TOO MANY CHILDREN LEFT BEHIND

Exclusion in the South African Inclusive Education System

With a focus on the Umkhanyakude District, KwaZulu-Natal
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A SECTION27 Report
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uMkhanyakude is the northernmost of the 11 districts of the KwaZulu-Natal province of South Africa. Its seat is Mkuze. It is a very rural district, the largest town being Mtubatuba in the south, with Hluhluwe, Mkuze, Jozini, Kwangwanase and Ingwavuma further to the north. The majority of its 573,353 people speak IsiZulu (2001 Census)
### Barriers to learning
Refers to difficulties that arise within the education system as a whole, a community context, the learning site, and/or within a learner or themselves which prevent educational and social development for children. Children with disabilities often experience significant barriers to learning, but many other children experience such barriers too.

### Children with disabilities
Disability is an umbrella term for impairments, activity limitations and participation restrictions. Disability is potentially an issue both at the level of a person’s body and as a result of an unaccommodating social and physical environment. This report includes within this definition people with disabilities who are below 18 years old, or who are older than 18 years old but still require primary and high school education.

### "Children out of school" or "out-of-school children"
Children who do not attend school at all because they do not have access to an appropriate school that can accommodate their needs, either in their community or elsewhere. Children who are in schools that cannot accommodate their needs, either in their community or elsewhere. Children who do not attend school at all because they do not have access to an appropriate school that can accommodate their needs, either in their community or elsewhere.

### CAPS Curriculum
The Curriculum and Assessment Policy Statement (CAPS) is the national curriculum for Grade R to Grade 12 learners in South Africa.

### Curriculum Differentiation
The structuring and implementation of a flexible curriculum programme for learners based on their own individual and collective needs, taking into account their disabilities and barriers to learning.

### District-Based Support Team
A district-based, government-operated entity that provides ongoing support to schools, teachers and learners, to address and accommodate for the barriers of learning of children in schools in a district. It comprises educational professionals, experts and government officials.

### Disabled People’s Organisation
An advocacy organisation controlled by a majority of people with disabilities, at board and membership level. Disabled People’s Organisations (DPOs) are formed and advocate for the rights of people with disabilities in a broad range of ways.

### Mainstream school
Described in the Schools Act as an “ordinary” schools. Public neighbourhood schools are described in this report as ‘mainstream schools’ to mirror the terminology used by staff members at schools in the Umkhanyakude District. Mainstream schools are required to “reasonably accommodate” children with disabilities.

### Full-Service School
A specially-designated, converted and resourced public mainstream primary or high school that caters for a majority of learners with low support needs, and a smaller percentage of learners with disabilities who have moderate or high support needs.

### Special School
A public primary or high school that caters exclusively for children with high barriers to learning, including disabilities, and requiring continuous, highly intensive educational support.

### Inclusive Education
An education system that enables educational structures, systems and learning methodologies to meet the different needs of all learners at all levels of the system, and in mainstream schools, full-service schools and special schools.

### Post-provisioning
The process whereby the provincial Department of Education determines, annually, the number of state-funded educator and non-educator posts that are to be allocated to a particular public school.

### Reasonable Accommodation
The consideration and adoption of conditions and environments through the provision of resources, infrastructure, materials, equipment and time, to enable children with different learning needs to perform equally in schools.

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### Inclusive Education White Paper
A Department of Basic Education policy framework that seeks to give effect to the Schools Act and the Constitution’s requirements. It attempts to remedy the segregated education system inherited from the apartheid government, and build an inclusive education system within 20 years of its implementation, by 2021.

### Learner Support Centre
Often, a separate structure to the school building. Provides a learning space and safe haven for children with disabilities at full-service schools, and houses facilities and resources for a range of support services.

### Learner Support Assistant
A Learner Support Assistant supports teachers and children with barriers to learning in order to accommodate children’s educational and social development in full-service schools. This may be done through remedial lessons after class, in class during teaching time, or through a pull-out system during class time.

### Learning Support Educator
A Learning Support Educator is a specialist position for a qualified educational professional who specialises in the education of children with high barriers to learning, including children with disabilities. Such assistance includes support in performing curriculum-differentiation tasks, and developing individual support plans for learners.

### Learning and Teaching Support Material
Can include stationery and supplies, learning materials such as textbooks and workbooks, teaching and learning aids, technological assistive devices, and workshop equipment.

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### School-Based Support Team
A team comprising members of staff at a school and members of a school community, whose primary function is to put in place coordinated school, learner and teacher support services to accommodate the different learning needs of children with barriers to learning.

### Screening, Identification, Assessment and Support Policy
A policy of the national Department of Education that directs the process of enrolment and admission of learners with barriers to learning, and explains whether they should attend mainstream, full-service or special schools.
The SECTION27 Report and the rights-based approach to the education of children with disabilities is an eye opener to the challenges facing Special Schools and Full Service Schools in the Umkhanyakude District in particular and the whole of South Africa in general. The situation is more severe in Special and Full Service Schools attended by black learners and worse in the more deep rural communities with high levels of poverty and unemployment.

