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LEFT IN THE DARK

Failure to Provide Access to Quality
Education to Blind and Partially Sighted
Learners in South Africa

+ SECTION 27
catalysts for social justice



SECTION 27

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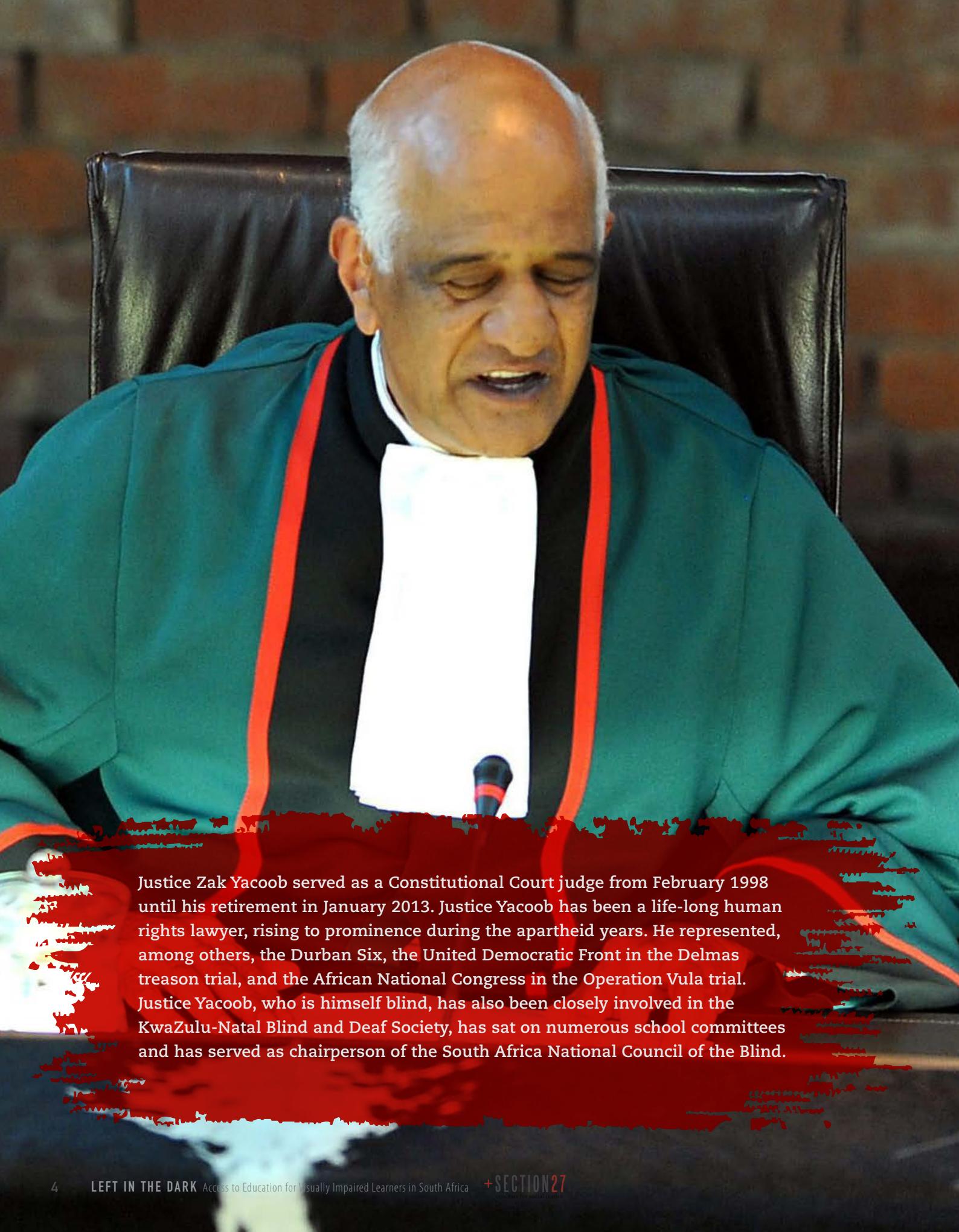
A SECTION27 report

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In collaboration with the South African Braille Authority, the South African National Council for the Blind and Blind SA

July 2015

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Justice Zak Yacoob served as a Constitutional Court judge from February 1998 until his retirement in January 2013. Justice Yacoob has been a life-long human rights lawyer, rising to prominence during the apartheid years. He represented, among others, the Durban Six, the United Democratic Front in the Delmas treason trial, and the African National Congress in the Operation Vula trial. Justice Yacoob, who is himself blind, has also been closely involved in the KwaZulu-Natal Blind and Deaf Society, has sat on numerous school committees and has served as chairperson of the South Africa National Council of the Blind.

FOREWORD

FOREWORD

Justice Zak Yacoob

I have read this thorough, careful and comprehensive report with a great deal of interest. I have done so from essentially two perspectives. First, the perspective of a blind person who became blind at the age of 16 months, who completed his education at a school for the blind (the Arthur Blaxall School for the Blind), a so-called special school which admitted only Indian children under pernicious apartheid, and who is passionate about the future of blind children and adults in our fresh democracy. I also read the report from the perspective of a retired judge of the Constitutional Court of South Africa who was part of the struggle for our democracy, a member of the ANC underground, and a blind lawyer. The report speaks for itself, and demonstrates conclusively the paltry state of education for blind and partially sighted children in our country. This continues despite the significant and laudable efforts of very many dedicated, though often under-equipped and under-supported principals, teachers and support staff at special schools for learners with visual impairments in South Africa. I reflect on some of the causes of this abysmal state of affairs and give some pointers on the way forward.

A root cause of the problem is that, so far as I can make out, by and large the government's approach to inclusive education is based on the wrong and harmful premise that every person with a disability must be treated exactly alike in the education system.

So, the approach appears to be that all that must be done is to ensure that people with disabilities are admitted to mainstream schools with sufficient access, and that will be the end of the matter – everyone will receive inclusive education! The reality is however more complex and nuanced. The theory does work partially if we are concerned with a child who has a purely physical disability that can be fully compensated for by providing that child with a wheelchair and ensuring that the school is fully accessible. This child might need some psycho-social help to cope with the consequences of the purely physical disability and with the attitudes of people (children and teachers) without disability, but the child will probably need not much beyond that. She will benefit from inclusive education in all probability.

The position of a severely hearing impaired child, for example, is very different. Access to school is not an issue. This child can walk to school and into the classroom, but the problem is that she cannot hear, and indeed cannot communicate at all with the teacher or anyone else in the school who does not know sign language! She needs no wheelchair or ramp but, at the very least, provision will have to be made for hearing devices and, where these won't work, for teachers or specialised teacher assistants who can communicate effectively with the child in South African Sign Language. Otherwise, it will be quite impossible for hearing impaired children to learn and very difficult if not impossible to even communicate with teachers and other learners at all at inclusive schools, or at a special needs school to which she may be admitted. Truth to tell, these schools would not be, and are in reality often not, the least bit inclusive in relation to hearing impaired children.

The same applies to a blind child. It will be quite useless to provide a blind child with enough human help to get to school and to her desk and leave it at that. A blind child would have to be taught and know braille in

order to make notes, to read books, and to write answers to questions. And the material must be available in braille that has the equivalent, appropriately adapted content as that available to a sighted child, so that she can study on an equal and fair basis. The teacher needs to know braille, and to understand the special needs of a blind child. For example, a teacher cannot simply show a photograph to a whole class and imagine that the blind child has seen it. The teacher must be able to describe the picture and discover imaginative ways to give the blind child the appropriate experience. And then, of course, the blind child must receive appropriate orientation and mobility training not only so that she is able to move around by herself, but, perhaps more importantly, to develop spatial understanding, as well as an understanding of her own body in relation to space and the environment – essential to avoid inadequate and stunted personal, intellectual and emotional growth.

With this background, the way is now open to try to determine where the problem might lie and where the solution might be found. Recourse to departmental educational policy shows a generalised and highly theoretical approach to the education of children with disabilities. The policy does not deal separately and in detail with the unique special essential needs of children who have specific disabilities – needs that must be met as prerequisites if the child concerned is to have the smallest chance of making it on this earth. Nor is there any more specific and concrete indication of how the Department plans to meet each of these essential unique prerequisites in practical terms.

If we are to take the blind child as an example, I have not seen anywhere a departmental plan that sets out the minimum norms and standards in relation to braille tuition, braille material, specialists, sufficiently well qualified teachers and other necessary personnel, mobility and orientation training, white canes, assistive equipment,

assistive technology and the like. Absent these norms and standards and effective plans for their implementation, the effective and appropriate education of blind children and, I daresay, all children with disability will, as the report's title suggests, be left in the dark.

After this is done, the education authorities will need to determine the personnel necessary both in the national and provincial departments to ensure that the norms and standards are effectively implemented in each school in which blind or partially sighted children are admitted, whether this be a special needs school or an inclusive one. I suggest that, at the very least, the national Department of Basic Education and each provincial department will need to have, within its division of inclusive education (or education of children with disabilities), a section concerned with the education of children with each significant disability. There is no choice but each of these sections in each department to have sufficient knowledge and expertise concerning the specific disabilities, the special needs of children with that disability, and the way in which schools will be able to dedicate themselves to satisfying these needs.

It is also important to emphasise that in our constitutional democracy the prerogative to ensure that high quality and equal education for children with disabilities in South Africa is both a pressing moral

concern and constitutional obligation placed primarily on the state. The Constitution entrenches a right to basic education which the Constitutional Court has described as "immediately realisable". This right applies equally to children with disabilities and requires government to urgently take steps to do everything within its power to make this right a reality for visually impaired children. In addition the Constitution specifically prohibits discrimination on the grounds of disability. It is important to emphasise that this prohibition requires the appropriate differentiation between and accommodation of specific disabilities, including, for the purposes of this report, visual impairment.

It is of course true, that in the absence of significant urgent measures, some exceptional children with disabilities may well miraculously come through the system and make a success of their lives, not because of the education they had received, but despite having had no real quality education. But this cannot be the test of whether our education system for blind children and children with other disabilities is adequate. Education must be sufficient to ensure that the poor blind child from rural areas with average ability will be empowered to thrive in, or at least cope with society and their environment.

I have had the privilege and the benefit of being educated at a school where the necessary facilities were largely available. I am pained to say that if the facilities at the school at which I was a pupil had been as paltry as in most of the schools described in the report, I would never even have completed school successfully. I therefore make a humble personal appeal to all the concerned authorities to treat this matter as one of urgency, and not to let the lives of a whole generation of blind children, mainly African and poor blind children, go to waste.

SUMMARY OF FINDINGS AND RECOMMENDATIONS



“[...] the teachers need to know braille [...] they must learn to read and write braille so that they can mark our work, they often ask other teachers who might not have the knowledge of the subject and they mark us down.”

Oswold Feris, Grade 12 learner, Retlameleng, NC

SUMMARY OF FINDINGS

The conditions at schools for visually impaired throughout South Africa are in a state of crisis. The interviews conducted with all 22 schools for the visually impaired in South Africa tell this story of neglect and denial of visually impaired children's rights to basic education and equality - which amounts to a fundamental impairment of their human dignity.

Failure to implement massive campaigns to mobilise out-of-school learners, in accordance with the Department of Basic Education's White Paper 6 which has been in place since 2001, means that there is no way of confidently knowing how many visually impaired learners still do not, and have never, attended school at all. Though estimates vary, the Department of Basic education has estimated that 597 593 children with disabilities may not have access to schools, while UNICEF suggests that the majority of children with disabilities have visual or hearing impairments. The fact that the Department of Basic Education cannot provide an accurate account of the number of out of school learners with disabilities, when the problem is known to be so severe, is troubling.

SECTION27's interviews suggest that reasons for non-attendance at schools for visually impaired children may include various factors such as parents' fears for their children's safety; distance between parents' homes and schools; continuing societal stigma about people with disabilities shared by some parents; costs related to enrolment in schools including school fees, hostel fees and transport fees; parents' needs for children to contribute financially to the household; a lack of knowledge of the existence of special schools; a lack of knowledge of visually impaired children's capacity to be educated.

A contributing factor to many of the challenges faced by schools for learners with visual impairments is the absence of comprehensive, co-ordinated, equitable and transparent budgets for inclusive education at national and provincial level. Thin budgets, with little differentiated information about the wide range and combinations of disabilities catered for in special schools in South Africa make budgets difficult to analyse and contributes to a lack of transparency. SECTION27's interviews suggest that different schools have different understandings of the budget process, and that there are discrepancies both in

budgeting and reporting on budgets. These and other problems with budgeting are confirmed and detailed in an expert report on budgeting for special needs education commissioned by SECTION27.

Furthermore, the Department of Basic Education has failed to set up a conditional grant, specifically contemplated as a short term goal by White Paper 6, aimed at capacitating schools for learners with disabilities nearly 15 years after the policy was authored. This "new conditional grant" is explicitly and specifically purposed at providing "non-personnel funding", including the provision of "necessary facilities and other material resources needed to increase access for those currently excluded", assistive devices such as "voice-activated computers" and some specialised support staff. We conclude that these failures violate the various departments of educations' constitutional obligations to budget coherently and comprehensively for the realisation of the right to education, and all spheres of governments' constitutional obligation to "co-operate with one another in mutual trust and good faith" by "co-ordinating their actions".

SECTION27's interviews reveal that these budgetary issues directly compromise the effectiveness of schools for learners with visual impairments. Schools unanimously indicate that the subsidies provided are inadequately tailored to their specific needs and significantly underestimate the cost of educating learners with visual impairments. One school for visually impaired learners notes that an independent auditor estimated the costs per learner to be as high as R89 000 per year. Because of inadequate subsidies schools are forced to make difficult spending choices which negatively impact the quality of education received by learners. In one instance these choices were so drastic that a school noted it was forced to go without electricity during National Senior Examinations in 2014 due to financial constraints.

Schools indicate that part of the reason for the inadequacy of subsidies is the assumption that schools will be capable of raising a portion of the money required to operate schools for learners with visual impairments through school fees. As the vast majority of children with visual impairments emanate from families who rely on low paying work or social grants, many learners are formally exempted from paying fees and still more simply cannot and do not pay despite not completing the complicated exemption process. The result is an economic barrier to access to education in violation of South Africa's constitutional and international obligations to ensure that "primary education shall be compulsory and available free to all". In a detailed report on the state of education for learners with disabilities, Human Rights Watch has recently confirmed that charging of fees in schools for learners with visual impairments for tuition transport and hostels is a violation of South Africa's constitutional and international obligation to provide economic access to education.

Emanating from these common challenges and other general problems, including a dearth of expertise and knowledge about education for learners with disabilities within national, provincial and district departments of education, are a range of pressing infrastructural, resource and curriculum-based issues faced at schools for the visually impaired throughout the country. The lack of expertise within the Department of Basic Education is exacerbated by the enormous number of vacancies within Inclusive Education directorates at district and provincial levels. This report draws together school specific examples raised by staff and learners during interviews which are used in order to capture the direct human impact of severe and systemic problems.

"[no] school for children with disabilities could possibly survive and operate efficiently without the continuous support of the Department."

Principal, School for Learners with Visual Impairments, South Africa

Generally, schools for the visually impaired report shortages in both educator and crucial non-educator staff. These shortages are often attributed by schools to the Department of Basic Education's failure to understand the specific needs of schools for visually impaired learners. Compounding this problem, 12 out of 22 special schools catering for visually impaired learners specifically cater for children with other types of severe disabilities too. Staff establishments therefore largely do not appropriately cater for sufficient educator staff or appropriate and crucial specialist non-educator posts. As many as 9 out of the

22 schools double as schools for the hearing impaired, leading educators to describe their schools as "a special school within a special school" or indicating that their schools effectively operate several distinct schools with one budget, one premises and one staff complement.

Insufficient allocation of educator posts on staff establishments leads to situations in some schools in which classes which should have a 1:8 learner-teacher ratio actually have classes with ratios as high as 1:22, making effective teaching almost impossible. Some educators express frustration at having to teach both visually impaired and hearing impaired learners in the same year – completely separate specialist skills – or having to alternate between different disabilities on yearly basis.

The failure to provide for specialist non-educator posts causes equally pressing problems. At as many as 14 of the 22 schools, learners receive absolutely no consistent orientation and mobility training due to a failure to include orientation and mobility practitioner posts on staff establishments. Orientation and mobility training is essential for the full development of learners, and equips them with the ability to perform simple daily tasks such as dressing, cooking, making phone calls, catching taxis as well as navigating both familiar and new physical environments safely, efficiently and effectively. Qualified orientation and mobility practitioners are a crucial part of the education and development of blind and low-sighted learners.

"[Orientation and mobility training] helps a learner to picture in his mind where and what is his environment – his body awareness, his spatial development, his physical development. The training must start as soon as possible. It must be [available in] a constant and repetitive way. The learner learns with the help of an instructor... [It] strengthens the child's confidence even in his school work."¹

Karin Swart, Principal of Prinshof School for the Blind

Many schools indicate that their premises are not designed for or suited to the accommodation of visually impaired learners. As a result, school premises are often difficult and dangerous for learners to navigate, particularly in the absence of expert orientation and mobility practitioners to guide this process. The safety and security of learners and their confidence in moving around freely is therefore compromised by school buildings themselves. This has resulted in reported deaths of learners from drowning after falling into unenclosed pools or being locked into rooms that have accidentally caught on fire. Some schools also indicate that insecure perimeter fences and



“[Orientation and mobility training] helps a learner to picture in his mind where and what is his environment – his body awareness, his spatial development, his physical development. The training must start as soon as possible... [It] strengthens the child’s confidence even in his school work.”*

Karin Swart, Principal of Prinshof School for the Blind

* Taken from a video produced by the South African Mobility for the Blind Trust accessible at <https://www.youtube.com/watch?t=23&v=9LuLXQtcPoM>.

provincial departments’ refusals to pay for security guards compromise the safety and peace of mind of vulnerable visually impaired learners who most often live in hostels on their school’s property. This exposes learners to dangerous animals and people who come onto the premises of schools unencumbered introducing threats of rape, physical assault and theft of invaluable assistive devices.

“It is now winter and we are very cold and we end up being sick.”

Siphesihle Manqelete, Grade 10 Learner,
Zamokuhle School, EC

“Last term, a robber went into the girls’ hostel with a gun and stole their cellphones.”

Anonymous grade 12 learner, Setotlwane
Special School, August 2013

Another problem caused by a lack of support staff is failure to cater for the employment of skilled house mothers in hostels. The significant majority of visually impaired learners live in hostels on school premises far away from their parents. They therefore rely on house mothers to care for and support them during the course of the school year and see their parents infrequently. Without a budget for qualified or trained house mothers, many schools rely on untrained volunteers from their communities who have no knowledge about the educational and psycho-social needs of visually impaired learners. These volunteer house mothers perform crucial tasks including caring for learners, administering medication and monitoring and supervising them outside of school hours. House mothers who are generally not braille literate can also not effectively provide core care and support

functions needed by learners such as assisting them with their homework. In the absence of orientation and mobility practitioners some schools used occupational therapists, without specialist training, as makeshift replacements. These problems are therefore exacerbated by the shortage of occupational therapists and social workers at schools for the visually impaired leaving vulnerable visually impaired learners with little psycho-social support.

“I think the fact that there is a school like this really helps us. We are talking about education but you still need a soul inside you. [At mainstream schools] they tease you. People are cruel. If you fall we can laugh here [at Prinshof]. I like this school because it is close and intimate and everyone is partially sighted it’s not just you.”

Lane Wahl, Grade 12 Learner, Prinshof
School for the Blind, GP

Of particular concern is that even at schools for visually impaired, blind educators are not satisfactorily equipped with the resources needed to teach learners effectively and act as much-needed role models for learners. In most provinces class assistants are either not provided for blind educators or class assistants that are provided are severely under-equipped to perform the task as they often have little formal education at all and no training in the education of visually impaired learners. Many are paid as “general workers” on staff establishments. One blind educator who is not provided with a class assistant at all pays a reader out of his only salary out of desperation. Furthermore, blind educators are not provided with braille teachers’ guides



“We are also a school. We
also need books.”

Anonymous Principal, School for Visually Impaired Learners, South Africa

and are most often not provided with braille notes at department of education events and training sessions which they therefore benefit little from.

"We are also a school. We also need books."

