down Syndrome Support (Cape)
12. Dr Sadna Balton, Chairperson of the National Speech Therapy & Audiology Forum (Public Sector)
13. Dr Susette Brynard and Sheri Brynard (Down Syndrome South Africa)
14. Elizabeth van Niekerk, Speech Therapist
15. Equal Education
16. Equal Education Law Centre
17. Heather Wilkinson, Chief Speech Therapist, Groote Schuur Hospital, Western Cape Government: Health
18. Jenni Gous, Educational Consultant
19. Jo'burg Child Welfare
20. Juliana Magomere
21. Karin Joubert, Senior Lecturer, Department of Speech Pathology and Audiology, University of the Witwatersrand
22. Karin Smuts
23. Kim Brewis, Speech-Language Therapist
24. KwaZulu-Natal Blind and Deaf Society
25. Lauren Schrempel, Asperger's Support

26. Lisa Ellis, Director, Inclusive Solutions
27. M. Rauter, MECL
28. Margaux d'Hangest d'Yvoy, Occupational Therapist
29. Marlene Langeveldt
30. Mosaic Training, Service and Healing Centre
31. Mrs. Rudidevi Govender, Social Work Manager, Gauteng Provincial Association for Persons with Disabilities
32. Neville van Heerden
33. Nono Njongwe
34. Persona Doll Training SA
35. Prof. Alta Kritzinger, Head, Clinic for High-Risk Babies (CHRIB), Department of Speech-Language Pathology and Audiology, University of Pretoria
36. Prof. Dr Juan Bornman, Director, Centre for Alternative and Augmentative Communication (CAAC), University of Pretoria
37. Public Service Accountability Monitor (PSAM), School of Journalism and Media Studies, Rhodes University
38. Section 27
39. Shakila Dada (PhD AAC), Associate Professor, Centre for Augmentative and Alternative Communication, University of Pretoria
40. Shavaughn Harvey, Occupational Therapist, Shonaquip
41. Sign Language Education and Development (SLED)
42. Siyuvile Denson
43. Tanya Vogt, parent
44. The Centre for Child Law, University of Pretoria
45. The Teddy Bear Clinic
46. Thohoyandou Victim Empowerment Programme (TVEP)
47. Tshedi Makiri
48. Umtata Child Abuse Resource Centre (UCARC)
49. Western Cape Forum for Intellectual Disability

50. Western Cape Street Children's Forum (WCSF)
51. Wiedaad Slemming, Division of Community Paediatrics, Wits University
52. Women and Democracy Initiative, Dullah Omar Institute, University of the Western Cape
53. World Vision South Africa

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