The report strikes at the core of the conditions in the Special and Full Service Schools in the District. Despite the fact that Inclusive Education and White Paper 6 have been on the table at implementation stage for over a decade now, the achievements are far below what should have achieved. It is interesting though, to note the passion and willingness shown by educators, Learner Support Assistants, Learner Support Educators, school counsellors, departmental officials and parents to make inclusive education work despite the numerous limitations.

More determination at the Government level in re-directing the resources in terms of budget allocation to give special attention to issues of transport, accommodation and teaching and learning devices will turn things around. Of course this MUST be accompanied by investment in the human personnel who must be equipped with sufficient skills, qualifications and competencies and remunerated appropriately. Despite the immense challenges that result in Too Many Children Left Behind it is gratifying to know that some schools prevail over the limitations and make inclusive education real and possible. The Somfula Full Service School is the only Secondary School in the District which distinguished itself and made a living testimony before it was even made a Full Service School as it made a breakthrough with Khulekani Ndawonde who matriculated in 2006 despite the multiple disabilities he had and still has. This proved that with necessary support Every Body Can Learn.

This SECTION27 report with its in-depth research and recommendations is highly commended with the hope and belief that it will receive immediate and appropriate attention from all relevant structures and levels. More CAN be done and MUST be done to make the goal of inclusive education realized. With DETERMINATION and COURAGE at all levels, it shall be done.

Mr VF Hlabisa
Somfula Full Service School

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SUMMARY OF FINDINGS

In South Africa, basic education is a constitutionally entrenched right that has been described by the Constitutional Court as “immediately realisable”, and by the Supreme Court of Appeal as “a primary driver of transformation”. For decades, apartheid’s brutally segregated education system actively deprived black children in South Africa of an opportunity to receive quality education. For children with disabilities, racial apartheid in the education system was compounded by a second ‘disability apartheid’, which isolated children with disabilities to poorly funded special schools – that often treated them as incapable of being educated. This had a particularly dire effect on poor black children (with disabilities), who often had no opportunity to attend school at all.

South Africa’s inclusive education policy seeks to redress this situation, and accommodate all children with disabilities in appropriate schooling – whether at separate special schools, in specially resourced full-service schools, or at local, neighbourhood mainstream schools.

This report is the product of over three years of research into barriers to accessing education for people living with disabilities in Manguzi in northern KwaZulu-Natal. Interviews were conducted with nearly 100 caregivers of children with disabilities between 2013 and 2015, with the final interviews quoted in this report undertaken between May and August 2015. In late 2015, after notifying the Umkhanyakude District Department of Education, SECTION27 visited all three special schools and 11 full-service schools in the district, interviewing principals, teachers and other staff.

The factual information provided by teachers, parents and learners is described as it was at the point of collection of the information. This may be subject to change and, we hope, improvement. We will continue to update this information on a regular basis and provide these updates both to the national and provincial departments of education, and publicly on SECTION27’s website (www.section27.org.za).

This report documents widespread violations of the rights of children with disabilities in the Umkhanyakude District. These violations are so severe – twenty years into South Africa’s constitutional democracy, fifteen years after the implementation of South Africa’s inclusive education policy began, and five years before the policy’s implementation range is supposed to be completed – that it is clear the dual racial and disability apartheid in South Africa’s education system persists. These realities, described in detail in this report, exact a very heavy price on poor, black children with disabilities in the Umkhanyakude District, and amount to systemic violations of their constitutional rights to basic education, equality and dignity.
Voicing the concerns of teachers, principals and staff: victimisation and intimidation

At the centre of this report are the voices of parents, caregivers and staff at schools catering for children with disabilities. On the express wishes of the parents, caregivers and staff members, they have been anonymised. It is a significant concern that some staff members predicted clearly that if they spoke openly and publicly in the interests of their learners, they would be subjected to victimisation, intimidation and discriminatory action from state employees and government departments. Indeed, some staff members indicated that these consequences had resulted on previous occasions when they or their colleagues had spoken out about the poor conditions in their schools.

SECTION27 condemns this intimidation and victimisation, and whole-heartedly endorses the statement late in 2015 of Linda Honigwa Madala, Member of the Portfolio Committee for Education, KZN Provincial Legislature, in response to such an incident of victimisation and intimidation of a teacher at Siszakele Special School (one of the three special schools in the Umkhanyakude District discussed in this report): “It’s wrong and against the law for the Department to expose an individual who raises concerns about wrongdoing. It exposes him to victimisation instead of focusing on investigating the concerns. They have put that educator in harm’s way now.”