Anonymous Principal, School for Visually Impaired Learners, South Africa

These problems are of particular concern because of the tendency to rely on blind educators to teach learners and educators alike to read braille and more generally for specialist knowledge on the education of visually impaired learners. For example, all 22 schools' educators indicate that their educators would benefit significantly from training in basic critical skills required for educating visually impaired learners such as braille literacy – the ability to read and write in braille. The depth and breadth of this problem is confirmed by the Department of Basic Education which has recently acknowledged that as of 2014 there were: 39 teachers "without braille qualification but with basic braille"; 124 teachers without any knowledge of braille; and 407 teachers who "require grade 2 braille training".² As a result of the cancellation of specialist diplomas in special needs education at teacher training colleges and universities in South Africa, most educators arrive at schools for the visually impaired with no braille training at all. Though many schools try and provide training for teachers through instruction by other teachers in "in-service" training sessions these are ultimately neither consistent nor effective enough due to the lack of accreditation as an incentive, the absence of external expert instruction and limited time available. As a result many educators who are teaching braille-using learners can themselves not read contracted and/or uncontracted braille with sufficient competence or confidence to provide learners with quality education.

"When I said that the teachers need to know braille, I meant that they must learn to read and write braille so that they can mark our work, they often ask other teachers who might not have the knowledge of the subject and they mark us down."

Oswold Feris, Grade 12 learner, Retlameleng, NC

The immense challenges faced by under-trained educators are further exacerbated by the dearth of learner-teacher support materials. This is particularly, though not exclusively, the case with braille materials. Out of the 22 schools, 17 have no access to any textbooks in the CAPS curriculum at all. To date the Department of Education itself has neither funded nor produced any textbooks for the CAPS curriculum

since CAPS came into effect in 2012. Though the majority of schools have access to some workbooks for mathematics and language subjects, there are no workbooks available in braille for the vast majority of compulsory subjects. Those workbooks which are made available are often incomplete sets including only some volumes and arrive randomly and sporadically often long after they are needed. No visually impaired educators have been given access to brailled teachers' guides for the CAPS curriculum.

"I think that the organisation in charge for brailling textbooks must get a team that will speed up the process because we are at the disadvantage for not having the textbooks".

Philani Nduli, Grade 12, Chairperson of the RCL, Arthur Blaxall School for the Blind, KZN

In the absence of standard learner-teacher support materials in braille, interim measures, such as mini braille production facilities at schools are crucial to ensure that learners can have access to makeshift learning materials in braille. Many schools report inadequate equipment to produce quality braille and a failure to provide additional specialist staff required to operate brailling equipment effectively. Some schools even indicate that learners themselves must type out their own notes using Perkins braille machines, leading one principal to comment that "the learners are writing their own books". In addition, provincial departments of education respond slowly to requests that vital equipment is repaired, often leaving schools without a means of producing braille at all for long periods of time. The failure to provide specialist staff results in educators or general workers being assigned with the responsibility to perform essential brailling functions. This overburdens educators in particular and compromises time that could be spent on improving teaching methods and improving curriculum content knowledge.

"The words are not written properly, there are errors in the brailling and our notes don't have graphs [that are in textbooks]."

Kgotso Makhanye, Grade 12 learner, Bartimea School

The lack of learning materials compounds the inherent difficulties which educators and learners have with design, delivery and time allocation of the CAPS curriculum. Schools complain that generally the CAPS curriculum is too visual. The general perception is that the CAPS curriculum was not at all designed with visually impaired learners needs in mind. This problem is particularly pronounced for a large range of subjects which require graphs, symbols and pictures such as mathematics, science, history and

geography. Schools for the visually impaired also bemoan the lack of sympathy amongst district officials for the difficulty which they have in keeping up with the expected pace of curriculum delivery. The curriculum is described as very long and unaccommodating of the difficulties of visually impaired learners. It also does not leave space or time for necessary specialist classes in braille instruction or orientation and mobility which are crucial for visually impaired learners.

“We have only so many subjects you can choose and this is problematic. We don’t have hospitality, geometry, history, accounting or dramatic arts. You are sometimes pushed into a corner with your choices.”

Lane Wahl, Grade 12 learner, Prinshof School for the Blind, GP

There are a variety of vital technological assistive devices which allow learners with visual impairments to perform ordinary tasks such as reading, writing, studying and using computers. Many schools lack sufficient devices to allow learners to perform these simple tasks. Schools report significant shortages of Perkins Braille machines which allow learners write braille and are effectively a pen and paper for braille using learners. In addition many schools either do not have working computers, appropriate software which enables blind learners to use them or educators who are trained to teach learners how to use this software. As a result learners at some schools do not learn to use computers at all, a skill which is particularly crucial for blind learners who often will not have access to braille materials during their tertiary education or in places of work, and will therefore need to rely completely on the use of computers. Both computers and Perkins machines are poorly maintained because these substantial expenses are not adequately budgeted for in schools’ subsidies.

“It is very important [that each learner has their own Perkins machine]. It is really unfair, because sometimes our tests have to be postponed because we do not have enough Perkins machines.”

Siphesihle Manqele, Grade 10 learner, Zamokuhle School, EC

“Without JAWS, learners are using faith to write.”

Anonymous educator, School for visually impaired learners, South Africa

As braille-using learners are prohibited from completing their standardised examinations on computers, they

must use Perkins Braille machines to write their answers in important assessments such as the ANAs and National Senior Certificate exams. A shortage of working Perkins machines therefore means that learners are forced to take turns writing exams at some schools. Schools also report that not all common tasks and assessments such as the ANAs are properly adapted for ease of reading for braille users, and that sometimes the questions appear as absurd and nonsensical versions of the originally intended question. This is particularly the case with regard to graphs and pictures which are therefore sometimes described orally to learners to their detriment. Schools also raise concerns about the quality and consistency of the marking of braille scripts which they strongly suspect compromises learner performance, particularly in subjects like maths.

“[Not having examinations in braille] is a huge disadvantage ... When I have my question paper in braille, I can read a question again and again until I can properly understand it.”

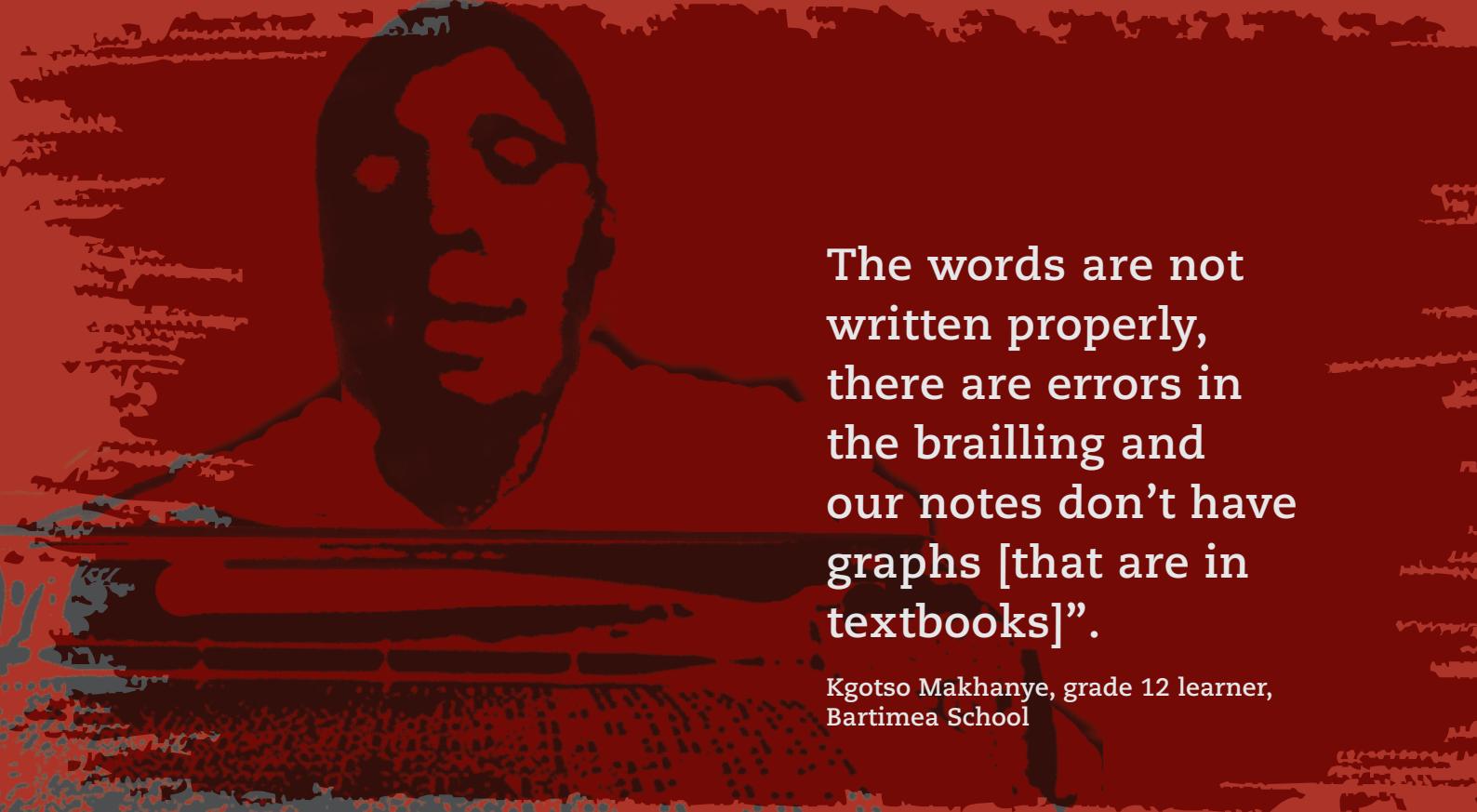
Anonymous girl, grade 12, Khanyisa School for the Blind

“You feel bad. You don’t get the performance you expected even if the learners are smart. You feel this pain. You put yourself in the situation of the learner and you feel it. It’s injustice. It’s unfair.”

Anonymous Principal, School for Visually Impaired Learners, South Africa

The contents of this report reveal the shocking quality of education received by learners with visual impairments in South Africa. The findings of this report require multiple, comprehensive, coordinated responses from the National Department of Education, the provincial departments of education and various other national departments whose competencies overlap with the department of education in the context of education for learners with disabilities. The Constitution requires this in the pursuit of the “immediate realisation” of the right to basic education. This report indicates that in very many respects the state have failed visually impaired learners and, in so doing, violated their constitutional rights to basic education, equality and dignity.

To affirm the dignity of learners and staff at schools for learners with visual impairments, the National Department of Education should, as a starting point, acknowledge the neglect that has been allowed to grow even in the decade preceding its commitment in White Paper 6 to “work together to nurture our people with disabilities so that they also experience the full excitement and the joy of learning,



The words are not written properly, there are errors in the brailling and our notes don't have graphs [that are in textbooks]”.

Kgotsa Makhanye, grade 12 learner,
Bartimea School

and to provide them, and our nation, with a solid foundation for lifelong learning and development.”

Learners with visual impairments at different schools in different provinces throughout the country describe the circumstances in which they study as “depressing”, “frustrating”, “sad”, “disadvantaging”, “cruel”, “upsetting” and “unfair”. The Department of Basic Education must acknowledge the full force of these learners’ feelings. A failure to do so would not only deny the humanity of learners with visual impairments but violate the state’s obligation to ensure

that “everyone must be treated with care and concern”.³ The level of neglect has left learners anxious about their futures. When Hlulani Malungani, a Grade 11 learner at Rivoni School for the Blind, was asked whether his school, given the severe challenges, had prepared him for the future he indicated dejectedly that under the current conditions:

“Reality says no, but I remain hopeful.”
Hlulani Malungani, Grade 11 learner,
Rivoni School for the Blind, LP

This report therefore concludes by making extensive specific recommendations which seek to remedy the problems summarised above and detailed below. These recommendations, we hope, will be engaged with and acted upon with the urgency they require and be seen as the continuation of a partnership between civil society actors such as the SANCB, SABA, BlindSA and SECTION27 and various departments and spheres of government towards the realisation of the constitutional rights of learners with visual impairments.



The Department of Basic Education must clarify the legal status of White Paper 6...

RECOMMENDATIONS

The following specific recommendations arise from the problems noted in this report and are aimed at improving the quality of education for learners at schools for visual impairments consistently with their rights to quality basic education. They should therefore form part of a holistic plan which seeks to urgently improve the conditions at schools at learners for visual impairments.

1. Gathering accurate information and transparent reporting:

- + The Department of Basic Education should undertake a thorough audit into the state of visually impaired schools in South Africa as soon as possible. This audit will provide the department, schools, civil society actors and the public with the accurate information required to fully and effectively ensure the realisation of the rights of learners with visual impairments. Although the Department of Basic Education's recently published progress report on the implementation of White Paper 6 provides some of the necessary information and analysis, unfortunately the report itself constantly decries the lack of accurate available information.
- + It is imperative that the department have access to and make available up to date information about the state of education for learners with disabilities in South Africa. Specifically, the department must ensure the publication of existing information obtained in previous

reports including the Department of Arts and Culture's unpublished report on braille production completed in 2012, the 2012 audit of braille production facilities at schools and accurate information about budgeting for special needs education.

- + When reporting on the number of learners with disabilities who are out of school in particular, the Department of Basic Education should exercise caution in ensuring that it applies a clearly stated definition of disability. The frequent publication of inconsistent and high numbers of out of school learners makes policy engagement difficult for government departments, experts and civil society organisations. Reporting on the number of out of school learners with disabilities should, if possible, be segregated by specific disability and severity of disability as well including information on existing waiting lists at public special schools.

2. Policy Clarification and Review:

- + The Department of Basic Education must clarify the legal status of White Paper 6 and review both the policy itself and its implementation in light of this report, the DBE's progress report on the implementation of White Paper 6, expert advice and its constitutional obligation to

immediately realise the right to basic education.

- + In addition to a broad policy on education for learners with disabilities, norms and standards for schools for learners with visual impairments are, given the specific needs of learners with visual impairments, necessary.

3. Comprehensive and Coordinated Planning:

- ✚ The Department of Basic Education should provide a complete and holistic plan about how it will coordinate the turnaround of the education system for visually impaired learners.
- ✚ Though provincial departments of education have

a significant role to play in this process, the national department must ultimately take responsibility for the planning and oversight of the execution of whatever plan is formulated to improve the quality of education made available to learners with visual impairments in South Africa.

4. Relationships between schools and the provincial and national departments of education:

- ✚ The national and provincial departments of education must take responsibility to ensure that lines of communication between schools and the provincial and national departments remain constantly open and that schools' complaints and needs are responded to.
- ✚ The national and provincial departments of education must ensure that those tasked with communicating with schools for visually impaired learners are qualified to understand the peculiar needs of schools for learners with visual impairments.
- ✚ Existing vacancies within provincial and district

departments of education's Inclusive Education sections should be filled as matter of critical priority in accordance with the DBE's progress report on the implementation of White Paper, which identifies at least 231 such vacancies over six provinces.

- ✚ The provincial departments of education must take responsibility for ensuring that district task teams contemplated by White Paper 6 are set up and equipped to understand, respond to and resolve the complaints of schools for learners with visual impairments.

5. Budgeting and Costing:

- ✚ As an urgent and immediate priority there is a desperate need for the "new conditional grant funding from the national government is proposed for non-personnel funding" as is required as a short-term measure by White Paper 6.
- ✚ Transparent and specific budgeting information must be made regularly available to the public by the department of education.

- ✚ The provision of braille learning materials, non-educator staff and the improvement of infrastructure at schools for visually impaired learners in particular will require significant additional funding.

As an urgent and immediate priority there is a desperate need for the "new conditional grant funding from the national government is proposed for non-personnel funding"

6. Elimination of School Fees:

- +
- The Department of Basic Education must urgently ensure compliance with its international and constitutional obligations by ensuring that school, hostel and transport fees do not impede access to education for learners with visual impairments.
- +
- The Department of Basic Education should, in this regard eliminate school fees for public special schools, including schools for learners with visual impairments.
- +
- The Department of Basic Education must immediately stop unrealistically calculating school subsidies assuming that school fees can, will or should be collected from schools for learners with visual impairments.
- +
- These recommendations should be incorporated within the new policy "aimed at guiding the distribution of [non-personnel non-capital funding]" which the Department of Education's progress report on the implementation of White Paper 6 contemplates.

7. Provision of Access to Braille and Large Print Learning Materials:

- +
- The Department Of Basic Education must urgently appoint the task team on the production of braille and large print learning materials including textbooks, workbooks and teachers' guides.
- +
- On the appointment of this task team, its terms of reference must include timeframes which emphasise the need for the expeditious resolution and planning of how braille learner-teacher support materials will be made available to visually impaired learners.
- +
- Whatever process is selected and service provider is appointed, the plan produced by the Department of Basic Education must make firm, public, time-bound commitments, about what specific materials will be made available by January 2016 and January 2017.
- +
- The Department of Basic Education is in the best position to bear the full costs of the production of master copies of braille adaptation of textbooks, workbooks and teachers' guides.
- +
- The obligation to place orders, pay for and ensure the delivery and printing of braille textbooks, workbooks and teachers' guides should be assumed by provincial departments of education.
- +
- As an urgent interim measure, provincial departments of education must ensure the all schools for learners with visual impairments have adequate braille production facilities in operation at their schools by the beginning of the school year in January 2016. This is consistent with the DBE Progress Reports acknowledgment that it must be ensured that "specialist rooms such as Braille Production [rooms] are available, adequately resourced and utilised".

8. Curriculum Development:

- +
- The Department of Basic Education should ensure that an expert in the adaptation of print into braille is appointed permanently to the structure within in the department tasked with curriculum development.
- +
- All curriculum development should be cognisant of the unique curriculum needs of learners with disabilities and particularly visually impaired learners.
- +
- Prior to the publication of supplementary curriculum materials and curriculum changes and developments the Department of Basic Education must ensure that suggested amendments are reasonably capable of adaptation for the use of visually impaired learners.
- +
- When major changes or overhauls of curricula take place the Department of Basic Education must ensure from the outset of the planning of these changes that a comprehensive plan is put in place to ensure the adaptation and production of braille learner-teacher support materials. This must happen as close in time as is practicable to the implementation of the new curriculum. Any failure to provide braille learner-teacher support materials concurrently with the adoption of a new curriculum must be accompanied with a detailed explanation and an interim plan which will allow learners access to alternate braille learning materials pending finalisation of full curriculum materials.

9. Amendment of the Staff Establishments:

- +
- The Department of Basic Education in consultation with provincial departments of education must ensure that all staff establishments for schools for visually impaired learners include specialist positions such as orientation and mobility practitioners, braille instructors, braille technicians, class assistants and house mothers to operate braille embossers and printers.
- +
- Positions such as occupational therapists and social workers which already appear on staff establishment must also be filled, and paid in accordance to the post which they will occupy, as a matter of priority.
- +
- To ensure that consistent employment of sufficient critical non-educator staff, the publication of Norms and Standards for non-educator personnel in schools for learners with disabilities is recommended as a matter of priority.
- +
- The calculation of the number of educators to be placed at schools must ensure compliance with the Department's own recommended 1:8 teacher-learner ratio in schools for learners with visual impairments.
- +
- Especial care must be taken to ensure that schools catering for multiple primary disabilities are allocated enough educators so that educators are able to specialise and do not have to teach both visually and hearing impaired learners, for example, in the same year or in consecutive years.

10. Provision of Assistive Devices for Learning:

- +
- The Department of Basic Education must take immediate and urgent steps to ensure that every visually impaired learner has access to their own Perkins Machine before the end of 2015.
- +
- Learners writing National Senior Certificate examinations this year must be provided with Perkins Machines as soon as possible in advance of their preliminary and final examinations in 2015.
- +
- Given the inevitability of Perkins Machines being damaged and destroyed, schools' budgets for 2016 must include provision for the maintenance of Perkins Machines, and at least one person at each school must be trained to perform the function of regular maintenance of Perkins Machines.
- +
- All schools should be provided with sufficient JAWS (or alternative blind-friendly software) compatible computers, and educators at each school must be trained to teach learners how to use them by the commencement of the school year in 2016.
- +
- The provision Apex BrailleNotes is welcomed and should be planned for roll out over all 9 nines provinces over the next 3 years. This rollout must be accompanied by additional supplemented budget for expenditure that is incidental to use of Apex BrailleNotes such as insurance, electricity and internet costs.

11. Training of Educators:

- +
- Training of educators at schools for learners with visual impairments must be available by provincial departments of education on a yearly basis. At a minimum this training must include training on how to read, write and teach both contracted and uncontracted braille.
- +
- All educators who teach braille-using learners must be permitted to attend training, allocated time for training and accredited for having completed such training.
- +
- Even educators who have previously completed accredited courses should, where necessary, be permitted to attend these trainings to refresh their knowledge on braille use or improve their braille.
- +
- In addition it must be made compulsory for all new educators at schools for learners with visual impairments to receive intensive introductory braille training before commencing teaching at schools for learners with visual impairments. If this training cannot be provided by service providers hired by the department, educators with experience in braille training at the school itself or in the province should be paid to conduct such introductory training.
- +
- As an interim measure it is recommended that the National Department coordinate a once-off large scale training catch-up training programme during the December 2015 school holidays so that no educator goes into the 2016 school year without any knowledge of braille.
- +
- Provincial departments of education must report clear, accurate information on plans for training session

and completed trainings to the Department of Basic Education. These reports must include details on attendance, the content and nature of training and qualitative outcomes of the training.