SECTION27 thanks and applauds staff members at the three special schools and 11 full-service schools for speaking out, through their involvement in this report, in the best interests of children with disabilities in the Umkhanyakude District.

Inclusive Education in the Umkhanyakude District: the third-poorest district in South Africa

The Umkhanyakude District is the most northern of the 11 districts of the KwaZulu-Natal province, with a population of at least 644 196 people. It is a very poor, rural district with five local municipalities: Umlahlaliyalanga, Josini, The Big Five Fulbaba, Hlabisa and Mbubi. The poverty rate in the district is 72.1%, with 86.6% of people living below the R1 and R1600 per month, including social grants. The unemployment rate in the district is 58.6%, and access to basic services is extremely low, with only 41.3% of people – the lowest percentage in the country – having access to electricity for lighting. 32.8% having no access to tap water, 44.3% using pit toilets, and a further 18.2% having no access to a toilet at all. On assessment by the Institute of Race Relations, the District has therefore been described as the third “worst place to live in South Africa; or perhaps more appropriately, the third-poorest district in South Africa.”

As recently as 2002, there were no registered schools for children with disabilities in the Umkhanyakude District. A study completed in Mangeni in 2001 estimated that 33% of children with disabilities “did not attend school”, and of those who did, a further 53% “reported having difficulties at school.” Of all people in the district, 25.3% have no schooling at all; while 25.6% of people have a matric qualification, and a mere 5.3% have accessed higher education.

The first serious problem uncovered by this report is the large number of children with disabilities in the District who do not enjoy any access to school at all, and may never have done so. This speaks to a direct failure on the part of the KZN DoE to mobilise ‘out-of-school learners’ as a short-term goal, as required by Education White Paper 6, published in 2001. In 2014, SECTION27 learned of 17 out-of-school learners in KZN, and helped to facilitate their placement at Sizakakele Special School. During interviews conducted in 2015, 21 out of the 43 parents and caregivers of children with disabilities interviewed revealed that their children were not in school at all. A further 12 of these children were in mainstream schools that could not accommodate their needs, and were in full-service schools, though their parents and caregivers believed they should be attending special schools. This leaves a mere 7 out of 43 children who were attending special schools. The majority of parents and caregivers noted that their children were on ‘waiting lists’ at special schools, though sometimes denied by the KZN DoE in correspondence with SECTION27, this was acknowledged as recently as 2015 by the Department of Basic Education as a countrywide problem: All three special schools confirmed in interviews that they have substantial waiting lists. Children often languish on these waiting lists for years without gaining access to schools or the district Department of Education.

A major concern raised in the interviews with parents and caregivers was the quality of schooling and care available to their children at special and full-service schools. Most parents and caregivers, when asked, could not explain what a full-service school was, or differentiate between full-service and private schools. This report therefore proceeds to detail concerns about the quality of education at the three special schools and the 11 full-service schools in the district.
No access to high schools for the significant majority of children with disabilities

All three special schools ‘specialise’ in education for children with severe intellectual disabilities. Though children with multiple disabilities may attend these schools, all children admitted to these schools (with some exceptions) have some form of intellectual disability. It is important to stress that in terms of South Africa’s Constitution and a 2001 judgment of the High Court, children with extremely severe intellectual disabilities must be properly accommodated in the education system, and cannot be disregarded as ineducable or too costly to educate. The result of this singular specialisation in intellectual disabilities in the Umkhanyakude District is that children without intellectual disabilities – but with visual, hearing or physical disabilities, for example – must travel outside of the district if they need to attend special schools. Furthermore, all three schools offer an academic curriculum for grades R to 7 only. Any child with an intellectual disability wishing to attain a higher level of qualification than grade 7, or attain a National Senior Certificate, simply cannot do so in the Umkhanyakude District.

In addition, 10 of the 11 full-service schools are only primary schools. This means that out of the 14 schools in the district that cater for the learning needs of children with disabilities at all, only one – Somfula Secondary School – is a high school. According to the principals of the full-service schools, because of the vast geographic area covered by the district, and the distances between schools, Somfula does not even admit many children with disabilities who have completed grade 7 at the other 10 schools. The net result is that for the significant majority of children with disabilities who attend schools in the Umkhanyakude District, the completion of any high school grades and the achievement of a National Senior Certificate – one of the key aims of participation in the education system – is an unrealistic prospect.

Inflexible and undifferentiated curriculum: “Learners with barriers struggle a lot to pass”

Even within the ambit of the academic grades offered by the special schools, the failure to ensure effective curriculum delivery is a fundamental problem. Both White Paper 6 and the SIAS policy of the DBE require curriculum to be “flexible” and appropriately “adapted” or “differentiated” for children with disabilities. Despite this, teachers at both special and full-service schools complain about the rigidity of the CAPS curriculum, and the unwillingness of the district Department to accept the need for different approaches to teaching and learning at special and full-service schools.

At special schools, teachers struggle to teach the curriculum – both because they are hired without the requisite skills to teach learners with varying barriers to learning, and because their classes are simply too big to give children individual attention and support. All three special schools report having classes with as many as 20 children to one teacher, despite a ratio closer to 1:10 being desirable. Learners are forced to complete the curriculum in the same amount of time as children without learning barriers, and are compelled to write Annual National Assessments and common papers, which they are ill-equipped to do. If they were permitted to, given the current education available to learners, schools would repeat many learners in grade 1 or 2 for many years, but they are forced to make learners progress through grades by the stringently-applied rules of the Department of Education.

Principals at all three special schools bemoan the fact that there is too little time dedicated to skills training for children with severe disabilities who cannot cope with the academic curriculum, and that the Department makes it difficult for schools to hire teachers and other staff who could teach learners skills that would assist them with daily living and financial independence later in life. Ultimately, the situation in the Umkhanyakude District is no different to that at national level, described by the Department of Basic Education in these stark terms: “There is a serious concern about the standard of curriculum delivery in special schools. There is evidence that many are simply day care centres with little attention being given to ensuring that learners have access to the National Curriculum Statement on an equal basis with all other learners in the system.”

At full-service schools, where learners with disabilities are integrated into classes with other learners, many of the same challenges exist. Because classes are often as big as 50 learners with a single teacher, teachers struggle to give children the support that they need...
with the academic curriculum. Teachers bemoan the fact that they are not all provided with assistance in the form of practical and theoretical training in ‘curriculum differentiation’, which is essential in their classes. A Learner Support Educator is a specialist educator, highly trained in a number of aspects of teaching and learning including inclusive education. The Learner Support Educator is supposed to provide essential support services in all schools including how to effectively differentiate and adapt curricula and develop individualised support plans for learners that will allow them to learn and improve. There should ideally be one at each or at least many such posts throughout the district. Because the single Learner Support Educator in this district must cater for all its mainstream, full-service and special schools, the Learner Support Educator can provide next to no support to teachers or learners. Learner Support Assistants, who operate Learner Support Centres at full-service schools, provide some support with remedial lessons, which vary in nature. However, they are not qualified teachers, and receive little or no training from the Department to assist with curriculum differentiation and individualised support plans. Though six schools have two Learner Support Assistants employed, five schools presently have no Learner Support Assistants at all. The net result is that teachers struggle to complete the curriculum, and according to one teacher, “Learners with barriers struggle a lot to pass.” Schools report that the prospect of passing is reduced further by the fact that inadequate accommodation is made for children with learning barriers in standardised testing and examinations.

Inadequate, unaccommodating infrastructure and poor service delivery

Both special and full-service schools in the district report serious problems with infrastructure and access to basic services.

Though all three special schools have only recently been built, and therefore appear impressive at first sight, some have broken doors that blow over when it is windy. One school reports that the Grade Rs are forced to study under the trees. Several of the full-service schools were started by communities, under trees, and were later taken over by the Department. One school complains about the continued use of pit latrines. Some full-service schools do not have Learner Support Centres, which are required for Learner Support Assistants to do effective remedial work with children with disabilities. When schools do operate Learner Support Centres, which include bathrooms and kitchen facilities, they must spend additional funds for basic services such as water and electricity. Many schools complain about a lack of funds for these basic services. Some full-service schools lack access to these basic services entirely. One school has never had access to electricity or running water. It therefore only has access to water when it rains. Another struggles to use computers, projectors, stoves and air conditioning systems. The schools complain that without electricity, computers, photocopiers and other equipment that could be used to provide accommodations for children with disabilities are ineffective. At special schools, principals complain that basic services are “exorbitantly expensive” and that water provision is often interrupted because of malfunctioning systems and general water shortages, resulting in “unfortunate conditions”, particularly in hostels.

Unacceptable and unlawful abuse, neglect and corporal punishment in special-school hostels

The lack of trained, paid house mothers is particularly urgent, given the widespread reports from caregivers that children are neglected, mistreated and abused by volunteer house mothers in hostels.

The report details shocking reports of abuse in hostels; theft, unlawful corporal punishment, and a widespread perception on the part of caregivers that their children will be abused and neglected if they are sent to stay in special schools. Media reports confirm that this problem is widespread in KwaZulu-Natal, and the Department of Basic Education itself has admitted that it is endemic throughout South Africa, noting that there are “extremely poor conditions in many special school hostels. There is a high rate of child abuse in special school hostels. Especially learners who are deaf or intellectually disabled are doubly vulnerable. It is critical that the Hostel Policy for special schools is finalised to address all issues pertaining to accessibility of facilities, supervision, safety, etc.”