- +
- The Department of Basic Education should, as a matter of urgency, initiate investigations in the braille literacy trainings that took place in the Eastern Cape and

Mpumalanga in 2014. In both instances, questionable reporting from the provincial departments of education raises concerns about the integrity of the processes of appointment of instructors and planning of workshops. Full reports on these investigations should be made public and provided specifically to the schools in the relevant provinces, the SANCB, SABA, BlindSA and SECTION27.

12. Infrastructure

- +
- Schools with completely unsafe premises, such as Setotlwane Secondary Secondary and schools without premises at all, such as Rivoni School for the Blind should as a matter of urgency be moved to new premises. These new premises must be appropriately designed consistently with the principles of universal design taking into account the particular needs of learners with visual impairments.
- +
- The Minimum Uniform Norms and Standards for Infrastructure must be revised and implemented consistently with the Constitution so as to require simultaneous compliance with priority improvements and the principles of universal design. All improvements made in terms of the Norms and Standards must comply with the principles of universal design and the specific needs of schools for visually impaired learners.
- +
- The provincial departments of basic education should re-evaluate their infrastructure spending for all schools for learners with disabilities in light of the principles of universal design, the schools' disability specific needs and

the requirements of the Minimum Uniform Norms and Standards for Infrastructure. This is particularly urgent with regard to the Limpopo Department of Education which appears not to have budgeted a cent for the purposes of infrastructural improvements between 2010 and 2017.

- +
- Given visually impaired learners' particular vulnerability and the expensive assistive devices held on school premises and in hostels, as a matter of urgency provincial departments of education must ensure that the perimeter fences of schools for learners with visual impairments are secure, and paid security guards are posted at all entrances and exits. From 2016, schools' subsidies should provide specifically for the costs of paying security guards.
- +
- The full audit of the conditions at schools for visually impaired learners contemplated in Recommendation A should take cognisance of the various infrastructural issues raised in this report with regard to electricity provision, the provision of appropriate furniture and broken windows and doors.

13. Examinations and Assessments

- +
- All forms of assessment, including National Senior Certificate Examinations, Annual National Assessments and Common Papers must be provided to schools for visually impaired learners appropriately adapted and printed in braille.
- +
- The National Department of Education should assume the responsibility of the adaptation and brailling of the National Senior Certificate Examinations, and should require provincial departments of education to report on the delivery of brailled scripts to schools for learners with visual impairments.
- +
- The provincial departments of education should assume the responsibility for the adaptation, brailling and delivery of all provincial and district common papers. Where a provincial department of education has made a previous

arrangement with a school to assist in this process, it must take full responsibility for the monitoring of the quality of brailling and the delivery scripts to other schools in the same province.

- +
- A full investigation into the marking centres in which braille scripts are marked should take place as a matter of urgency and should be completed before the National Senior Certificate Examinations in 2015. Due to the complexity of reading and writing braille for maths, and given the complaints revealed in this report, particular focus should be placed on marking centres for maths scripts in the Eastern Cape. The ability and qualification of all markers of braille using learners' scripts must be evaluated and confirmed.

THE REPORT

LEFT IN THE DARK

Failure to Provide Access to Quality Education
to Blind and Partially Sighted Learners in South
Africa

July 2015



INTRODUCTION: METHODOLOGY, SCOPE, PURPOSE, CONFIDENTIALITY AND INTIMIDATION

SECTION27 is a human rights organisation which seeks to combine advocacy, research and legal methods to support people in the attainment of social justice and the full enjoyment of the rights entrenched in the Constitution. One of SECTION27's priority work areas is the right to basic education detailed in section 29(1)(a) of the Constitution.⁴ Over the last few years, SECTION27's work in basic education has expanded significantly to incorporate several matters involving basic education for children living with disabilities.

Methodology and Purpose

This report is the product of research requested by the South African National Council for the Blind (SANCB), the South African Braille Authority (SABA) and Blind SA in August 2014 into whether the quality of schooling available to visually impaired learners in South Africa meets the requirements of the right to basic education as entrenched in section 29 of the Constitution. It focuses on the quality of education received by visually impaired learners across all 9 provinces in the 22 public schools for the visually impaired in South Africa. A list of these 22 schools can be found attached as "Annexure A". The research for the report was predominantly conducted through site visits to 20 of these 22 schools between October 2014 and January 2015, and telephonic interviews with the remaining 2 schools in February 2015.⁵ Follow-

up telephonic interviews were also conducted with the 20 schools visited in March 2015 and, with the consent of schools, further telephonic interviews were conducted with senior learners from 11 schools in May 2015.

The interviews were conducted with various members of staff including principals, deputy principals, heads of department, educators, non-educator staff and on one occasion a member of a provincial department of basic education's inclusive education section. Though a standard, comprehensive set of questions was used at all schools, this list evolved as the information received revealed common problems. All interviewees were given ample opportunity to make comments pertaining to issues not addressed in these questions. The standard lists of questions used as guides for interviews with staff and learners are attached as "Annexure B".

In compiling this report, SECTION27 also consulted with the South African National Council for the Blind, the South African Braille Authority, Blind SA, the Orientation and Mobility Action Group and Pioneer Printers.

In addition to the school interviews and consultations with key members of the blind sector, the report includes SECTION27's correspondence with the national departments of Basic Education, Social Development and Arts and Culture and provincial departments of basic education. This report,

and SECTION27's ongoing correspondence with government departments, is an attempt to support and collaborate with the state institutions to ensure that all learners with visual impairments access the quality basic education which the Constitution entitles them. It also includes substantial desktop research on laws and policy related to education for learners with disabilities in South Africa up to and including Department of Basic Education's recent progress report on the implementation of White Paper 6 published in July 2015.

Scope of the Report

Although this report focuses on education for visually impaired learners, many of the issues raised in the report are systemic and structural, and therefore have bearing on the rights of all learners with disabilities. For example, all learners with disabilities attending special schools are governed by the Department of Basic Education and provincial departments of education's inclusive education sections which are guided by White Paper 6 on Inclusive Education. Issues within the Inclusive Education Directorate and confusions regarding the implementation of White Paper 6 highlighted in this report are therefore a cause for concern for all learners with disabilities attending special needs, full-service and mainstream schools. In particular the findings and recommendations within this report have direct bearing on the 19 658 partially sighted and 433 blind learners enrolled in mainstream schools.⁶

In addition, many of the schools catering for visually impaired learners have sections for learners with other primary disabilities such as hearing impairments, physical and intellectual disabilities. As is indicated by the chart in Annexure A, only 10 of the 22 schools cater exclusively for learners with visual impairments. Of the 22 schools, 5 have sections for both visually and hearing impaired learners and a further 4 have sections for learners with visual impairments, learners with hearing impairments and either learners with physical or intellectual disabilities. Finally, 2 schools cater for learners with visual impairments and intellectual disabilities exclusively, and only 1 caters for learners with visual

impairments and physical disabilities alone.

In addition to the range of primary disabilities that special schools catering for learners with visual impairments accommodate as requirements for admission, all schools accommodate a significant proportion of multi-disabled learners – learners, for example, who are both partially sighted and intellectually disabled or both blind and deaf. Providing quality education for visually impaired learners therefore requires an appreciation and understanding of the needs of learners with a complete range and combination of disabilities. Though the report refers to issues in the basic education system that may be caused by problems in areas that intersect with responsibilities of other departments, the report's narrow focus is on the basic education system itself. We discuss the constitutional obligation of government departments and spheres to co-ordinate briefly below.

Finally, the report focuses on 22 "special schools" which accommodate learners who are visually impaired and therefore does not consider full-service or mainstream schools that accommodate learners with visual impairments. As will be discussed below however, because the Department of Basic Education's policy envisions special schools playing a supportive role to mainstream and full-service schools, the poor state of education for visually impaired learners in special schools is of concern for all visually impaired learners. Indeed,

Although this report focuses on education for visually impaired learners, many of the issues raised in the report are systemic and structural, and therefore have bearing on the rights of all learners with disabilities.

as many educators from special schools for the visually impaired note, it is difficult to imagine how full-service and mainstream schools can fully accommodate visually impaired learners when the special schools themselves lack the capacity and resources to do so. In this regard, Lane Wahl, a learner at Prinshof School for the Blind who previously attended a mainstream school herself, makes the following observation when asked whether she would prefer to be in a mainstream school:

“No. I was in a mainstream school in grade two. I didn’t even manage with [limited] sight. But they forget to accommodate you. You are an inconvenience. Some of my friends went out but they all come back. They don’t have time to accommodate you.”

Lane Wahl, Grade 12 learner, Prinshof School for the Blind, GP

Confidentiality and Intimidation

Many of the members of staff interviewed by SECTION27 at schools around the country are admirably committed to improving the quality of education that the learners attending their schools receive. Some of them were clearly frustrated with the challenges that they currently face in providing quality education to visually impaired learners and many, though willing to speak to SECTION27, expressed concern and fear of action being taken against them and their schools as a consequence of doing so. A common assessment of the monumental efforts generally made by educators at schools for the visually impaired, from the perspective of school leadership, is well captured by a deputy principal of a school for the visually impaired:

“Although the education needs of our learners are being compromised, teachers do not compromise with how they teach learners.”

Anonymous deputy principal, School for Visually Impaired Learners, South Africa

SECTION27 notes with concern the degree to which many staff members were nervous about providing public information about the conditions at their schools to SECTION27 in order to attempt to assist in the improvement of the quality of education for visually impaired learners. Several principals explicitly mentioned that they had previously been threatened with serious disciplinary action, including dismissal, for speaking out about the conditions faced at their school even after having attempted to resolve these issues through internal governmental channels for years.

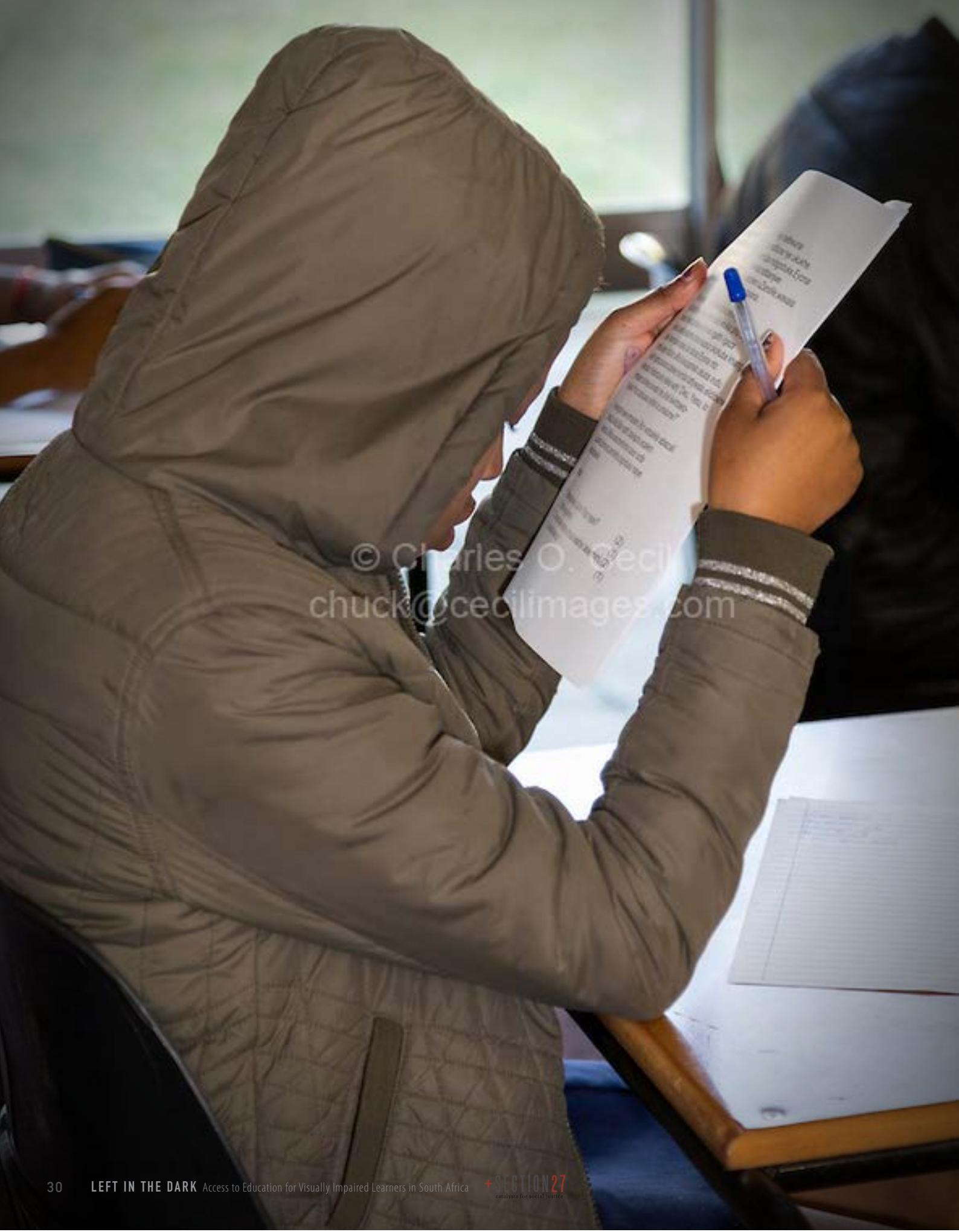
To respect the wishes and concerns of those interviewed, the identities of staff members and learners interviewed, and their schools' names are not recorded in this report generally. An attempt is made to describe the specific problems faced

at schools anonymously, and indicate when these problems are common ones throughout the country by giving similar examples from schools in multiple provinces on particular issues. Anonymous examples from interviews are referenced throughout to emphasise the importance of issues raised by staff and learners at schools, and to ensure that schools' own concerns are at the centre of this report.

SECTION27 submits that in terms of the rights to freedom of conscience and opinion and freedom of expression, it is not only the professional and ethical duty but the constitutional right of educators and principals to ensure the improvement of the quality of education received by learners. The importance of the right is heightened in the context of educators' and principals' workplace – schools – in which they participate in the delivery of learners' constitutional right to education.

In addition to a right to speak out in an attempt to improve the conditions faced by visually impaired learners, educators, principals and other school staff as state officials have a duty to “respect, protect, promote and fulfil” learners’ rights to basic education. They should therefore not have to fear severe consequences of taking necessary steps to do so, including speaking to governmental and non-governmental stakeholders and representative bodies of their schools such as the South African National Council for the Blind. The dire circumstances at many schools for visually impaired learners, as revealed by this report, highlight that extraordinary measures taken by school staff to highlight violations of learners’ rights are very well justified.

Whether threats reported by staff are widespread, or emanating rather from fear and perception than a reality of intimidation, SECTION27 notes that it is of considerable concern that many teachers whose primary obligation is to the best interests of their learners, are cautious about speaking out because of pressure placed on them and a fear of reprimand.



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ACCESS TO SCHOOLING FOR LEARNERS WITH DISABILITIES: THE FAILURE TO MOBILISE OUT OF SCHOOL LEARNERS

It is widely reported that the significant majority of children with disabilities who are of school-going age do not attend school at all. In 2014, in an article in the South African Journal of Education, for example, Donohue and Borman observed that:

"In South Africa, specifically, up to 70% of children of school-going age with disabilities are out of school, although school attendance is compulsory for all children between 7 and 15 years of age. Of those who do attend, most are still in separate "special" schools for learners with disabilities".⁷

Though reports on the exact number of learners with disabilities who are not in schools vary, reports – including the Department of Basic Education's recent progress report on the implementation of White Paper 6 ("DBE Progress Report")⁸ – indicate that over 500 000 children with disabilities of a school going age may not attending any school at all.⁹ The DBE Progress Report itself provides an estimate of 597 593 children with disabilities who are out of school.¹⁰ A further 123 418 children with disabilities are enrolled in ordinary schools, 24 724 in full service schools and 117 477 in special schools.¹¹ Research suggests however, that the way in which these figures are calculated is problematic and unlikely to give rise to accurate estimates of the number of children with disabilities in South Africa overall, and that "until now, no provincial education department has successfully produced an accurate estimate of the number of out-of-school youth and learners" in their provinces.¹² A 2011 UNICEF report on children with disabilities notes that there were a projected 474 000 children living with severe disabilities in South Africa.¹³ In accordance with White Paper 6, children with severe disabilities should predominantly be accommodated in special schools. Children with disabilities are also much less likely to attend school than their non-disabled peers, and significantly more likely to drop out.¹⁴ What is clear is that whatever the number of children with disabilities out of school, this number is likely to significantly exceed the reported number of children with disabilities on waiting lists at public special schools. The DBE reports that there were 5425 children with disabilities on waiting lists at public special schools as of March 2015.¹⁵

Information about the number of visually impaired learners not attending school is not publicly available. UNICEF notes however that "disabilities related to sight

and hearing are the most common".¹⁶ The 2011 Census records that the total number of children of a school going age with "severe sight difficulties" is 64 927.¹⁷ The Department of Basic Education's most recently publicly available statistics indicate that in 2014 there were 2 483 partially sighted and 1 184 blind learners in special schools for the visually impaired in South Africa.¹⁸ Schools report that there may be a variety of reasons for children not attending schools, including:

- ✚ Parents' fears for their children's safety
- ✚ Distance between parents' homes and schools¹⁹
- ✚ Continuing societal stigma about people with disabilities shared by some parents
- ✚ Costs related to enrolment in schools including school fees, hostel fees and transport fees
- ✚ Parents' needs for children to contribute financially to the household and
- ✚ Lack of knowledge of the existence of special schools and of visually impaired learners' capacity to be educated

These factors are also exacerbated by the fact that deterioration of eye sight is often a progressive process and the tendency, even after the problem is identified, is for learners to be kept out of special schools as long as possible. Whatever the reason, many visually impaired children still never make it to school at all. For example, a recent report of the Department of Arts and Culture notes that in a limited set of interviews, interviewers personally met "at least seven blind people over the age of sixteen who had not yet started primary education" in KwaZulu-Natal alone.²⁰

White Paper 6 rightly acknowledges that these circumstances require urgent action for the mobilisation of out-of-school learners. It therefore sets the task of mobilising the massive number of out of school learners

Though reports on the exact number of learners with disabilities who are not in schools vary, reports – including the Department of Basic Education's recent progress report [...] – indicate that over 500 000 children with disabilities of a school going age may not attending any school at all.



The DBE Progress Report itself provides an estimate of 597 593 children with disabilities who are out of school. disabilities of a school-going age may not attending any school at all.

with disabilities as a short term goal to be undertaken between 2001 and 2003. It is disappointing that some schools indicate that the department makes little or no effort in its enrolment drives to educate families and communities about the need for children with disabilities to attend schools. It is reported that enrolment drives often exclude learners with disabilities in their totality.

One example of such exclusion was revealed during the interview process with schools. In KwaZulu-Natal in 2014, an extensive drive was undertaken to ensure that learners of school-going age attend schools. Staff interviewed at schools for the visually impaired in KwaZulu-Natal indicated that this campaign neglected any focus or mention of children with disabilities despite the KwaZulu-Natal Department of Education's knowledge that this is a particular problem. This appears to be confirmed by media released by the department in launching the campaign.²¹

Research conducted in 2007 indicates that the failure to

run mobilisation campaigns for children with disabilities may, perversely, stem from provincial departments officials' "fear of being unable to provide for such learners' needs"²² and that some provincial departments lack the funding for even this fundamental aspect of White Paper 6.²³

SECTION27's research revealed that this difficulty in identifying and enrolling out of school learners creates a practical problem for schools, whose enrolment varies unpredictably from year to year and term to term.²⁴ Additionally, learners who enrol midway through the year or at advanced ages require "bridging lessons", which is an additional time commitment that schools lack the capacity to meet. This is particularly true of blind and low-sighted learners who, amongst other things, must be taught how to read braille before they can fully participate in lessons. Late enrolment also results in the underprovision of crucial resources to schools because subsidy calculation and resource allocation decisions are generally made on the basis of enrolment statistics.



Ultimately under-budgeting for the education for learners with visual impairments places schools in this invidious position: they are compelled to choose between which necessary expenses to cut.