SECTION27’s research confirms the depth of this problem in the Umkhanyakude District, and calls for urgent investigations into all allegations of abuse, the urgent completion and publication of the Hostel Policy monitored by the Department of Basic Education, and the extension of protections provided by the Children’s Act to Child Youth Care Centres for special-school hostels.

Insufficient educators and professional staff: problems with post-provisioning

The issue of post-provisioning of both educator and non-educator staff is a major challenge at special and full-service schools.

At special schools, although there have been improvements on paper in the number of teachers allocated to schools as recently as 2014, teachers take a long time to actually be placed at the schools. Even with the increases in the number of teachers allocated to special schools, all three schools do not believe that they have sufficient teachers. Furthermore, teachers employed often have no experience or expertise in education for children with disabilities, and are therefore unable to teach both the academic curriculum and the skills the learners sorely need. At full-service schools, principals report that the allocation of teachers in terms of their staff establishment does not take into account that there are children with disabilities at these schools. The result is that all schools suffer from a shortage of teaching staff. Principals also complain about being allocated teachers with no understanding of or interest in teaching learners with disabilities. Some teachers even discriminate against learners, calling them ‘lunatics’ and being indifferent with them. Others do not last very long, and move on to other schools. Although the Department does provide training for teachers, schools are often asked to send representatives from the school, so not all teachers benefit from this much-needed training. Moreover, sometimes the training is overtly theoretical, and also unhelpful. Teachers report that it needs to be more consistent and held at their schools.

Special schools lack the dedicated professional and non-professional non-educator staff essential to their operation. All three schools lack permanent posts for psychologists, social workers and occupational therapists, and are therefore reliant on inconsistent visits from and to clinics and hospitals for desperately needed services. None of the three schools have nurses, despite many children with disabilities needing to take medication regularly, and this activity needing to be professionally monitored. In all three special schools the majority of their learners live full-time in school hostels, and are often very (or entirely) dependent on full-time care. As a result, schools report needing additional cleaners for hostels, twenty-four-hour house mothers, twenty-four-hour security, kitchen staff, bus drivers and additional maintenance staff. In full-service schools, in addition to the absence of psychologists, physiotherapists and occupational therapists, principals emphasise the importance of Learner Support Educators and counsellors who are based at the school, or at least in each circuit. Both of these posts are based at the district office and are therefore of little support to the schools. That five schools currently do not have Learner Support Assistants also highlight the need for Learner Support Assistants to assist teachers to teach big classes of children in which children with disabilities are integrated. Some schools have indicated that Learner Support Assistants need to be trained teachers, or supported by the Department to obtain a formal qualification in education during their employment. Other principals indicate that at present, Learner Support Assistants endeavour to qualify of their own accord, and eventually leave because the salary for Learner Support Assistants is very low. They therefore recommend that Learner Support Assistants be paid and acknowledged as teachers, and supported in obtaining training and professional qualification as teachers.
It is not uncommon for children to walk more than 10 kilometres to school. Some children must walk through dangerous forests, or swim across rivers to get to school.

**Trouble getting to school: dangerous, expensive and inappropriate learner transport**

Transport for getting to school in the first place presents a similar obstacle for learners with disabilities. For example, children requiring wheelchairs in deeply rural areas in which there are no proper roads and no transport provided simply cannot attend school at all. At the special schools, the Department has provided funding for two small buses that transport a small proportion of learners to and from school each day. These are largely ordinary buses, not equipped specifically to accommodate learners who cannot sit up straight or who are in wheelchairs. Out of the 11 full-service schools, only two currently receive any form of direct support from the KZN DoE for learner transport. At one of these schools, only 120 children out of more than 1000 learners at the school benefit from this transport. The special schools note that these buses often break down, which means learners who usually use the transport simply cannot come to school. In addition, the buses cover a limited area, and only specific routes, so even learners who live a similar distance away from the school but in a different direction are required to stay in hostels. Buses at both special and full-service schools leave learners at a central point in towns or villages; the learners – including those with disabilities – are then exposed to the risks of walking, despite ‘benefiting’ from Department-provided transport.

For the majority of learners at full-service schools, who do not benefit from any transport, their caregivers either pay for them to be brought to school privately through a system described as ‘Umalume Transport’ (‘Uncle Transport’), or they walk to school. These ‘uncles’ are merely men with cars (often bakkies) who attempt to load as many children as possible into their vehicles and are often very uncaring and rude towards children with disabilities. Both of these options carry the risks of sexual violence, theft, and physical danger from accidents and wild animals. Real examples of these risks detailed in the report include encounters with snakes, rapes and attempted rapes, and children being killed in car accidents on dangerous roads.

Other children, including children with disabilities, must walk long distances on rough terrain, and arrive at school exhausted. It is not uncommon for children to walk more than 10 kilometres to school. Some children must walk through dangerous forests, or swim across rivers to get to school. When the rivers are too rough or the water level too high, these children cannot attend school.

**Too little money: inconsistent, non-transparent and unreliable funding for inclusive education**

At full-service schools, funding is a serious problem. Full-service schools report that though they are expected to accommodate children with disabilities, they are not provided with sufficient and consistent funding to do so. While some schools receive as much as R273 000 for this purpose, one school reports receiving as little as R22 000 from the KZN DoE for the purposes of inclusive education, as recently as 2014/15. The funding is also unreliable and inconsistent because it is not received each year. Some schools report that they do not receive the allocation as often as they are meant to. One school was designated a full-service school in 2011, but was first granted this allocation in 2014/15. The reasons that schools are or are not allocated these funds are not communicated to the schools; neither are reasons given for the amounts allocated. Many schools interviewed in November 2015 predicted that they would not receive any funding for inclusive education in 2016, because by that late stage in the year they had still not received any documentation indicating that they would.

For all the full-service schools, stretching the little money received for inclusive education is difficult, because this funding must cover a variety of requirements – including support interventions for the school and outreach programmes for mainstream schools, capital allocations for assistive devices, district workshops, and running costs for Learner Support Centres such as water, electricity, stationery, telephone accounts and cleaning. Some principals report that their allocations are not enough to cover even one of these requirements, and they are thus forced to choose; for example, between essential assistive devices, and desperately needed training for teachers. Chronic underfunding is another problem for special schools around the country, including those
in the Umkhanyakude District. As Human Rights Watch uncovered in 2015, too few – if any – of them are declared no-fee schools, and they are therefore unrealistically expected to supplement Department-provided funding with fee intake. This is particularly taxing on special schools in rural areas such as the Umkhanyakude District. The situation is exacerbated by hostel fees and transport fees that caregivers are expected to pay to special schools in order to cover the schools’ costs of accommodating learners. Special schools complain about the inadequacy of the total funding provided, given the costs of operating a special school.

Ineffective and inactive support structures: negative attitudes, insufficient expertise and capacity

Finally, SECTION27’s research reveals significant concerns about the ineffective or inactive support structures for inclusive education at provincial and district levels. Both District-Based Support Teams (DBST) and School-Based Support Teams (SBST) often seem to be incapable of performing the crucial support functions designated to them by government policies and guidelines. In the Umkhanyakude District, interaction and communication between the DBST and the SBST is inadequate and infrequent. The DBST, like other examples of district and provincial officialdom, appears to lack the capacity and expertise necessary to guide SBSTs in the implementation of an inclusive education policy. Some even have a negative attitude towards the potential of children with disabilities to learn, and the importance of education that accommodates all barriers to learning. More worrying still are the signs of intimidation and pressurisation of teachers who speak out publicly - in the media, or to NGOs - about the poor state of education provided to learners with disabilities, even after following appropriate channels without success.

The conditions described in this report therefore amount to daily, systemic violations of the rights to basic education, equality and dignity of children with disabilities in the Umkhanyakude District.

Purpose of this report: working with government to build an inclusive education system

This report aims throughout to compare these devastating realities with the legislative, policy and constitutional framework, with which the Umkhanyakude District Department of Education, the KwaZulu-Natal provincial Department of Education and the national Department of Basic Education are legally required to comply. The intention is to provide an analysis of the conditions in full-service and special schools in the District, in order to assist the Department of Education (in consultation with people with disabilities, and Disabled People’s Organisations) in developing a plan to provide children with disabilities access to quality education through direct and systemic improvements.


In addition, it is hoped that this report will provide a clear, detailed case study that will assist in improving inclusive education systems on a national, provincial and district level. This is in response to the recognition early in 2016, by a broad range of South African and international civil society organisations and organisations of people with disabilities, that South Africa’s inclusive education system remains in a state of crisis for a full 15 years after the adoption of the Inclusive Education White Paper, and a mere five years before its implementation is due to be completed in 2021.

Inclusive education in crisis: rebutting the false ‘good story’ narrative, and revealing rights violations

Ultimately, the depressing impression created by this detailed investigation into the education system for children with disabilities in the Umkhanyakude District is that the system is deeply inefficient and dysfunctional. It is not remotely inclusive of children with disabilities, in mainstream, full-service or special schools. The system does not even allow for the possibility of successful education and completion of a National Senior Certificate for children with disabilities. The appearance created is that the Umkhanyakude District Department and the KZN DoE either believe that many children with disabilities are ‘ineducable’, or do not value them enough to ensure that they are appropriately accommodated. Full-service and special schools are used as a dumping ground for learners who are not passing (in mainstream schools).