BUDGETING FOR SPECIAL NEEDS EDUCATION AND THE UNCONSTITUTIONAL CHARGING OF FEES

The cost of providing quality education that is appropriate for learners with disabilities is high. A Department of Basic Education report notes that the annual per learner spend for special schools varies dramatically from province to province. For example, for the 2015/16 financial year the per learner expenditure in the Eastern Cape is predicted to be as high as R91 710, while it is roughly half of this in Limpopo (R42 816), Gauteng (R47 285) and KwaZulu-Natal (R48 588). This extreme variance is difficult to explain and the Department of Basic Education itself concludes that “[u]tilisation of funding is not optimal and does not ensure quality curriculum delivery and support”.²⁵ This was recently confirmed by the DBE Progress Report which notes that “disparities across provinces in resourcing inclusive education”.²⁶

It is difficult to determine the cost of providing quality education in the wide variety of different special needs education environments, which depends significantly on the disabilities catered for in specific special schools.²⁷ The necessary materials and assistive devices and the costs associated with them, for example, will vary widely. One relatively advantaged school reported that an independent auditor’s report calculated that the average cost per learner, per year, at this school is R89 000.

Despite these presently high and rising costs,

SECTION27’s interviews reveal that there is unanimous agreement from the perspective of schools that the subsidies provided by the Department of Basic Education are insufficient for the operation of schools for the visually impaired, given their vastly different needs from mainstream schools. Schools report repeated attempts to draw this to the attention district, provincial and national departments of education. Many schools note that, instead of providing extra support, the Department of Basic Education assumes that schools will be able to raise a percentage of its budget

from fees. All of the schools report falling significantly short on these targets every year as many – if not most – parents are indigent and are exempted by the departments of education upon application, and others simply refuse to pay. The DBE Progress Report acknowledges the need for this state of affairs to be changed through the initiation of a policy which will “provide for the voluntary classification of special schools as no fee schools as well as provide for compensation to special schools as reimbursement for the exemption of school fees”.²⁸

Schools cite a variety of issues which may contribute to these high costs, including extremely high electricity rates which schools cannot afford, and the subsidy’s failure to plan for the purchase of assistive devices and resources which are crucial to the basic operational activities of the school, such as effective teaching. These complaints are made both by well-off urban schools and poorer more rural schools. A relatively well-off urban school notes that it continues to be charged exorbitant city centre rates for utilities despite repeated and varied attempts to receive reductions. A rural school in a poorer province indicates that because it cannot afford to pay its electricity bill throughout the year, it is often forced to operate without electricity for several months of the school year. In 2014, this school was forced to operate without electricity from the 24th of October, including the crucial time of the year when matric learners were writing National Senior Certificate Examinations.

Ultimately under-budgeting for the education for learners with visual impairments places schools in this invidious position: they are compelled to choose between

which necessary expenses to cut. For example, the choice to cut electricity was in part to allow the school to produce and print learner support materials which are not provided by the national or provincial departments. Other schools indicate being forced to choose between insuring expensive assistive devices, which break frequently, and providing adequate meals for learners living in hostels.

These shortages in funding highlight the real impact of the failure to comply with White Paper 6’s short term aim of establishing an additional conditional grant for “non-personnel funding”. This grant was contemplated by White Paper 6 to provide schools for learners with disabilities with funds to be spent on, amongst other things, the provision of “necessary facilities and other material resources needed to increase access for those currently excluded”; assistive devices such as “voice-activated computers”; and some specialised support staff.²⁹ The urgent establishment of such a grant is necessary to alleviate the challenges presently faced by schools for learners with disabilities as a result of chronic underfunding.

Finally, comparison between answers given by staff members at schools indicates that there does not appear to be a consistent and rational approach to budgeting for special schools throughout the country. Some schools, for example, indicate that their provincial departments of education provide them with their “subsidy” and no further funds. In other provinces, schools indicate that the province provides additional funding which they acquire from ring-fenced conditional grants specifically allocated to provinces for the expansion of inclusive education.³⁰

The constitutional obligation to co-ordinate coherent and comprehensive budgets

Comprehensive, transparent and equitable budgets for the implementation of White Paper 6 are a necessary component of the right to basic education of learners with disabilities.³¹ Interviews with staff at schools illustrate confusion and challenges caused by uncertain budgeting for learners with visual impairments. The examples detailed above should be read with the Budgeting for Rights Report, marked “Annexure C”, which highlights and analyses problems in budgeting for the education of learners with disabilities broadly. In addition to other significant problems the report startlingly notes that a new conditional grant, proposed by White Paper 6, to be established in the first 5 years of its implementation has to date not yet been established.³²

SECTION27’s interviews, read alongside the Budgeting

for Rights Report, clearly indicate that budgeting for inclusive education and the implementation of White Paper 6 has not been comprehensive or equitable. Indeed, at times it appears that no effort has been made to fulfil the budgeting requirements of White Paper 6 at all.³³ Furthermore, gathering information about budgeting for inclusive education and, more specifically, for special schools in general or schools for the visually impaired in particular is not easy because of a lack of budget transparency. The Department of Basic Education does not publish or provide upon request budgeting information at the requisite level of detail to undertake a thorough analysis of the adequacy of budgets in specific areas. Since education for learners with different disabilities requires significantly different resources, it is difficult to understand

how a budget could be rational or sufficiently specifically tailored if separate budget items are not indicated.

The Budgeting for Rights Report reveals a serious concern that budgets allocated to special schools are used for purposes other than the schooling of children with disabilities, with the result that “the size of the allocations for schooling for children with disabilities is even less than appears in the budget votes”.³⁴ The degree to which this is true is difficult to discern in the absence of more detailed, transparent budgeting but a 2013 Report of the Department of Women, Children and People with Disabilities notes that, of approximately 250 million US dollars allocated by the National Treasury for Inclusive Education for 2008-2012 “[r]egrettably, more than 50% was in spent in other priority areas at a provincial level and only five of the nine provinces have used the funds available for the expansion of inclusive education”.³⁵

Moreover, a 2013 Report of the Department of Women, Children and People with Disabilities concludes that in the

national budget “there are no key performance indicators relating to special or inclusive education”. The problem, however, extends to provincial budgeting too. With regard to provincial budgets, the report concludes that “the overall picture is thus one of little, if any improvement since 2001”.³⁶ These failures to budget comprehensively, equitably and transparently are violations of the national and provincial departments’ constitutional obligations. Furthermore, the failure to coordinate the budgeting processes of provincial and national departments amounts to a violation of these two spheres of government in terms of Chapter 3 of the Constitution which requires that they “cooperate with one another in mutual trust and good faith” by “coordinating their actions”.³⁷

As will be seen below, cumulatively these budgeting failures contribute to many challenges faced by schools for learners with visual impairments including access to learner-teacher support materials and appropriate infrastructure.

The obligation to ensure that access to education is “free to all”

A related issue raised in the interviews is the learners’ parents’ ability to pay school fees and additional fees, including those for hostels and transport. A report by the Department of Arts and Culture notes that “policies and legislation provide for free primary education for disabled learners. However, research has shown that in practice there is no free education for disabled children at all levels”.³⁸ Many schools for visually impaired learners appear to not qualify as “no fee schools”. An inability to afford fees results in parents either applying for exemptions or simply not paying as they cannot afford to make any payments.³⁹

Moreover, schools note that the subsidies are calculated assuming parents will be able to make financial contributions. As a result, schools subsidies are inadequate and schools are forced to supplement their budgets by alternate means of funding, such as private or philanthropic donations or School Governing Body contributions. Schools in poorer, more rural areas, which are also historically exclusively black schools and remain largely or exclusively black, particularly struggle to obtain this type of contribution.⁴⁰ The continued charging of school fees and the insistence on factoring in fees that will be collected into budgets therefore impacts on black learners most, thus perpetuating social and economic inequalities. This runs contrary to White Paper 6’s clear attempt to remedy the past situation in which “specialised

education and support were provided on a racial basis, with the best human, physical and material resources reserved for whites”.⁴¹

In addition to having the effect of deepening inequality, as the Human Rights Watch has recently reported, the charging of fees violates learners’ rights to education in both South African and international law.⁴² Article 13(2) of the International Covenant on Economic Social and Cultural Rights, recently ratified by South Africa, guarantees the right that “primary education shall be compulsory and available free to all”.⁴³ The South African Schools Act does not provide for free and compulsory primary education for all children. Instead, “no fee schools” are declared by provincial governments on an annual basis depending on “the economic level of the community around the school”.

Many schools for learners with visual impairments, including those not in urban centres, do not qualify for fee exemptions, despite the high financial costs of raising children with disabilities. Often even special schools located in wealthier communities accommodate many learners from areas far outside of these communities where the average household is poor and relies on low paying jobs and/or social grants. In this context, charging fees which cannot be paid, not only has the effect of lowering subsidies to an unrealistically low level but also violates learners’ right to “economic access to education”.⁴⁴

STAFF PROVISIONING

The Department of Basic Education's method of determining the number of educators and non-educator staff to which a school is entitled is through the annual staff establishments. The ratio of educators for special schools is calculated based on a weighted average, which is intended to compensate for the particular needs of learners with disabilities. Schools report severe problems with this calculation as it fails to provide them with sufficient educator and non-educator staff to operate a school for visually impaired learners.

Educator posts

There is a unanimous agreement at the schools visited that teacher provisioning is inadequate for the particular needs of visually impaired learners. The first issue that is noted by schools in this regard is a shortage in the absolute number of educators at their schools. Schools report that the ratio of learners to educators has, in reality, increased steadily over the years. For example, one school reports that its learner to educator ratio is now 20:1 whereas it used to be 5:1. Another school notes that before 1994, the school had 70 educators for 300 learners while it now has 43 educators for 500 learners. At this school, educators have classes with as many as 22 visually impaired learners to a single teacher.

This problem is exacerbated by the fact that many of the schools for the visually impaired are essentially two or three schools in one: they are, for example, schools for primarily or exclusively visually impaired learners, primarily or exclusively hearing impaired learners and other multi-disabled learners who are also visually or hearing impaired. Indeed, as is indicated by Annexure A 12 out of the 22 schools for learners catered specifically for learners with two or more disabilities. One educator, whose school catered both for learners with visual and hearing impairments, described her school as "a special school within a special school". An educator at another school in a different province in the same position observed that the school was effectively attempting to operate two completely separate schools on a single premises with a single schools' budget and staff complement.

Schools note that the skills required for teachers to teach, for example, hearing impaired and visually impaired learners are unique and specialist. For example, at the most basic level, while means of communication with hearing impaired learners is most often sign language, visually impaired learners can be communicated with verbally and totally blind learners read in braille. To teach visually impaired learners effectively, educators must be comfortable with braille and to teach hearing impaired learners educators must be able to communicate effectively with sign language. Indeed, teaching visually impaired learners and teaching hearing impaired learners on a broader level, require entirely different skills sets.

In this context, it is easy to understand the frustration that educators at some schools face in attempting to teach both the visually impaired and hearing impaired learners in the same year, or having to alternate from year to year which class they are teaching. A common request from educators therefore is the desire to be specialists in the education of learners with a particular disability.

Moreover, the weighted ratio does not compensate for the fact that schools cater for learners with many different disabilities, and educational needs will have to be separated into entirely different classes or "sections" with entirely different staff complements, – i.e. one maths teacher for the hearing impaired, one for the visually impaired etc. The weighted ratio therefore significantly underestimates the number of teachers required at any particular school that

is accommodating learners of varying disabilities. Schools suggest that this problem stems from a failure on the part of the Department of Basic Education to understand the different and unique needs of different disabilities, and the tendency to clump all children with disabilities into one category – “the disabled”.

This problem is further exacerbated in schools where there is a relatively low number of learners generally, or a

low number of learners with a particular disability. Some schools report that the combination of a low number of teachers and learners and wide a range of disabilities forces the schools to have multi-grade classes. One school indicated that it has had to integrate its grade 1, 2 and 3 classes entirely. In these classes, educators struggle to complete any of the full curricula with learners and the quality of education accessed decreases.

Non-educator posts

In addition to educator positions, special schools have an especial need for extensive non-educator support staff. The DBE Progress Report emphasises that “[s]pecial schools do not have adequate specialist professional support staff”.⁴⁵ Schools report that either these positions are not placed on staff establishments, despite schools’ continuous requests, or they are misidentified in advertisements and therefore underpaid and not occupied for very long if at all. An example of this is where a post for an occupational therapist is advertised at an educator’s salary.

It should be noted that the failure to establish the conditional grant mooted in White Paper 6 has potentially had a negative effect on the placement of essential non-educator support staff at schools for learners with visual impairments. The mooted conditional grant was clearly contemplated, in part, to provide funding for non-educator staff.⁴⁶

Orientation and Mobility Practitioners

Blind and low vision children require specialist assistance in learning how to: navigate physical spaces such as their homes, classrooms and school premises; complete what to sighted children may be simple tasks such as getting dressed, cooking, cleaning, making phone calls, using computers, catching taxis and identifying money; and developing skills to interact with new, unfamiliar social environments. Generally, the process of acquiring these skills also promotes the child’s wellbeing and self-confidence. This can also have an impact on academic results. According to the principal of Prinshof School for the Blind, at which learners receive orientation and mobility training:

“[Orientation and mobility training] helps a learner to picture in his mind where and what is his environment – his body awareness, his spatial development, his physical development. The training must start as soon as possible. It must be [available in] a constant and

repetitive way. The learner learns with the help of an instructor. [It] strengthens the child’s confidence even in his school work.”

Karin Swart, principal of Prinshof School for the Blind⁴⁷

The specialist profession which is dedicated to assisting visually impaired people in acquiring these skills is referred to as orientation and mobility training. Orientation refers to the process of using all available senses to establish your position and relationship with objects in your physical environments: learning both where you are and where you want to go. Mobility, on the other hand, refers helping an individual navigate a movement from a fixed position to a desired location in a particular environment: moving safely, efficiently and effectively from one place to another without tripping or falling. The position of orientation and mobility practitioner is a highly skilled position which takes two years of specialised study to complete. The profession is currently engaged in the process of being registered with the Health Professions Council of South Africa (HPCSA).

Orientation and mobility training is essential for the education of blind and visually impaired learners. Without adequate instruction, some learners remain timid and unconfident in their surroundings at school which they inhabit for over a decade. Some schools report that some learners prefer to just “sit in one spot” to avoid injury or embarrassment and that especially in the lower grades there are “many lambs and few foxes”. More crucially perhaps, without proper orientation and mobility training, visually impaired children do not acquire the skill of learning and adapting to new environments. This significantly inhibits their ability to participate fully in a society in which physical spaces are often designed in particularly unaccommodating ways which are not “blind friendly”.

Orientation and mobility training may be accompanied by assistive tools such as the “white cane” introduced to learners a few years into their orientation and mobility. Guide dogs are another example of a means of assistance with orientation that could be provided to visually impaired

persons to assist with mobility. A learner and occupational therapist at Prinshof School for the Blind describe the benefit of the cane as follows:

"I think it gives you a sense of security when you have a cane. It will make you look more normal to other people. It is a symbol that I am blind. I do not consider blindness as a hindrance."

Rohan, learner at Prinshof School for the Blind⁴⁸

"As soon as they have the cane their whole environment enlarges".

Elza Veldsman, occupational therapist,
PRINHOF School for the Blind⁴⁹

Despite the importance of orientation and mobility training to learners' development, only the Western Cape Department provides for a position of orientation and mobility practitioner on its staff establishments. The result is that schools must make do with inadequate substitutes at many schools or no orientation and mobility practitioner at all. SECTION27's interviews reveal that 14 out of the 22 schools have no orientation and mobility practitioner at all. Some schools make use of occupational therapists and educators to assist with orientation and mobility. However, at the majority of schools for the visually impaired, learners receive absolutely no orientation and mobility training and therefore learners are "missing out on orientation and mobility training in its totality". The following examples from schools interviewed are illustrative of the severity of the problem:

- +
- One school became so desperate for a qualified orientation and mobility practitioner that it took money out of its own subsidy to fund an educator to spend two full years living in Pretoria and training to be an orientation and mobility practitioner at the South African Guide Dogs Association. The school was forced to carry the cost of the course, the educator's living and accommodation expenses and subsist with one less educator for two years to do so.
- +
- A second school in a different province notes that due to a lack of orientation and mobility training, some learners who have been at the school for as many as five years cannot find their way from the school gate to the building.
- +
- A third school, which is currently being rebuilt to accommodate visually impaired learners notes that when the school finally moves from the old building to the new one, the absence of orientation and mobility training will become an even bigger issue as learners will have no idea where they are.
- +
- A fourth school notes that, in reality, schools need two orientation and mobility practitioners, one male, and one

female because the job requires a lot of touching and it is inappropriate for an adult teacher to be touching a child of a different gender in this manner.

On the contrary, learners at the few schools in which orientation and mobility training is received are extremely positive about the impact that it has had on their daily lives:

"It has done a big difference for me [because] I can go alone anywhere where I want. I can go to the toilet even when my brother is not with me."

Tshidiso, learner at Prinshof School for the Blind⁵⁰

"It made a huge difference because when I walk with other people around – like, you know people who can see, people who can walk on their own – I don't get reminded about being blind because I'm also independent I'm walking on my own next to somebody else. I fit in with the group I'm walking with."

Barbra, learner at Prinshof School for the Blind⁵¹

The importance of Orientation and Mobility training to visually impaired learners is explicitly acknowledged in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which South Africa has signed and ratified.⁵² Article 24 of the Convention indicates that state parties are bound to take appropriate measures to "[facilitate] the learning of orientation and mobility skills".⁵³ The Constitutional Court has recently confirmed that UNCRPD provisions are directly relevant to the determination of the content of the rights in the Bill of Rights.⁵⁴ SECTION27 therefore submits that the right of visually impaired learners to a basic education includes a right to orientation and mobility training by an appropriately qualified person.

The Orientation and Mobility Action Group (O&M Action Group)⁵⁵ is a coalition of non-governmental organisations and individuals which aims to ensure the training of sufficient orientation and mobility practitioners to meet the need for training throughout the country. In particular, the O&M Action Groups advocates to ensure that all school children have access to orientation and mobility training from a qualified, specialist orientation and mobility practitioner.

Towards these ends, the O&M Action Group has, directly, and through its instruction of SECTION27, been corresponding with the departments of basic education, health and social development about the need for orientation and mobility practitioners in schools since November 2013. A summary of this correspondence is attached marked "Annexure D". In this correspondence

the O&M Action Group has insisted that orientation and mobility training is core to visually impaired learners' right to basic education. Ian Hutton, the chairperson of the O&M Action Group emphasises the importance of O&M training in the following further respects:

- +
- O&M training is central to the ordinary development of visually impaired children;
- +
- The importance of O&M training in schools extends beyond their schooling careers and impacts on their ability to navigate spaces for their entire lives. The shortage of O&M practitioners in South Africa makes it unlikely that most visually impaired persons will receive any such training after they leave school;
- +
- O&M training is of particular importance to younger visually impaired children to learn fine and gross motor coordination and spatial concepts. This is emphasised by an occupational therapist at Prinshof School for the Blind in the following manner:

"Independence for any child is important and more so for a child with a [visual] disability. It is really important that they do start moving around as soon as possible. We at [Prinshof] start in Grade R with the little ones... But it is important to be able to recognise what's in class, get around in your class, find your desk, find the toilets, find the playground."

Elza Veldsman, occupational therapist,
PRINHOF School for the Blind⁵⁶

As early as October 2013, members of O&M Action Group assisted the Orientation and Mobility Association of South Africa (OMASA) to formally lodge an application to the HPCSA for the registration of the orientation and mobility practitioners. Despite the insistence of the Department of Education that this process take place before orientation and mobility practitioners can be incorporated on staff establishments consistently, it has not provided any assistance in this ongoing registration process. A note compiled by the O&M Action Group describing its activities and the importance of orientation and mobility is attached marked "Annexure E".

Support Staff

The majority of learners at schools for the visually impaired travel far distances to the schools which they attend and must therefore live in hostels on or off of school premises. Many schools complain about the inadequate provision of support staff for these hostels. Ideally, there should be enough paid "house mothers" to provide proper attention and care for visually impaired learners who go long periods of time without seeing their parents and may

require significant assistance with even simple tasks, such as dressing. In the absence of parental contact, house mothers should also be able to assist learners with their homework. However, at present, this is impossible as house mothers are generally not even equipped with basic braille literacy and are not hired as skilled persons with any qualification to care for or assist in the education of learners with visual impairments.⁵⁷

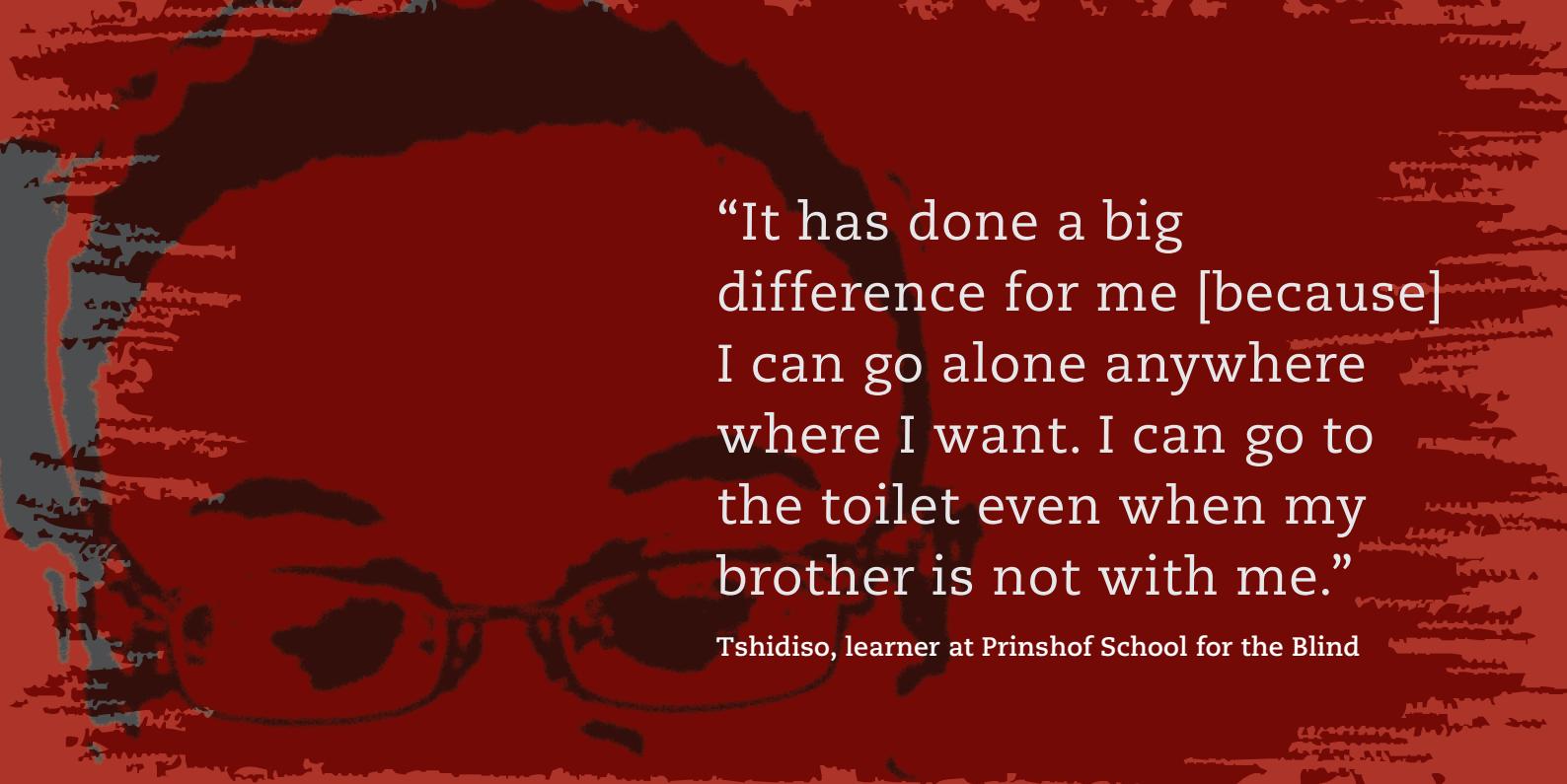
Many schools rely on volunteers to make up for the serious deficits in the numbers of support staff placed on the staff establishment by provincial departments of education. One school in Limpopo, for example, has only 10 educator staff and has never had any support staff at all, despite constant requests to the department for assistance over a number of years. Another school in Limpopo indicates that it has as many as 60 unfilled posts on its staff establishment, which the department claims it cannot fill because it does not have any money to advertise the posts.

Schools in other provinces note that since they cater for severely disabled learners, many of whom have multiple severe disabilities, against the schools' better judgment, volunteer house mothers are often forced to administer essential medication to learners without any knowledge or training.

Class Assistants

Many schools for the visually impaired hire educators and staff who are visually impaired themselves. Visually impaired teachers require professional assistance in order to prepare for lessons effectively and ensure discipline in their classes and the safety and concentration of learners during lessons. Because of a failure in most provinces to provide for posts for class assistants, some totally blind teachers are forced to teach without an assistant at all. Other schools report that they have out of desperation hired poorly qualified assistants, who listed and paid as "general workers" on staff establishments, to try to provide blind teachers with some support.

One educator noted that, in order to fill in for the absence of a class assistant and braille teachers guides, he personally pays a reader out of his own salary to ensure that he does not compromise the quality of education provided to learners. The absence of class assistants is a cause of great frustration to blind educators and makes their efforts to teach significantly more difficult and preparation for class extremely time consuming. Alarmingly this state of affairs persists in schools for visually impaired learners despite the DBE Progress Report acknowledging the importance of class assistants to the effective education of learners with disabilities. The report records that at least 661 teaching aidesassistants are employed in special schools over four different provinces.⁵⁸



"It has done a big difference for me [because] I can go alone anywhere where I want. I can go to the toilet even when my brother is not with me."

Tshidiso, learner at Prinshof School for the Blind

Occupational Therapists and Social Workers

Many visually impaired learners have trouble adapting to life as their eye-sight deteriorates and their everyday life becomes more challenging both practically and emotionally. Some learners report being sent to schools for the visually impaired only after being mercilessly teased and bullied at mainstream schools as their eyesight deteriorated. More generally, in addition to challenges at school, many learners experience stigma about disability in their homes, communities and society at large. Lucky Mafiri, a learner at Prinshof School for the Blind who has albinism and is partially sighted, notes the following about his experience in a mainstream school:

"In my old school I was the only person with albinism. Many people would call me names like "white monkey" in my language. It hurt me and I resorted to beating people. In this school there are no words like that – there are many children with albinism. We tease each other about how blind we are but we end up laughing about it. We bond with everyone and get to know each other's lives, disabilities and talents like singing, dancing and playing drums. The school creates us to be something great one day."

Lucky Mafiri, Grade 10 learner,
Prinshof School for the Blind, GP

Lane Wahl a Grade 12 learner and the President of the Representative Council of Learners at Prinshof, notes similar challenges in mainstream schools, and comforts in the special school environment:

"I think the fact that there is a school like this really helps us. We are talking about education but you still need a soul inside you. [At mainstream schools] they tease you. People are cruel. If you fall we can laugh here [at Prinshof]. I like this school because it is close and intimate and everyone is partially sighted it's not just you."

Lane Wahl, Grade 12 learner, Prinshof School for the Blind, GP

The employment of occupational therapists and social workers at schools for the visually impaired is necessary for the full physical and psychological development of visually impaired children, particularly in light of the lives which learners live when not in the special school environment. Special schools are often sadly the only safe havens for learners in a world in which they are exposed to a lot of cruelty and misunderstanding. It is therefore a cause for serious concern that SECTION27's interviews reveal that more than half of the special schools for the visually impaired do not have social workers. Similarly, the majority of schools report not employing occupational therapists.⁵⁹

INADEQUATE TRAINING OF TEACHERS

Braille is a tactile writing system used by visually impaired persons to allow them to read by touching tiny palpable raised dots embossed onto paper or, more recently, technological devices. Braille is a script, not a language. This means that there are different braille systems used for reading different languages. The ability to read and write one of South Africa's 11 national languages in braille – braille literacy – therefore, does not allow a braille user to read braille in any other language, a skill which must be separately learned even if the person in question speaks the other language fluently.

Learners in South African schools for visually impaired are required to learn two different "grades" of braille by the end of grade 4. The first grade, Grade 1 or "uncontracted braille" in English, for example, consists of the 26 characters of the English alphabet and punctuation symbols. It does not include abbreviations or contractions and is therefore very cumbersome and of limited use as a braille user's reading and writing develops to a more advanced level. The second grade, Grade 2 or "contracted braille" is the universal standard for literary braille. It consists of contractions and abbreviations that make braille script more easily readable and condenses the length of braille texts significantly.

The process of mastering braille is one which takes time, consistent practice and the support of braille literate educators. A Grade 12 learner at Prinshof School for the Blind describes the challenges she faced in learning braille as her eyesight deteriorated over time:

"At first I didn't want to use braille. It's like they're taking away everything. Colours, fonts, sizes and everything – creativity. It's like they're taking it away. But once I started braille I realised that my eyesight was going away and I had to. It was hard initially. You read slower and the class is reading and you don't even know where the page is. It took two to two and half years to learn and become

comfortable with contractions in Afrikaans, English and Maths. I started with normal uncontracted braille but it takes too long."

Lane Wahl, Grade 12 learner, Prinshof School for the Blind, GP

The interviews conducted by SECTION27 indicate clearly that schools for the visually impaired are unanimously emphatic that all teachers who teach braille-using learners must be comfortably braille literate. In addition to being able to read and write braille, educators also need to be able to instruct learners on how to read and write braille properly themselves. This is an additional and different skill. Unfortunately, the reality faced at schools for the visually impaired throughout the country is that many educators are not even literate in contracted and/or uncontracted braille. As there is no longer any professional educators' qualification which is specifically focussed on the education of learners who are visually impaired, educators generally arrive at school without any knowledge of braille at all.

Furthermore, neither the DBE nor any of the nine provincial departments of education have a detailed or continuously implemented policy of providing training for braille illiterate teachers newly deployed to schools for the visually impaired.

Until very recently there had been little or no intervention by either the DBE or the provincial

departments of education to provide this kind of support to teachers at schools for the visually impaired. One educator, who has been teaching at a school for the visually impaired since 1981, indicated that the provincial department had never provided braille training for educators until 2015, when a week long training in contracted braille took place at his school. This is despite the Department of Education's recent report that in 2013 and 2014, 463 teachers in special schools were provided unspecified braille training.⁶⁰

Additionally, in at least some instances, the 2015 training sessions which have taken place did not sufficiently capacitate attendees for a variety of reasons. Christo de Clerk, who gave the training in question, observed that:

"Of the 26 educators and staff that sat for the Grade 1 exam after the week long course, only 11 achieved sufficiently to be awarded an accredited certificate. One candidate who had written and passed a grade 2 braille exam before wrote the Grade 1 assessment and failed. The reason for this is he did not keep in touch with braille because he was moved to the school's section for hearing impaired learners and lost touch with braille."

In order to teach learners contracted and uncontracted

braille, educators must themselves be fully braille literate in both contracted and uncontracted braille.

"I also learnt braille being taught by other learners [at my school] teachers cannot read contracted braille at all."

Hlulani Malungani, Grade 11 learner,
Rivoni School for the Blind, LP

Schools in all nine provinces indicated – to varying degrees – a lack of confidence in the braille literacy of educators who were actively involved in the education of visually impaired learners who are braille users. It should be borne in mind that schools indicated that learners are expected to be confidently reading and writing both contracted and uncontracted braille by Grade 4. This means that educators who have only received uncontracted (Grade 1) braille training are below the braille literacy level expected of Grade 4 learners. The depth and breadth of this problem is confirmed by the DBE Progress Report which acknowledges that as of 2014: there were 39 teachers "without braille qualification but with basic braille"; 124 teachers without any knowledge of braille; and 407 teachers who "require grade 2 braille training".⁶¹

Measures Taken by Schools to Improve Braille Literacy of Educators in the Absence of Departmental Support

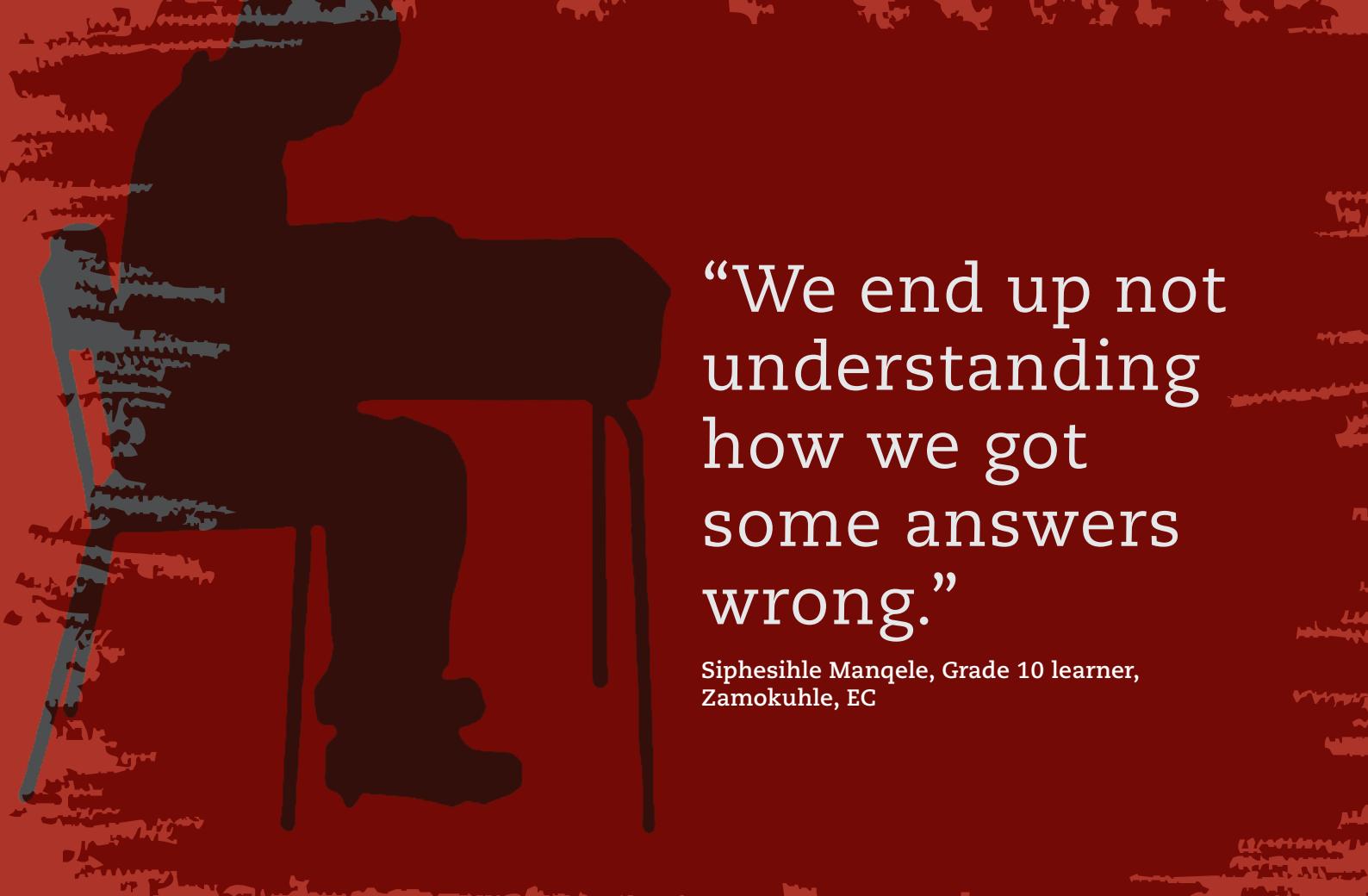
At many schools, educators have relied exclusively on "on-site" or "in-service" lessons from other educators after school hours to teach them braille. Schools report that these classes are often difficult to manage because teachers have family commitments after hours, are tired, lack concentration and – in the absence of certificates specially qualifying them – lack motivation to learn. At one school a principal complained that educators are particularly resistant to learning braille

and even had their union intervene to try and prevent the principal from insisting that they learn braille.

Many educators with only basic literacy in contracted braille are therefore teaching totally blind learners. The majority of schools suggest that many of their teachers are not properly confident with braille. A principal at a school at which all the educators are braille literate put it bluntly: "If educators do not know braille, they are of no assistance to

"The teachers would understand our work better if they read for themselves [instead of] someone reading [for them]."

Anonymous girl, grade 12 learner, Khanyisa School for Blind, EC



“We end up not understanding how we got some answers wrong.”

Siphehile Manqele, Grade 10 learner,
Zamokuhle, EC

learners”. Specific examples from interviews with school staff include:

- ✚ At one school, the head of the blind section suggested that ten of his teachers “cannot finish the alphabet easily”;
- ✚ At a second school only 3 out of 10 educators require no braille training at all;
- ✚ At third school reports that at least 30 of its educators require training in braille urgently;
- ✚ A principal at a fourth school commented that it is a “complete disaster” that educators at his school are not fluent in braille and that the learners do not “have any confidence in [educators] if [they] have to rely on others” to read braille;
- ✚ A fifth school indicates that when educators are not braille literate, learners are effectively “marking their work for themselves”. Learners express problems caused by educators inability to mark their work:

“We end up not understanding how we got some answers wrong.”

Siphehile Manqele, Grade 10 learner, Zamokuhle, EC

“When I said that the teachers need to know braille, I meant that they must learn to read and write braille so that they can mark our work, they often ask other teachers who might not have the knowledge of the subject and they mark us down.”

Oswold Feris, Grade 12 learner, Retlameleng, NC

Educators themselves expressed great frustration at their own lack of capacity to effectively teach blind learners. The specific problems mentioned by educators who are not braille literate include:

- ✚ An inability to mark learners homework, examinations and tests;
- ✚ A loss of personal confidence in their ability to teach blind learners;
- ✚ An inability of teachers to enjoy their work;
- ✚ A loss of learners’ confidence in their ability to teach;
- ✚ Demoralisation of learners who feel neglected; and
- ✚ A decreased quality of education which impacts on learners’ results.

The lack of confidence in and respect for teachers that the inability of teachers to read braille causes was emphasised by one learner:

"[It affects us that teachers can't read braille], because when teachers give us homework some blind learners don't do their homework and when the teacher asks for homework, the learners would pretend as if they done their homework because they know that the teachers don't know braille."

Khethiwe Kambhula, Grade 12 learner, Filadelfia School, GP

White Paper 6 acknowledges that educators are the "primary resource" for achieving the policy's goals, and therefore notes that one of the issues that may cause difficulty for learners with disabilities in accessing education is "inadequately and inappropriately trained

education managers and educators"⁶² The DBE has more recently reported that "there is both an absolute shortage of teachers, and a relative shortage of teachers qualified and competent enough to teach specific subjects or learning areas in specific languages (African languages in particular, and also sign language and braille)" and "in Special Needs schools" generally.⁶³ The same report concludes:

"All Special Needs teachers and teachers in Special Needs schools should be encouraged and supported to improve their qualifications and also their competence to teach in sign language and/or Braille."

The Department of Arts and Culture report concludes more strongly that "braille is the key to literacy for blind people. Without access to knowledge about Braille, a blind person is illiterate".⁶⁴ It therefore recommends that "all teachers at schools for the blind, in order to carry out their teaching duties, be required to learn braille".⁶⁵

Recent interventions to Improve the Braille Literacy of Educators at Schools for the Visually Impaired

SECTION27 first raised the issue of braille training for educators at schools for the visually impaired on 18 September 2012 in letters addressed to the national ministers and director generals of Basic Education, Arts and Culture and Women, Children and People with Disabilities on behalf of the South African National Council for the Blind. In these letters we were instructed that the significant majority of educators at schools for learners with visual impairments were not grade 1 and 2 braille literate. A summary of SECTION27's correspondence with the national and provincial departments of education between 2012 and 2015 is attached as "Annexure D".

It is important to note that even on DBE's own account in this correspondence, in 2009 the level of braille literacy amongst educators was catastrophically low and in need of urgent remedial action. Only 41% of teachers were adequately train in Grade 2, contracted braille. As described above, the remaining 59% of teachers were reading braille at a level that is below what is required of Grade 4 learners, if at all. The statistics detailed above, indicate that by 2014 there has been little, if any, improvement in this state of affairs.

Furthermore, the DBE's responses are silent on whether this training was provided through any planning of the department, or whether such training was provided by other educators on-site and after schools hours. Our interviews with schools indicate that this is how the vast majority of teachers at schools for the visually impaired have learned braille

and that despite the clear and apparent urgency, very few braille training workshops were provided by the provincial or national departments of education between 2009 and 2014.

Upon the DBE's direction during late 2014 and early 2015 some braille training workshops in some provinces took place. The process was run by provinces individually many of whom outsourced the responsibility to provide such training through tender processes. In the Eastern Cape, the first such tender process ended in disaster when educators from the three schools for visually impaired learners arrived at their week long workshop only to discover that the entity that had been awarded the tender had no knowledge of braille at all, or capacity and materials to teach it. It remains unclear how this tender was awarded by the Eastern Cape Department of Education in the first place. The award of this tender requires urgent and thorough investigation.