Children with disabilities are children too. Though they require additional accommodations, efficiently adapted systems and structures, and increased consideration to access equal quality education, for them as much as their peers, in the words of the Supreme Court of Appeal, “it cannot be emphasised enough that basic education should be seen as a primary driver of transformation in South Africa.” This is particularly true for people with disabilities, for whom unemployment is epidemic and access to income and social services is limited, particularly in rural settings. Regrettably, it is SECTION27’s experience that national, provincial and local Departments of Education are all too often satisfied with extremely slow, incremental statistical improvements in the level and quality of education for children with disabilities. KwaZulu-Natal is a case in point, as it is often lauded by the Department of Basic Education as a success story, and a pioneer in the implementation of an inclusive education system. This report adds to the growing evidence that this ‘good story’ narrative is a false one. As Govender concludes, though some groundwork was made early in implementing White Paper 6 in KZN:

“All factors considered, the KZN DoE’s inclusive education story emerges as a tragic waste of resources and disservice to children.”

Ineffective and inactive support structures: negative attitudes, insufficient expertise and capacity

The inclusive education system in South Africa is in a state of crisis. To turn around the fortunes of children with disabilities, the KwaZulu-Natal District, a truly inclusive education system consistent with the government’s constitutional, legislative and policy obligations – and with children with disabilities’ corresponding rights to basic education, equality and dignity – must be built. This is crucial, because as Deputy Chief Justice Moseneke emphasised in his final judgment for the Constitutional Court:

“Public schools are not rarefied spaces only for the bright, well-mannered and financially well-heeled learners. They are public assets which must advance not only the parochial interest of their immediate learners but may, by law, also be required to help achieve universal and non-discriminatory access to education.”

Deputy Chief Justice Moseneke’s comment applies equally to mainstream, full-service and special schools. Access to education is neither universal nor non-discriminatory until it fully considers, accommodates and provides for the education of each and every child, regardless of their disabilities and special learning needs.

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Finally, SECTION27’s research reveals significant concerns about the ineffective or inactive support structures for inclusive education at provincial and district levels. Both District-Based Support Teams (DBST) and School-Based Support Teams (SBST) often seem to be incapable of performing the crucial support functions designated to them by government policies and guidelines. In the Umkhanyakude District, interaction and communication between the DBST and the SBST is inadequate and infrequent. The DBST, like other examples of district and provincial officialdom, appears to lack the capacity and expertise necessary to guide SBSTs in the implementation of an inclusive education system.
SUMMARY OF RECOMMENDATIONS

In the following pages, we list eight key recommendations which are applicable across the entire report, and thereafter specify these ‘core recommendations’ in further detail at the end of the report.

As is noted throughout the report, the recommendations seek to assist government structures in the process of remedying daily, systemic violations of the rights to education, equality and dignity of children with disabilities in the Umkhanyakude District. They also seek to identify deviations from existing policy and legislative requirements, and draw attention to regulatory gaps that will need to be filled for meaningful change to occur.
1. Meaningful consultation with and participation of people with disabilities

All recommendations in this report and all actions taken by various levels and structures of government in implementing its recommendations must involve the central participation and choices of people with disabilities, in the Umkhanyakude District and throughout the country.

This is a requirement of the United Nations Convention on the Rights of Persons with Disabilities, but is also a critical necessity for the successful implementation of each and every one of these recommendations. Financial and practical support should be provided to the various Disabled People’s Organisations that are active throughout the district, in order to allow them to do so effectively. It is crucial, especially in the context of the rights of children with disabilities, that section 19 of the Constitution’s instruction to the public service that “people’s needs must be responded to, and the public must be encouraged to participate in policy-making” is fully complied with.

A non-exhaustive list of such organisations and their contact details is annexed to this report, marked ‘Annexure C’.

2. The urgent development of a turnaround plan and strategy by the KwaZulu-Natal Department of Education

The KwaZulu-Natal Department of Education should urgently devise a turnaround plan and strategy to improve the state of special and full-service schools in the Umkhanyakude District.

This plan should be the product of meaningful consultation with relevant public stakeholders, including people with disabilities. On its completion and publication, it must be made publicly available and explained to the parents of children with disabilities and to Disabled People’s Organisations in the district, clearly and in understandable terms. Further recommendations are made about issues that the plan will need to address to effectively remedy current rights violations and deviations from legislative and policy requirements. These include matters relating to:

- Curriculum delivery
- Funding and fees
- Post-provisioning for non-educator and educator staff
- Transport
- Infrastructure
- Basic services
- Abuse, neglect, maltreatment and corporal punishment
- Hostel conditions
- Effectiveness of government structures

Given the wide range of issues to be dealt with, a full audit of the conditions at the three special schools and 11 full-service schools in the district may assist in the process of devising a turnaround plan and strategy.

3. Recommendations for the national and provincial Departments of Education arising from the report

The national Department of Basic Education must have some involvement in this planning process; hold the KwaZulu-Natal Department of Education to account for failure to comply with national policies, guidelines and norms; and ensure compliance in this regard in the future.