On 29 May 2015, at the South African Braille Authority AGM, Mr Mkhulisi Makhathala who, within the National Department of Education is tasked in ensuring braille training occurs in the provinces, presented a progress report on braille training of educators in South Africa. Mr Makhathala indicated that that several provinces have not responded to his requests and prompts for progress on this training at all, and many of those who have been responsive do not provide sufficient basic detail on:

- + The list of attendees of the training;
- + The nature of training (eg. whether the training is in

- contracted or uncontracted braille); and
- + The qualitative outcomes of the training (whether educators left the training having sufficiently improved braille literacy which will equip them to read, write and teach braille).

Given this communication problem, it is perhaps unsurprising that Mr Makhathala had little or no information about the training sessions and in fact was very happy to receive information from members of SABA, educators and SECTION27 which corrected reports that he had received from provincial departments of education.

One such example is after Mr Makhathala indicated that

training had been successfully completed for educators at Silindokuhle Special School, an educator from Silindokuhle stood up and explained that no such training had occurred. SECTION27 added that information we received suggested that the training in question had been held in Nelspruit for Mpumalanga Department of Education officials and some educators at Silindokuhle – which is located several hours drive from Nelspruit – had been contacted, at the last minute, on a Friday morning to be alerted of training that would occur later on the same day. As result, if this Mpumalanga training may in fact occurred, no educators at Silindokuhle attended or benefitted from it.

The Right to Braille Literate Educators

It is clear from the above discussion that educators who are not braille literate cannot effectively teach braille-using learners. This compromises learners' rights, particularly their right to a basic education. In this regard, the United Nations Convention of the Rights of People with Disabilities specifies that in order to realise visually impaired learners right to education, state parties are required to:

"take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or braille, and to train professionals and staff who work at all levels of education."⁶⁶

Indeed, the convention goes further, specifying that this training must be comprehensive and include disability

awareness and the use of appropriate methods, pedagogies and materials for the education of learners with disabilities.⁶⁷ The Department of Basic Education is under a constitutional obligation in terms of the right to basic education to ensure that educators are, through a comprehensive training process, equipped with the requisite knowledge to teach learners with visual impairments effectively. At its most basic level this requires braille literacy training for educators at schools for learners with visual impairments. It is therefore regrettable that the DBE Progress Report, although providing for a comprehensive and detailed action plan on the introduction of South African Sign Language,⁶⁸ does not contain any such plan for the improvement of braille literacy of educators at schools for learners with visual impairments.

The Challenges Faced by Visually Impaired Educators

In 2012, a forum for visually impaired educators throughout the schooling system to raise common issues and challenges faced by them was launched. The forum has approximately 40 members. The Visually Impaired Educators Forum has brought its concerns to the attention of the DBE and the SANCB. For a summary of concerns raised by visually impaired educators see a note compiled by the forum marked "Annexure F". It is noteworthy that these concerns mirror the issues raised with regard to visually impaired learners in this report and include the absence of learner-teacher support materials, class assistants, assistive devices and appropriately targeted training for educators. The forum highlights the following particular issues:

- + Visually impaired educators are not given policies (CAPS) related in both braille and large print;
- + Teachers are not provided with braille and large printed

- textbooks (CAPS) as well as their teacher's guides;
- + Visually impaired educators not fully accommodated during the workshops arranged by the subject-advisers and education officials. During these meetings visually impaired educators are not provided with braille and large print handouts and reading sources;
- + Lack of class-assistant for most visually impaired educators;
- + External question papers coming to schools not brailled and adapted;
- + Some educators who newly became blind taken out of the system without being correctly advised about other options for them to remain employed;
- + Lack of training aimed at visually impaired educators; and
- + Lack of assistive devices for both low vision and blind educators.



gettymages

Scott T. Baxter

ACCESS TO LEARNING TEACHER-SUPPORT MATERIALS IN BRAILLE

There is no substitute for learners' access to braille books.⁶⁹ The UNCRPD places an obligation on state parties to "[f]acilitat[e] the learning of braille" as a component of visually impaired learners' right to education.⁷⁰ Though it is desirable to supplement braille materials with audiobooks, appropriately equipped computers and other assistive technological devices, schools were unanimous that braille – and more particularly braille books – remain central to the literacy and education of blind and low sighted learners. This is clearly explained by an anonymous learner at Pioneer School for the Blind who has access to braille learning materials, a Perkins machine and an Apex BrailleNote:

"Braille textbooks, Perkins machines and Apex BrailleNotes are all necessary for visually impaired learners to have in order not to experience any difficulties with their learning."

Anonymous learner, boy, Grade 11, Apex BrailleNote user, Pioneer School for the Blind, WC

Educators, staff and braille using learners at schools were therefore exasperated by the dearth of braille learning materials made available to them by the national and provincial departments of basic education. Tragically, the problem of access to braille learning materials has increased with the introduction of the CAPS curriculum. Schools indicated that it is an "old problem", well known to the National Department of Education and brought to its attention at the time at which the CAPS curriculum was drafted. Below

we discuss the unavailability of three key braille learner-teacher support materials at schools for learners with visual impairments: textbooks, workbooks and teachers guides.

It is important to note that many partially sighted learners also struggle to access appropriate "large print" learning materials to make use of in their studies. Although technological devices which can enlarge print available at some schools mitigate the difficulty that partially sighted learners have in reading ordinary print, it remains a concern that at many schools partially sighted learners are left to struggle and strain limited and waning eyesight reading the small text in ordinary textbooks provided by provincial departments of education. Partially sighted learners also sometimes bear the burden of, in addition to completing their own work, assisting blind learners with their work in the absence of braille textbooks.

Availability of Textbooks

“[Not having braille textbooks] it doesn’t make me feel good at all”.

Anonymous girl, Grade 12, Khanyisa School for the Blind, EC

“It is frustrating because we are left behind and we feel that we do not have enough information because we only have notes. I would like to have all my textbooks in braille”.

Oswold Feris, Grade 12, Retlameleng, NC

All learners have a constitutional right to a textbook for each subject which they study in terms of the right to basic education.⁷¹ This includes braille and print textbooks for visually impaired learners. This has been acknowledged by Mr Allan Subban, Director: Learner-Teacher Support Materials with the Department of Basic Education, who stated emphatically that “all learners and I emphasise all should have learner materials given the constitutional right [to basic education] we must find the means to provide braille textbooks”.⁷² This is confirmed by the DBE Progress Report which acknowledges as part of a turnaround strategy for curriculum delivery in special schools that it must be ensured that “every learner has a textbook per subject in every grade”.⁷³

Despite this acknowledgment and a clear right to textbooks, 17 out of 22 respondent schools indicate that they have not ever had access to a single braille textbook for the CAPS curriculum. None of the schools have anything approaching a complete set of textbooks, which as will be seen below is impossible as the large majority of textbooks required for education of learners with disabilities have not yet been produced at all.

“There [are] up to 4 learners sharing an outdated textbook which is a problem for learners in higher Grades as they need enough time to study.”

Anonymous girl, grade 12, Khanyisa School for the Blind, EC

The reason for the non-availability of textbooks appears to be a complication with a tender released by the Department of Basic Education in 2012 for the production of braille textbooks, which, as a result of unrealistic timeframes and heavy penalty fees, ultimately attracted no bidders. There has been no update from the Department of Basic Education with regard to how or when a new process will be initiated. A likely bidder, Pioneer Printers, is currently the single producer of braille textbooks in the CAPS curriculum. It has, as of the end of February 2015 for its own purposes, and the purposes of Pioneer School – and at its own expense – produced approximately 135 master copies of braille books and approximately 95 in large print in the CAPS curriculum. The CAPS list consists of over 600 books in all 11 national languages. The books produced by Pioneer Printers are exclusively in English and Afrikaans, which are the mediums of instruction at Pioneer School.⁷⁴

All of the schools that have received any textbooks have purchased them from Pioneer Printers. At this stage, as a result of the Department of Basic Education’s failure to compensate Pioneer Printers for the significant production costs of master copies of braille and large print textbooks, Pioneer Printers is refusing to sell any textbooks to schools or provincial departments of education. The result is, with the exception of books already delivered to schools in 2014, even the textbooks which do exist are not in reality accessible to learners at schools.

Although schools have had to learn to make do without CAPS textbooks, learners express deep frustration with the lack of access to braille textbooks. Blind learners experience daily challenges in keeping up in class. According to Philani Nduli, a Grade 12 learner from Arthur Blaxall School for the Blind, learners are “often left behind with work because there are sections in the new books which are not in the old books. We are at a disadvantage in that way”. New books of a sufficient quality and number are therefore necessary for each and every learner. As Philani regrettfully notes, at present learners have to work in groups:

The reason for the non-availability of textbooks appears to be a complication with a tender released by the Department of Basic Education in 2012 for the production of braille textbooks

“I think that the organisation in charge for brailing textbooks must get a team that will speed up the process because we are at the disadvantage for not having the textbooks”.

Philani Nduli, Grade 12, Chairperson of the RCL, Arthur Blaxall School for the Blind, KZN

“According to me this is difficult as I prefer to work alone, in groups there are things I might not understand and be able to express properly if [partially sighted learners] don’t want to [help us] we are left out and get to trouble for not doing our homework”

Philani Nduli, Grade 12, Chairperson of the RCL, Arthur Blaxall School for the Blind, KZN

Finally, many learners describe frustration at questions coming up in examinations that they have not covered in class and that their educator’s makeshift notes have not covered. These learners complain that they are therefore disadvantaged in exams as a result of a lack of braille textbooks and workbooks:

“We write exactly the same matric exams as sighted learners and so we should have the same materials available to us. I should have textbooks in braille because I am visually impaired.”

Lane Wahl, Grade 12 learner, Prinshof School for the Blind, GP

The issue of access to braille textbooks has been at the forefront of all correspondence between SECTION27, the SANCB, SABA and Blind SA and the DBE since July 2012. For a summary of SECTION27’s correspondence with the Department of Basic Education in this regard see Annexure D. SECTION27 has repeatedly reminded the DBE over the last 3 years that “urgent steps” were required in order to remedy the “continuing violation of learners’ right to basic education” as a result of the failure to provide access to braille textbooks.

Now three and half years after the implementation of CAPS, the DBE has still failed to produce or fund the production of a single braille textbook. It remains unclear whether or what the DBE’s plan is to remedy this constitutional violation, and provide blind learners with braille textbooks. As is evidenced by the summary of SECTION27’s correspondence with the department, the DBE has made commitments, and failed to deliver on those various conflicting commitments, at different stages

relating to the production of braille textbooks. In addition to the limited nature of the steps detailed below, the DBE’s apparent lack of urgency is a serious concern, as a grade 12 learner who this year will write matric exams without access to braille textbooks notes:

“I think that the organisation in charge for brailing textbooks must get a team that will speed up the process because we are at the disadvantage for not having the textbooks”.

Philani Nduli, Grade 12, Chairperson of the RCL, Arthur Blaxall School for the Blind, KZN

Worse still, some commitments made by the Department of Education are mere repetitions of previous commitments. For example, in May 2015 Mr Allan Subban expressed the department’s intention to establish a task team to, amongst other things, ensure access to braille textbooks for learners. This is an identical suggestion to the one made by the DBE in correspondence with SECTION27 in May 2014. Most of the commitments made by DBE with regard to the production of braille textbooks appear not to have been executed at all. It is particularly worrying that the DBE’s understanding of what is required to produce CAPS textbooks in braille still appears to be minimal. For example, it is quite impossible that all books in the CAPS curriculum will be produced, never mind delivered, in 2015. There are several reasons for this:

- +
- First, the DBE has not appointed any entity or combination of entities to produce and print braille adaptations of CAPS books at all. It has not even started a formal process which will lead to the appointment of such an entity or entities;
- +
- Second, the adaptation and braille production process is lengthy. To adapt a single textbook properly can take a team of people several months. Leading experts in braille production in South Africa, Pioneer Printers, indicate that without significantly increased support and additional capacity funded by the Department of Education, it would take existing printers five to ten years to complete the CAPS curriculum in braille;
- +
- Third, the DBE is yet to meaningfully engage with key stakeholders in this process such as Pioneer Printers, the

SANCB, SABA and the National Library for the Blind about this process; and

- + Fourth, during the period of correspondence detailed above the DBE has displayed a singular lack of urgency in its attempts and planning to ensure the provision of braille textbooks to visually impaired learners.

The Department of Basic Education's commitment in January 2015 to ensure that "all books [are] delivered as early as possible in 2015"⁷⁵ appears, therefore, to be based on a misunderstanding of the current circumstances and what is required for the adaption, production, printing and delivery of braille textbooks.

Availability of Braille Workbooks

The Department of Basic Education has produced workbooks for learners in Grades R to 9, which are intended to supplement rather than replace textbooks. The workbooks are a specific intervention of the Department of Basic Education aimed at improving numeracy and literacy skills of learners. Workbooks are composed of worksheets and assist teachers to track learners' progress, as well as giving learners an opportunity to practise what they have learned in class. Each workbook provides four worksheets per week. The Department of Basic Education website indicates that "each and every child will own the workbooks. This means they can take them home and write in them."⁷⁶

Workbooks therefore form a crucial part of the learner-teacher support materials to which each visually impaired learner is entitled as a necessary component of their rights to basic education and equality. As part of a turnaround strategy to ensure improved curriculum delivery in special schools, the DBE Progress Reports notes that it must be ensure that every "school has received all appropriate workbooks per grade and the workbooks are utilised".⁷⁷

Many schools for visually impaired learners report having been contacted about the availability of braille workbooks and indicate that braille workbooks have begun to slowly "trickle" in. However, interviews with school staff highlights the following problems with availability of braille workbooks to learners:

- + Some schools still report not having received any workbooks at all;
- + Those schools that have received workbooks indicate that they received a random assortment of workbooks rather than the full compliment required;
- + Although some workbooks are separated into different

volumes for different terms, some schools report receiving only a portion of the volumes they require for a year's teaching in a particular subject;

- + Workbooks often arrive late and at random times during the course of the year; and
- + Some schools report receiving brailled workbooks that do not cater for their school's expressed needs. For example, one school reports receiving workbooks for mathematics in which are in the incorrect language.

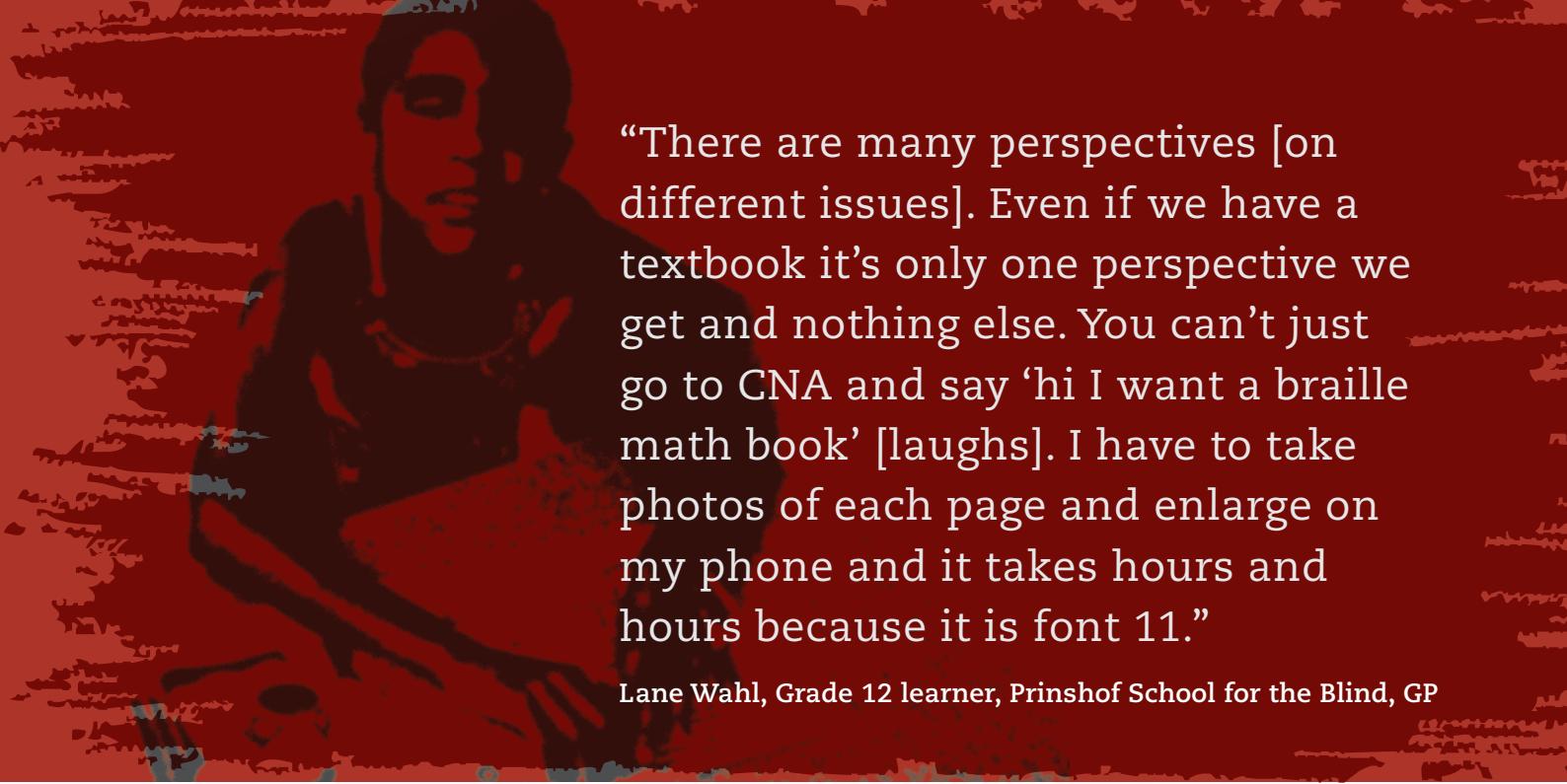
A summary of SECTION27's correspondence with the department of Education about access to braille workbooks can be found in Annexure D. As early as October 2012, the Department indicated that the adaptation of workbooks for grades R-9 had been completed. However, as recently as January 2015, the department's correspondence with SECTION27 notes that it "has distributed workbooks in Mathematics and Language in all official languages for Grades R to 6 to all 22 schools for learners with visual impairment" and that "[t]he Grades 7 to 9 Mathematics workbooks in braille will be made available early in 2015". In April and May 2015, Minister Motshekga reaffirmed this claim and indicated that "[t]he department is currently adapting Grades 7 – 9 Mathematics workbooks to braille".⁷⁸

There is no clear explanation provided by the Department of Basic Education for this delay in the delivery of braille workbooks if indeed they were fully adapted as early as 2012. SECTION27's interviews with school staff highlight existing problems with access to braille workbooks which must be resolved urgently if visually impaired learners are to equally enjoy their right to quality basic education. This is especially important given the present unavailability of braille textbooks.

Braille Teachers' Guides

None of the 22 schools report having received any teachers' guides in braille. This is despite the fact that 21 out of the 22 schools have at least one totally blind person employed as an educator, and as many as 37 educators in schools for the visually impaired being totally blind. Blind teachers must

therefore rely on low-skilled class assistants to read them the content of the teachers' guides, thereby reducing their ability to prepare for lessons. One totally blind teacher has resorted to personally paying a reader from his own salary to allow him to prepare for lessons.



“There are many perspectives [on different issues]. Even if we have a textbook it’s only one perspective we get and nothing else. You can’t just go to CNA and say ‘hi I want a braille math book’ [laughs]. I have to take photos of each page and enlarge on my phone and it takes hours and hours because it is font 11.”

Lane Wahl, Grade 12 learner, Prinshof School for the Blind, GP

Alternative Measures Taken by Schools to Ensure Learners Are Able to Access Materials in Braille

Schools have had to learn to improvise to ensure learners receive materials in braille in the absence of braille LTSM being provided to them by departments of education. As is recorded above, in May 2014 the DBE indicated that as an interim measure it would be “equipping all 22 schools for visual impairment with braille production facilities”. This is confirmed by the DBE Progress Report which indicates that it should be ensured that “[s]pecialist rooms such as braille production [rooms] are available, adequately resourced and utilised”⁷⁹. Educators at many schools attempt to make notes for their learners using braille embossers which enable them to take documents typed out on programmes such as Microsoft Word and convert them into braille for printing. However, the production of notes for blind learners is not a simple task. Notes require significant adaptation in order to be in a readable format for blind learners. The difficulties in the process are manifold, but it should be particularly noted that the time-consuming nature of braille production by educators at schools alone – as opposed to easy access to a complete brailled textbook – compromises the quality of education accessed by learners:

“Sometimes we blind learners experience difficulties, because we often don’t have notes for the chapter the teachers are teaching on and the teachers will continue teaching, when the teachers give homework

we can’t do our homework and we have to ask our classmates to read for us and often since we are in Grade 12 they can’t assist us as they have their work to do. Obviously that does not make us happy at all”.

Khethiwe Kambhula, Grade 12, Filadelfia School

The following common problems arise at all schools for visually impaired learners:

- + It is not practicable to convert entire textbooks or workbooks into braille, and learners must therefore rely on incomplete notes and piecemeal notes;
- + The production of notes for each class is time-consuming and may add hours to an educator’s working day;
- + Braille paper is extremely expensive and heavy spending on braille paper depletes schools subsidies;
- + At most schools those operating the braille embossers are not trained braillists. This has an impact on the quality of the braille produced;
- + The significant majority of schools lack the requisite technology and expertise to produce “technical braille” of diagrams, graphs and most importantly mathematical symbols and figures; and
- + In the absence of braille textbooks and workbooks, other alternatives usually available to sighted learners are not available to braille using learners:

“There are many perspectives [on different issues]. Even if we have a textbook it’s only one perspective we get and nothing else. You can’t just go to CNA and say ‘hi I want a braille math book’ [laughs]. I have to take photos of each page and enlarge on my phone and it takes hours and hours because it is font 11.”

Lane Wahl, Grade 12 learner, Prinshof School for the Blind, GP

The quality of braille that is produced for learners is worth emphasising. Given the fact that braille is read using the sensation of touch by learners, low quality brailing, malfunctioning of printers and incapacity to perform technical brailing all compromise learners ability to benefit from school-based braille production at all:

“The words are not written properly, there are errors in the brailing and our notes don’t have graphs [that are in textbooks].”

Kgotso Makhanye, Grade 12 learner, Bartimea School

Furthermore, the provincial departments of education are slow to react when braille embossers are damaged, leaving learners with no notes at all for long periods of time. One school reported that it has been without its embosser for nearly a year due to a minor problem that the school believed could have been easily fixed. In another province, a school which the department intends to act as a resource centre has only one braille embosser which has not been functional since June 2014, despite the school’s repeated requests to the provincial department for assistance.

Finally, in schools that are unable to provide notes to learners for any of the variety of reasons described above, educators dictate to learners who then type out their own notes and exercises on their Perkins Braillers. A principal at a school in which this is common practices summarises the state of affairs by saying that:

“Learners are writing their own books”.

Anonymous principal, School For Visually Impaired Learners, South Africa

Schools are adamant that the lack of access to braille learner materials significantly impedes their ability to teach visually impaired learners and reduces the quality of education available to them. The following are examples of responses from staff at schools when asked about the impact which the non-availability of braille materials has:

+ An educator noted that in the absence of braille learning materials it appears that the department expects educators to “teach like papagaais”;

- + A principal expressed her frustration with the absence of learning materials by saying that “if you do not have books, never can you learn to read”;
- + A deputy principal complained “why should we be getting dribs and drabs and not what is necessary for teaching?”;
- + An educator at one school tried to express blind learners’ frustration, stating that “blind learners are not satisfied if they only receive notes, when partially sighted classmates have whole books”; and
- + A principal, agitatedly summarised the general sentiment of educators and learners: in schools for visually impaired learners:

“We are also a school. We also need books.”

Anonymous principal, School for Visually Impaired Learners, South Africa

In a report dated 16 May 2013, the Department of Basic Education notes that it is because of the delays in the textbook adaptation, production and printing process that the DBE is “exploring other methods to support learners with visual impairment”. The report continues to note that these measures include an audit on the capacity of schools to produce braille which was conducted in October 2012. This audit concluded that “all schools have braille printing equipment, but that the majority do not have systems in place for maintenance and sustained production of chapters, tests and exam papers”. To improve the braille production capacity of schools the DBE therefore indicated that the Director General of Basic Education had requested that provincial departments “budget for braille production as well as a maintenance plan”⁸⁰.

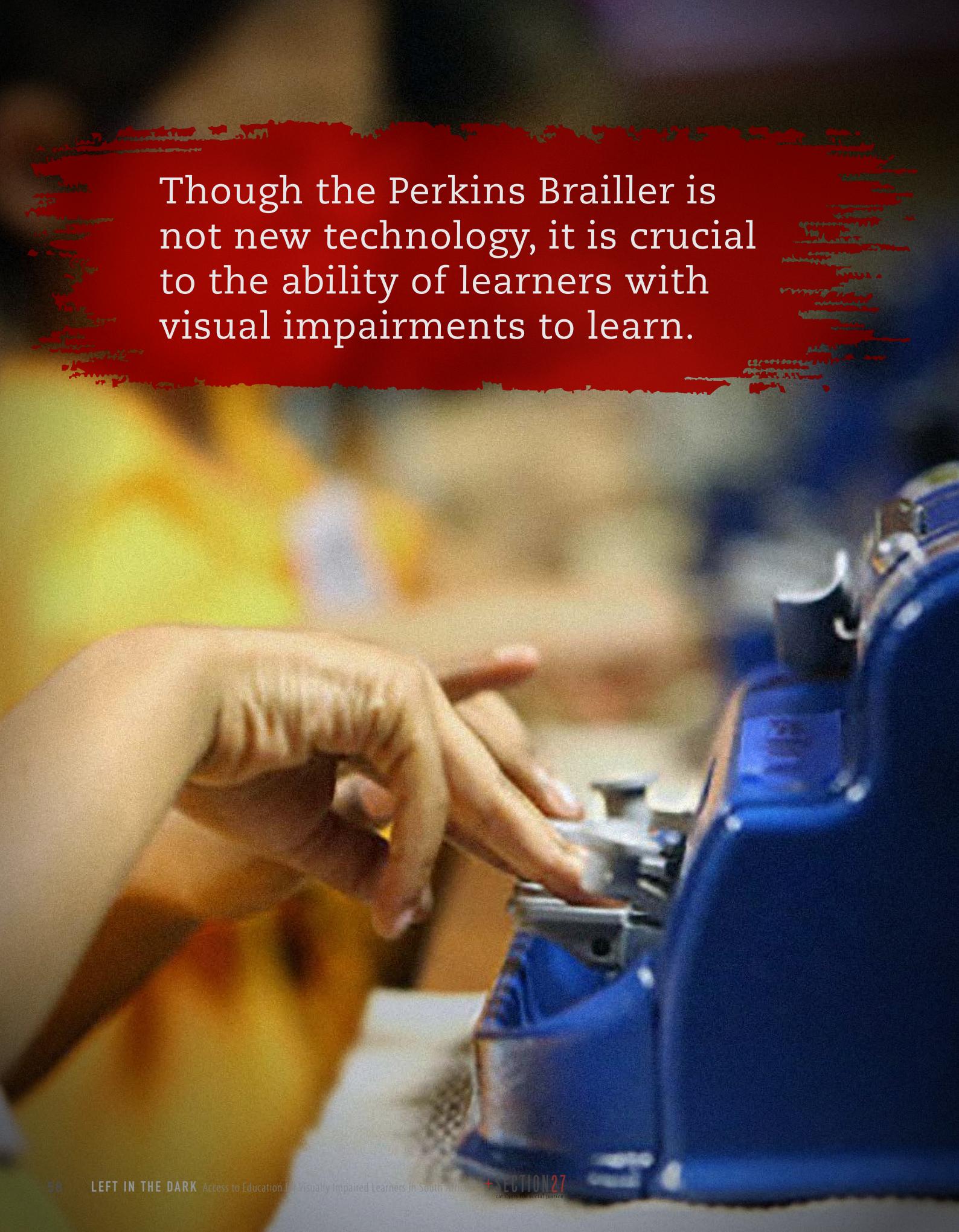
SECTION27’s interviews indicate that many schools for learners with visual impairments remain severely unequipped to use their own braille production facilities to adequately cater for their learners’ needs. The interim measure of relying on schools’ own braille production facilities is floundering. It is therefore clear that urgent action must be taken to ensure that the departments of education provide immediate and sufficient support to schools in the form of braille production equipment, specialist staff to operate such equipment and additional budget for maintenance of equipment.

ACCESS TO ASSISTIVE DEVICES FOR LEARNING

There are a wide and growing range of assistive devices that are available to visually impaired persons throughout the world today. There has been varied and gradual introduction of assistive devices into schools throughout the country. Although a full assessment of the assistive devices available to all schools for the visually impaired is beyond the scope of this report, what follows are some common issues relating to assistive devices raised by schools in interviews with SECTION27. The DBE Progress Report indicates that to improve curriculum delivery, “every learner must be able to access curriculum through the use of ICT equipment eg. laptops/iPads with specialised software”⁸¹ It is important to note that although these devices are absolutely necessary, they do not replace the need for braille textbooks and workbooks. For example, according to one learner:

“We need both computers and braille because at universities they use computers, we need the training while we are still at school and we need braille for extra reading in order to have the same information as the partially sighted learners”.

Philani Nduli, Grade 12, Chairperson of the RCL, Arthur Blaxall School for the Blind



Though the Perkins Brailler is not new technology, it is crucial to the ability of learners with visual impairments to learn.

Perkins Braille Machines

A Perkins Braille Machine is essentially a braille typewriter: its keys correspond to different dots which form braille code. Though the Perkins Brailler is not new technology, it is crucial to the ability of learners with visual impairments to learn. A principal at an urban school which has very advanced, modern assistive devices such as the Apex BrailleNote, commented that "Perkins will never be outdated". A blind educator at a small rural school described the Perkins brailler as something which is "like a pen and paper for blind people".

It is therefore essential that each learner has individual access to a Perkins Brailler. Although many schools own enough Perkins Braillers for each learner to have access to one in each class, many of these are broken and therefore unusable. For example, one school reports that although it owns 83 Perkins Braillers, only 46 of them are in working condition. Another school in a different province, which has been designated by the provincial department as a resource centre in terms of White Paper 6, has 45 Perkins Braillers of which only 15 are working. In addition, a third school indicates that it owns only 10 Perkins Braillers although it requires 25. A second school in this same province requested and was provided with 30 Perkins Braillers, which on closer inspection turned out to be old, second hand machines which had been merely repainted.

"That is a huge problem, even myself I do not have a Perkins machine."

Hlulani Malungani, Grade 11 learner,
Rivoni School for the Blind, LP

It is crucial that school subsidies specifically budget for the breaking of Perkins Braillers. The machines are heavy and cumbersome and are widely known to be prone to breaking. For example, one school predicts that it must send approximately 20 Perkins Braillers for repairs every term. The cost of fixing Perkins Braillers is also exorbitant and time consuming particularly for schools in remote

"It is very important [that each learner has their own Perkins machine]. It is really unfair, because sometimes our tests have to be postponed because we do not have enough Perkins machines."

Siphesihle Manqele, Grade 10 learner, Zamokuhle School, EC

locations that are forced to send them to those equipped to fix the braillers, who are often far away in urban centres.

Since many learners write their examinations using Perkins Braillers, their absence becomes particularly pressing during exam time. A staff member at one school describes the depth of this challenge, stating that "sometimes some learners have had to wait for other learners to finish writing their exams because there have not been enough machines for everyone to write at the same time." This is confirmed by a learner at another school who says:

"It is very important [that each learner has their own Perkins machine]. It is really unfair, because sometimes our tests have to be postponed because we do not have enough Perkins machines."

Siphesihle Manqele, Grade 10 learner,
Zamokuhle School, EC

Recently the South African National Council for the Blind has tried to alleviate this problem by offering to train educators, general workers and members of the community in which the school is located to fix the Perkins Braillers, to save the schools time and money costs. However, there are many schools that have not been able to send representatives to Pretoria to benefit from this offer. The facilitation of this process should properly fall within the obligations of the departments of education.

Finally, it should be noted that the size of Perkins Braillers presents a problem for some schools that do not have big enough desks to fit a brailler on a single desk. One school therefore complained that it was forced to use two desks pushed together in order to accommodate a single blind learner. Furniture at schools for the visually impaired should be appropriate for the use to which it is likely to be put, including bearing a braille machine.

Computers Equipped with Appropriate Software

For blind learners to be able to make use of computers at all, they require appropriate software to be installed on their computers. The standard software to perform this function is JAWS (Job Access With Speech), which is a Microsoft screen-reader programme. The most common use of JAWS is to allow blind and low-sighted learners to use a "text-to-speech" output which enables them to hear instead of see the text that appears on an ordinary computer screen. However, JAWS licenses are relatively expensive, and schools complain that this is not adequately taken into consideration in the determination of their subsidies. This despite the fact that:

"Without JAWS, learners are using faith to write."
Anonymous educator, School for visually impaired learners, South Africa

Computer literacy is crucial for blind learners. Without it, they are robbed of access to the world of the information on the internet and are restricted to reading the limited amount of resources that are available to them in braille. Ability to use computers becomes more and more important to blind people when they leave school and enter into universities and work places where both braille resources and the ability to produce braille become significantly less accessible. Blind learners who are not computer literate when they leave school often have difficulty adapting to the relative absence of braille and struggle to succeed in university, despite achieving well at school. Many schools report various problems relating to computers including:

- + Insufficient computers to accommodate learners;
- + Old computers which require replacing;

- + Computers without JAWS software;
- + Insufficient money to pay for JAWS licenses; and
- + A lack of training for educators to use and teach JAWS.

The situation at one school, for example, illustrates several of these issues well. A private donor donated a fully equipped computer lab to the school with computers which had JAWS software loaded on them. However, at this stage, none of the educators at the school knew how to use JAWS, nor did they receive any training in this regard. The computers therefore sat dormant and became dated. Years later, another private company donated a new, modern lab to the school equipped with cutting-edge computer technology but without JAWS software. The computers are therefore still not in use. The school's subsidy is not sufficient to pay for the licenses required for the computers in this lab. A total of four schools, spanning three different provinces have no properly functioning computers with JAWS software on them.

A further example is a school in a different province which has been designated by its provincial department of education as a resource centre in terms of White Paper 6. An educator at the school with 26 years of experience says that although the school has often had computers, until the recent appointment of a new principal, "blind learners were not really benefitting from computers at all". Even though the school faces challenges because it does not have enough computers, it faces even further challenges as the computers it does own have only a demo version of JAWS installed on them. Since the appointment of the new principal, a computer instructor has been appointed and has commenced lessons for learners.

A further example is a school in a different province which has been designated by its provincial department of education as a resource centre in terms of White Paper 6. An educator at the school with 26 years of experience says that although the school has often had computers, until the recent appointment of a new principal, "blind learners were not really benefitting from computers at all".



Apex BrailleNote

The BrailleNote is a portable computer specifically designed for persons with visual impairments. It is operated using both a braille keyboard and a speech synthesiser. It is perhaps the most cutting-edge assistive device to be introduced into schools in South Africa. Thus far, only three provinces - the Western Cape, Gauteng and most recently Limpopo - have provided any BrailleNote computers to schools for the visually impaired within their jurisdiction.

The BrailleNote has several clear advantages for use over even computers equipped with appropriate software for blind people. It appears to be extremely popular with visually impaired learners who have been able to use them thus far. According to a principal, those learners are "so in love with Apex" and use it constantly. Schools presently using Apex all agree that the BrailleNotes supplement rather than replace the need for braille textbooks and workbooks. The use of BrailleNotes is still, according to schools, effectively "in its baby shoes". The following problems have, however, already been encountered by schools in using the BrailleNotes and should be considered when further purchases are being planned by provincial departments of education:

- +
- The BrailleNote is not compatible with any of South Africa's national languages except for English. It therefore cannot be used in the home language of the significant majority of the country;
- +
- The BrailleNote appears to have some difficulty in reading certain diagrams, pictures and mathematical symbols;

+

Although the provincial departments that have purchased BrailleNote machines have paid the high costs for the purchase of BrailleNotes, they have not provided additional funding for insurance of these machines. One school indicated that the cost of insurance for the Apexes provided by the department is nearly R200 000 per year;

+

As a result of the high value of BrailleNotes, the unaffordability of insuring them and the particular vulnerability of blind learners to losing, damaging or having the BrailleNotes stolen, most schools prefer to not allow learners to remove BrailleNotes from certain confined areas within schools and hostels;

+

It is unclear what is supposed to happen if BrailleNotes are damaged, and, in particular, who will repair them and where they will be repaired;

+

To be used most effectively, BrailleNotes require a wide range of hidden additional costs such as electricity, wireless internet and printers for both school premises and hostels;

+

Since the BrailleNotes are property of provincial departments, it is unclear what impact that they will have on learners' education when they leave school and may no longer be able to access this technology. Because of this, some schools express early concerns about reliance on BrailleNotes; and

+

As a result of copyright issues, some books cannot be loaded on BrailleNotes.



EXAMINATIONS AND ASSESSMENTS

Examinations are particularly stressful times for all learners and educators. At schools for the visually impaired, in addition to the ordinary anxieties related to performance, learners and educators face additional anxiety that examinations may not be provided in braille despite applications for concessions made by schools. An anonymous learner at Khanyisa School for the Blind, who will be writing her National Senior Certificate Examinations this year, explains:

“[Not having examinations in braille] is a huge disadvantage. When I have my question paper in braille I can read a question again and again until I can properly understand it.”

Anonymous girl, Grade 12, Khanyisa School for the Blind

National Senior Certificate Examinations

By and large schools have relatively few complaints about the National Senior Certificate (NSC) examinations written by matric learners each year. All schools with matric learners indicate that in the vast majority of instances, examination scripts arrive in braille. Some schools however complain about the quality of adaptation of NSC examinations that makes questions more difficult to answer.

One Eastern Cape school which SECTION27 visited during the matric examination period in late 2014 did not receive brailled NSC examination scripts for their single totally blind matric learner who had, the day before our visit, written history. The school had no option but to have an educator dictate the exam to the learner. Educators at the school described this as a "difficult and exhausting process for both the learner and teacher". The learner struggled to finish the paper on time and had difficulty answering questions that were not adapted and therefore made little sense to a blind learner, even if described and read out. Learners also tend to be afraid to ask educators to repeat questions in these situations, although it is absolutely necessary. Educators at the school expressed fear that, although they had expected this learner to do well, this may no longer be realistic. This problem is exacerbated in context of mathematics papers more generally:

"The problem is mainly with maths, it is not easy having someone reading a maths question to you."

Siphesihle Manqele, Zamokuhle School for the visually impaired, Grade 10 learner

The next day, SECTION27 visited another school in the same province that reported that it had received an extra matric history paper in braille. This appears to be the paper that was missing. The likely cause of this unnecessary failure, which prejudiced a matric learner, is poor systems and communications within the Eastern Cape Department of Education.

Finally, many schools note concerns about the quality of marking of exam scripts which are written in braille, particularly with regard to maths examinations. An example from the three schools for the visually impaired in the Eastern Cape is instructive. One school notes that their school's results for matric exams in maths are often lost without explanation and learners are merely allocated averaged marks of 30-40%. The results all "always come back the same" even though educators know that their learners' abilities vary; therefore it seems that they suspect that "they don't mark scripts and just give out the average mark". A

principal at a second school shares the same sentiment and notes:

"even blind learners were trained on typewriters for the purposes of exams, because the school had serious concerns about whether brailled exam answers were marked properly."

Anonymous principal, School for Visually Impaired Learners, EC

Another educator indicated that she had a friend who was appointed to mark maths scripts in 2012 but was not paid for their work, and therefore will not be marking scripts again. A learner from a third school in the same province notes that:

"If we use braille to write our exams often our marks at the end of the year in grade 12 are not recorded and we don't get our results".

Anonymous girl, Grade 12, Khanyisa School for the Blind

Annual National Assessments

Schools for the visually impaired report significantly more challenges with regard to Annual National Assessments and other papers provided to them by the provincial departments of education. Of the 22 schools, 15 reported problems with the Annual National Assessments. Common complaints include:

- + ANA scripts not arriving in braille despite applications for concessions and constant follow-ups with Department officials;
- + ANA scripts that do not arrive in braille often arrive on the day that they are supposed to be written, preventing teachers from adapting and brailling them;
- + ANA scripts that arrive brailled either not having been adapted or having been poorly adapted and therefore difficult for learners to read, understand and answer;
- + ANA scripts arrive in uncontracted braille instead of contracted braille with no apparent explanation;
- + The department refuses to provide schools with electronic copies of ANAs that would enable schools to adapt them appropriately and in time for learners to participate in ANAs; and
- + The department refuses offers from several schools to assist in the adaptation of ANA scripts.

One principal responded to a question about the ANAs, dejectedly remarking that for schools for the visually impaired:

“Every year the ANAs are a nightmare.”

Anonymous principal, School for Visually Impaired Learners, South Africa

Some schools end up not writing many or all of the ANAs in some years. A deputy principal at a school in another province noted that, even though learners do take the ANA test, the school is “effectively not writing the ANAs” because of how erratic the department is in providing brailled scripts to the school, and the school has “grown tired of asking the department” to correct this. An educator at a school in a third province noted that although the ANA scripts that they receive declare that they are “adapted for the blind”, they are often only brailled but not properly adapted. The same educator indicates that sometimes the quality of “adaptation” is so poor that the questions are completely unintelligible to blind learners and even involve comical mistakes of substance. One question, for example, once seemed to erroneously involve sharks jumping on trampolines.