In addition, the national Department of Basic Education must expedite the process of:

- Clarification and publication of the implementation plan described in Education White Paper 6 between 2016 and 2021, and what will fill the policy void when this time expires;

The national Department of Basic Education must ensure:

- The publication of norms and standards for resourcing an inclusive education, which the SIAS policy described as an “immediate requirement” and as committed to by the Department of Basic Education in a meeting of the Portfolio Committee for Basic Education in March 2016;
- The publication of norms and standards for post-provisioning for educator and non-educator staff for inclusive education, as required by the SIAS policy; and
- The publication of a hostel policy for special schools, which was described by the Department of Basic Education in a meeting of the Portfolio Committee for Basic Education in March 2016 as “critical”.

The KwaZulu-Natal Department of Education must ensure:

- The completion of the publication of a turnaround plan and strategy for all 11 full-service schools and all three special schools in the district, as recommended in this report;
- The publication of a provincial transport policy, which takes into account the particular needs of children with barriers to learning and allows them to attend full-service and special schools. This process should ensure consistency with the ‘National Learner Transport Policy’; and
- A documented clarification for full-service schools (including their principals, School-Based Support Teams and School Governing Bodies) of how their budget and subsidies for inclusive education are determined. This should include information on how funding allocations are to be determined; how they can be queried or altered; and how the absolute levels of funding are justified, given the constitutional obligations of the KwaZulu-Natal Department of Education.

4. Recommendations for the national and provincial legislatures arising from the report

Parliament and the KwaZulu-Natal Provincial Legislature should closely monitor the planning process recommended by this report, and hold the national and provincial executive to account biannually for progress in adopting practical changes, producing real and statistical improvements, and producing relevant, constitutionally informed policies through participatory processes.

In addition, Parliament and the KwaZulu-Natal Provincial Legislature must investigate the need for legislative amendments regarding special school hostels, to ensure that legislative protection is provided to meet at least the level covered by the minimum norms that apply to Child Youth Care Centres in terms of the Children’s Act, which currently excludes school hostels.

Finally, Parliament and the KwaZulu-Natal Provincial Legislature must ensure the completion and implementation of recommendations in terms of the KwaZulu-Natal Department of Education’s recommended report on both the living conditions in special school hostels, and the widespread abuse, neglect and corporal punishment of children.
5. Urgent action to combat abuse, neglect and corporal punishment in special-school hostels

Both the living conditions in special-school hostels and the widespread abuse, neglect and corporal punishment of children at special schools must as a matter of extreme urgency be the subject of a separate investigation.

A report from this investigation and detailed explanations of what measures will be taken must be made public as soon as the investigation is completed. Though the KwaZulu-Natal Department of Education must take charge of this process, because of the national Department of Basic Education’s acknowledgment in March 2016 that there are “extremely poor conditions” and “an alarming number of cases of abuse” throughout the country, it must also play a key role, and may consider expanding the scope of this investigation.

6. Increased access to appropriate high-school education for children with disabilities

The KwaZulu-Natal Department of Education must urgently plan for and – as expeditiously as possible – ensure that meaningful, appropriate access to high school education is provided to children with disabilities in the Umkhanyakude District.

To begin with, an investigation should be undertaken with regard to adding high-school grades to Intuthuko Special School, Stizakale Special School, and Khulani Special School.

In addition, the full designation and conversion of additional high schools throughout the district to full-service schools should be seriously and expeditiously considered.

7. Roll out of mobilisation and awareness campaigns on disability and inclusive education

The KwaZulu-Natal Department of Education, in coordination with the Umkhanyakude District Department of Education, must urgently implement the mobilisation and awareness campaigns required by White Paper 6.

These campaigns must be focused on disability and inclusive education throughout the district, and should be visible, clearly accessible, and be supplemented by extensive media campaigns including billboard adverts, community radio, and television messaging. These campaigns must be accompanied by emergency interim plans in order to ensure access for children with disabilities who are currently languishing out of school.

8. Strengthening government structures to ensure effective support is provided to schools

Effectiveness of, capacity and expertise within government structures – including the Umkhanyakude District Department of Education, the Umkhanyakude District-Based Support Team, and School-Based Support Teams at special and full-service schools – must be evaluated by the KwaZulu-Natal Department of Education.

The KwaZulu-Natal Department of Education must ensure the capacitation of these structures with sufficient expertise and resources to undertake their functions effectively. The KwaZulu-Natal Department of Education should also investigate the activity and performance of SGBs at full-service and special schools in the district, and ensure that the powers and obligations of these SGBs to co-opt experts in terms of the Schools Act are utilised effectively.
END NOTES AND ANNEXURES

END NOTES FOR PAGES 7-25


i. See DBE Progress report, footnote 5 above, p 21-22, which also notes that “in terms of the South African Schools Act, Act 84 of 1996, no learners may be placed on waiting lists.”


Notes