Some schools note that instead of giving up on the ANAs in their totality, they attempt to dictate exams to learners. In addition to the problems detailed above, an educator at one school explains that answering questions in this fashion is a “different skill” and it is “upsetting” for learners to have to write tests, under pressure, with this added difficulty. Ultimately, educators throughout the country observe that this has a detrimental impact on learners’ results for ANAs, and the ANAs therefore do not provide a useful comparison to the schools or the department about how learners at schools for the visually impaired are performing. The sentiment of many educators interviewed is well captured by one principal:

“You feel bad. You don’t get the performance you expected even if the learners are smart. You feel this pain. You put yourself in the situation of the learner and you feel it. It’s injustice. It’s unfair.”

Anonymous principal, School for Visually Impaired Learners, South Africa

Provincial and District Common Papers

Schools complain even more vigorously about compulsory standardised testing and exercises other than the NSC and ANAs. Generally, provincial and common papers are neither provided to schools in braille, nor are they provided to schools with adequate time to adapt and braille them. At a district level, knowledge and understanding of the needs of visually impaired learners seems to be so generally low that many schools have simply given up on the prospect of receiving common papers in braille.

One school reports that a positive recent development over the last two years has been the department’s request that it perform the adaptation and brailling of provincial papers for itself and the other schools for the visually impaired in its province. Schools emphasise that it is very difficult for educators to know whether their learners are progressing at the level expected in the district, and more generally if learners cannot participate in common papers.

“You feel bad. You don’t get the performance you expected even if the learners are smart. You feel this pain. You put yourself in the situation of the learner and you feel it. It’s injustice. It’s unfair.”

Anonymous principal, School for Visually Impaired Learners, South Africa

CHALLENGES WITH THE CAPS CURRICULUM

The Department of Arts Culture report notes that schools have for years complained that “curriculum changes further bedeviled supply of braille”.⁸² Though these complaints appear to have been made with regard to Outcomes Based Education, the comments of many staff at schools for the visually impaired during SECTION27’s interviews confirm that the CAPS curriculum suffers from similar practical deficiencies.

Schools have many challenges which are caused or contributed to by an inflexible CAPS curriculum:

- ✚ The curriculum is “too visual”;
- ✚ The curriculum is too long;
- ✚ The curriculum is too “jam-packed” to allow for additional lessons required by visually impaired learners, such as orientation and mobility and braille classes;
- ✚ The pace educators are required to progress through the curriculum is inappropriate for learners with visual impairments;
- ✚ The curriculum delivery is inflexibly monitored by the department; and
- ✚ Overall, the inflexibility of the curriculum and its failure to satisfactorily accommodate blind learners contributes to limited subject choice for learners with visual impairments.

SECTION27’s interviews reveal that the CAPS curriculum is widely described by educators as “too visual” in content, as it contains a lot of diagrams, pictures and in-text references to diagrams and pictures. Indeed, schools observe that CAPS is even more visual than previous curricula and that this affects many subjects including Mathematics, Maths Literacy, Sciences, Business Statistics, Economics, Geography and History. The impression given is that the drafters of the curriculum did not consider or accommodate for the needs

of learners with visual impairments at all.

In addition to the difficulty which blind learners have with the overly visual CAPS curriculum, many schools complain about the inadequate allocation of time to complete the core of the curriculum. Although White Paper 6 acknowledges “the pace of teaching and the time available to complete the curriculum”⁸³ as a barrier to equal curriculum access for learners in special schools, schools report that the CAPS curriculum itself and the various levels of the department, display little sympathy that the education of visually impaired learners may take longer than the time allocated by the curriculum for ordinary schools.

One school noted that it is required to report to the district about progress in covering curriculum every six weeks and that the school is “invariably behind”. The district officials have no sympathy for or understanding of the challenges facing visually impaired schools and therefore place significant pressure on the school to speed up teaching to the detriment of learners.

Furthermore, schools complain that the “jam-packed” CAPS curriculum remains inflexible and fails to reasonably accommodate learners with visual impairments particular learning needs. It therefore allocates no time to specialised, focussed braille classes or orientation and mobility instruction which are crucial for education and development of visually impaired learners. Educators who

are forced to "steal periods" to accommodate these essential lessons are often rebuked by department officials who lack an understanding of the schools' learners' educational needs. This is yet another way in which an inflexible CAPS curriculum and inflexible department officials, lacking the appropriate expertise, impede the ability of learners with visual impairments to access their right to basic education.

Finally, it is very likely that these curriculum-related challenges contribute to the ever-decreasing number of subject choices available to learners at many schools for visually impaired learners. Most schools have, for example, entirely abandoned attempts to offer pure mathematics and physical science – both subjects which are crucial to university entrance for many disciplines and areas in which the South African economy is in definite need of more skilled, qualified persons. The following comments from learners illustrate the impact of restricted subject choices on learners:

"for totally blind learners there are limited subjects to choose. Due to the lack of resources... [learners can't do] accounting, pure maths and tourism because they are blind and there aren't resources to support them."

Kgotso Makhanye, Grade 12 learner,
Bartimea School, FS

"We have only so many subjects you can choose and this is problematic. We don't have hospitality, geometry, history, accounting or dramatic arts. You are sometimes pushed into a corner with your choices."

Lane Wahl, Grade 12 learner, Prinshof
School for the Blind, GP

Even Pioneer School, undoubtedly one of the best and most well-resourced schools for the blind, notes that it will soon be forced to limit the options available to learners to 4 subjects out of which they will have to choose 3. Though the school traditionally has offered maths and science, very few

learners take the subject. This is perhaps because of how difficult those subjects are given the complexity in accessing technical braille notes, braille textbooks and workbooks, as well as the unaccommodating nature of the curriculum. Pioneer also does not presently offer Life Sciences or Business to its learners, because it considers these subjects too difficult to teach visually impaired learners given these challenges. Other, poorer schools, indicate that they would like to offer subjects like maths and science but "are not equipped to do so". Even at Pioneer, a school at which Computer Applications Technology is made available, a Grade 11 learner interviewed says that:

"[I feel] that the entire curriculum only caters for sighted persons."

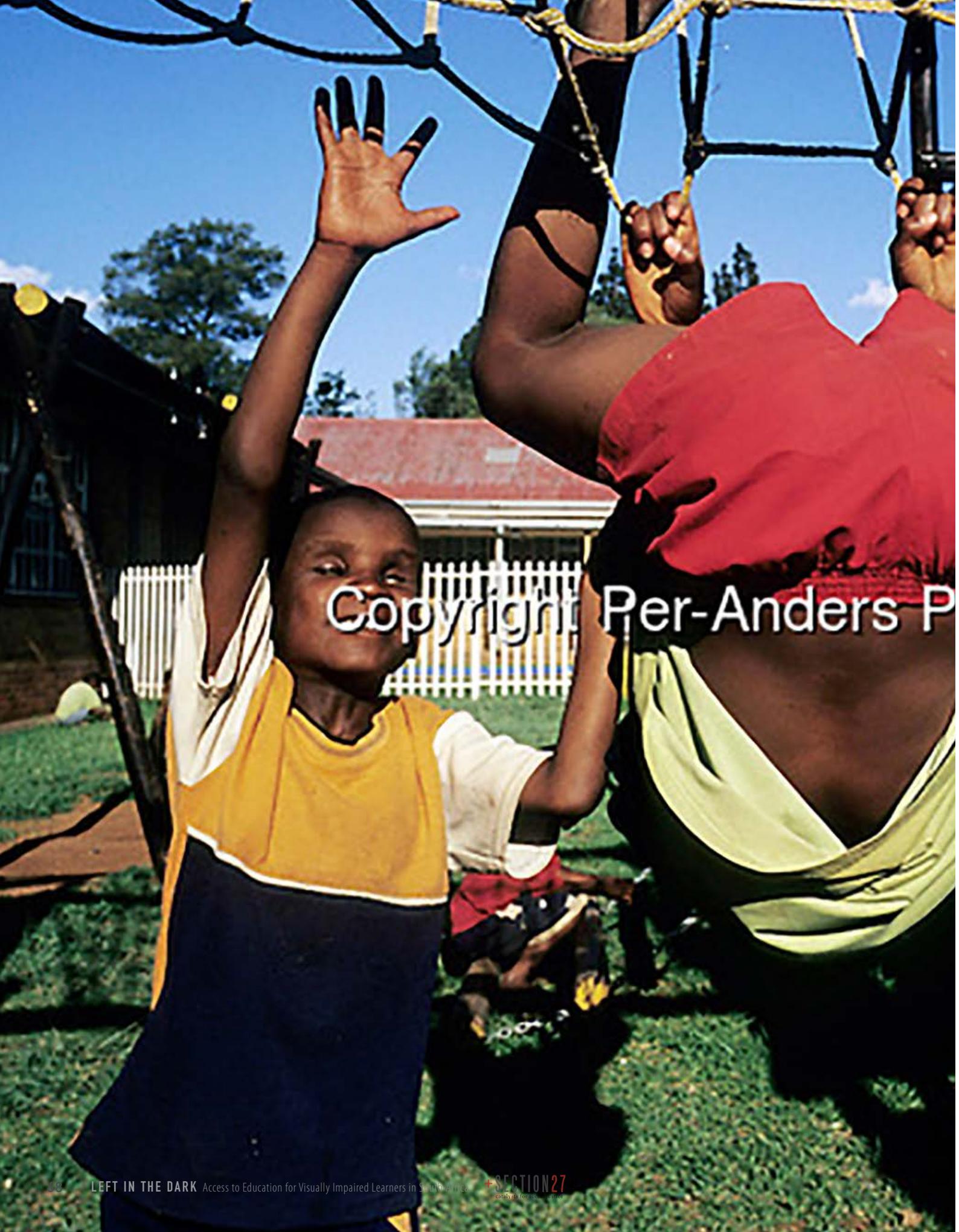
Anonymous learner, Grade 11, Pioneer School, WC

One of the challenges that White Paper 6 explicitly sought to combat, is that "the curriculum and education system as a whole have generally failed to respond to the diverse needs of the learner population, resulting in massive numbers of drop-outs, push-outs, and failures."⁸⁴ "Access to curriculum" was therefore identified as one of the guiding principles of the policy.⁸⁵ To accomplish this White Paper 6 acknowledges that "curriculum transformation" may be needed to establish a "flexible curriculum", which is required to "ensure access to all learners".⁸⁶ These statements echo General Comment 13 of the Committee on Economic, Social and Cultural rights which requires that education is flexible in order to adapt to the differing and changing needs of learners.⁸⁷ They are also confirmed in the DBE Progress Report which, as part of a turnaround strategy for "curriculum delivery" which requires that "teaching and learning activities are differentiated and adapted so that all learners can access the national curriculum".⁸⁸

Unfortunately this commitment appears not to have been sufficiently considered in various curriculum changes and development since the drafting of White Paper 6. This has had a substantial detrimental effect on learners with visual impairments ability to access education.

"[I feel] that the entire curriculum only caters for sighted persons."

Anonymous learner, Grade 11, Pioneer School, WC

A young child with a visual impairment is shown playing on a swing set. The child is wearing a yellow and white t-shirt and dark pants. They are holding onto the swing's chain with one hand and reaching up with the other. A person in a red shirt is pushing the swing. The background shows a residential area with houses and trees.

Copyright Per-Anders P

INFRASTRUCTURE

Schools for visually impaired learners throughout the country face significant infrastructural challenges. Many of them were not initially built for the use of visually impaired learners and are thus difficult to navigate and are a risk to the safety of learners. This is particularly so given the absence of orientation and mobility instructors at school. Though schools report that learners generally “find their way around” because they have to, this does not eliminate the potential dangers that exist at inappropriately built schools that do not cater specifically for the needs of the visually impaired.

At one school, for example, a learner reportedly fell into an open pool and drowned, and three learners died in a fire because they were accidentally locked in their rooms. These tragedies illustrate the particular vulnerability of visually impaired learners to accidents, and the absolute necessity of infrastructure that is tailored specifically to their needs. No school built without these purposes in mind is likely to eliminate all safety risks that visually impaired learners are exposed to.

As has been detailed below, schools in various provinces complain about high electricity bills that they are unable to pay. Some schools, in addition to being constructed for alternate purposes, are inadequately maintained. Still others are above capacity and need additional classrooms built to accommodate even the existing complement of learners. One school in particular at which there are several multi-grade classes notes that it needs 13 additional classrooms to be constructed. A school in a different province expresses deep regret about having to turn learners away because it is at its capacity, despite the fact that it makes use of additional makeshift wooden classrooms.

A learner at Zamokuhle in the Eastern Cape highlights a variety of infrastructural problems at her school including broken windows and doors as a result of storms, insufficient desks, and uncovered cables on electricity plug points which leads learners to fear being electrocuted. Since the windows and doors have not been properly replaced she notes that:

“It is now winter and we are very cold and we end up being sick.”

Siphesile Manqele, Grade 10 learner,
Zamokuhle School, EC

None of the schools mentioned in the above examples are in Limpopo province. The two examples which follow are Limpopo schools, which are two extremely pressing manifestations of a general lack of investment in infrastructure at schools for the visually impaired schools in South Africa. Shockingly, “all provinces except Limpopo” allocate funds for the sub-programme within provincial infrastructure budgets specifically relating to infrastructure for special schools.⁸⁹ The Limpopo Department of Education therefore appears to not have specifically budgeted a single cent for infrastructure at special schools between 2010 and 2017, despite the pressing needs of schools for visually impaired learners detailed below.⁹⁰

Since Rivoni School for the Blind was established, it has used the building of a non-governmental organisation as the site for the school. These buildings are old and dilapidated. To make things worse, some parts of the buildings were burnt down in fire after a stove was left unattended. The buildings currently used as a school are also occasionally vandalised. In 2012, the Limpopo Department of Education promised to build an entirely new school building and renovate the existing buildings while this was taking place. In 2014, a contractor was employed through a tender process to complete 6 weeks of renovation at the school. At the time of writing, the contractor had not presented itself at the school.

As has been widely reported in the media, and acknowledged by the Limpopo Department of Education, at Setotolwane Secondary – a school for visually and hearing

impaired learners – the premises are unsafe for learners. The school has badly broken fences and animals wander onto the premises. One learner reported that “[i]t’s happened before [that] a blind learner has walked alone and then walked into an animal and got hurt”.⁹¹ Another learner has reported that animals are not the only intruders stating that “last term, a robber went into the girls’ hostel with a gun and stole their cellphones”.⁹² Learners report that intruders have also raped female learners.⁹³ Like many other schools, other than these particular circumstances, the school was not initially built for the use of visually impaired learners and is thus generally dangerous for them.

The state of Setotlwane is despite the fact the Limpopo Department of Education has been promising to move the school to another location in Mankweng since 2009, which it has been renovating to accommodate learners with disabilities. As recently as 23 December 2014, media reports suggested that the new location, formerly a mainstream school which has been vacant since 2012,⁹⁴ had descended into ruin as a result of the LDoE’s failure to post any security guards:

“Brand new taps, mirrors, showers and toilets have been destroyed while sections of the roof have also been damaged. In one wash room, water is spraying from a broken faucet onto a light fixture. Water has also collected on the floor.”⁹⁵

Despite reassurances that the learners would be placed at this new location at the start of 2015, this has not materialised. In addition, SECTION27’s interviews at the school reveal that the electrical services are often disconnected, because generators that do not always work provide the school with power. None of the geysers in the hostel work and learners are forced to take cold showers. Many of the windows for the hostel are broken and so learners are constantly exposed to the cold.

The examples described above illustrate that visually

impaired learners are particularly at risk to both intentional and accidental injury. The importance of ensuring the safety and security at schools for the visually impaired cannot be overstated. Despite this, many provincial departments of education refuse to pay for security guards, which forces schools to hire their own through the SGB or external funding. Other schools are simply forced to do without security guards.

Several schools report broken perimeter fences. Interviews with schools revealed stories of rapes of learners, harassment of learners’ and theft of computers that result from the absence of secure perimeters.

Furthermore, secure perimeters serve the purpose both of keeping undesirable elements out of the school and keeping learners inside. Even more so than sighted learners, visually impaired learners are particularly vulnerable if they leave the premises. At one school, teachers reported that unsecured perimeters assisted learners in bringing alcohol onto the school property.

These concerns about safety and security are even more pressing given inadequate orientation and mobility instruction available to learners at most schools.

Generally, “the greater need of children with disabilities should be reflected in larger-than-average allocations” of provincial education budgets for infrastructure.⁹⁶ Research reveals that provinces generally allocate “relatively small proportions to special school infrastructure” in comparison to total education infrastructure spend research further reveals that 7 provinces decreased the percentage of education infrastructure budget spent on special schools between the 2014/15 and 2015/16 financial years. For example, in the Eastern Cape, the percentage spent on special schools infrastructure decreased from 23% to 12% percent during this period and in the North West it decreased from 12% to 5%. Only Gauteng increased the percentage spent on special schools infrastructure during this period from 30% to 31%.⁹⁷

Minimum Uniform Norms and Standards for School Infrastructure

The Minimum Uniform Norms and Standards for School Infrastructure published in 2013 define “Universal Design” as the “design of products, environments, programmes and services to be usable by all people, to address the diversity of learners and teachers with functional limitations”.⁹⁸ The Norms and Standards then continue to require “all schools” to comply with the standards of universal design and that this requirement “will apply to all buildings, access

ways, indoor and outdoor facilities as well as signage, communication and other services in new schools and to additions, alterations and improvements to existing schools”.⁹⁹ This requirement is further specified in the context of special needs schools, with the Norms and Standards requiring that:

“[S]chools for learners with special education needs must comply with the requirements related to the

nature of the specialised support programme offered at the school, and the level of support required at that particular school.”¹⁰⁰

Finally, after detailing some of the aspects of universal design that will be required in the context of special needs schools the norms acknowledge the particular needs of visually impaired learners and educators to, amongst other things, “tactile signage”.¹⁰¹ There are of course many other examples of particular infrastructural needs of visually impaired learners including:

- ✚ The design, layout and size of corridors, passages, classrooms and hostel spaces;
- ✚ The need for constant access to electricity to ensure the effectiveness of electronic assistive devices;
- ✚ The need for enhanced lighting for low-sighted learners;
- ✚ The particular danger of potholes in walkways and classrooms to visually impaired learners particularly in the absence of orientation and mobility practitioners; and
- ✚ The importance of a consistent physical environment which does not change frequently, in order to make orientation and movement easier for blind learners.

Therefore, although the Norms and Standards treatment and understanding of the unique functional needs of learners with disabilities in general and visually impaired learners in particular is laudable, it is deeply regrettable that the timeframes included with the Norms and Standards for completion of these processes are not the equivalent of “prioritised” infrastructural improvements such as the eradication of mud schools, the provision availability of classrooms, electricity, water, sanitation, electronic connectivity, perimeter security and even the building of libraries and laboratories.¹⁰²

The net result is that whilst the vital, prioritised aspects of school infrastructure at all schools, including special schools, are required to be completed in 3 years (by 2016), 7 years (by 2020) and 10 years (by 2023) respectively, compliance with universal design requirements at special schools is only required to be completed within 17 years (by 31 December 2030).¹⁰³ SECTION27 submits that given the particular vulnerability of learners with disability and the need for

compliance with school and disability specific universal design requirements, this de-prioritisation is regrettable and an unconstitutional violation of learners with disabilities right to access to equal education facilities. More generally, for constitutional compliance, the Norms and Standards must be rational in conception and implementation.¹⁰⁴ SECTION27 submits that with regard to universal design the Norms and Standards unfortunately fail to meet this minimum standard for legality. They therefore fail to adequately cater for the urgent education needs of learners with disabilities.

This failure is because the Norms and Standards, while requiring various infrastructural improvements to take place at all schools including those with learners with disabilities, simultaneously – and significantly – delay the improvements which are required for particular compliance with principles of universal design. Ultimately this may even result in wasteful expenditure in providing infrastructural improvements to schools – most worryingly but not exclusively special schools. This is because improvements made at schools catering for learners with disabilities may, while complying with the Norms and Standards, not suit their particular needs in the first decade of the implementation of the policy. These improvements could therefore be made by the departments of education in good faith, only to potentially discover in the second decade of the norms implementation that some of these improvements are not compliant with the requirements of universal design and therefore have to be replaced, removed and improved themselves.

For example, in accordance with this interpretation of the Norms and Standards, the Department of Basic Education could be required build toilets in special schools such as schools for visually impaired learners by 2016, but would only be required to make them accessible for visually impaired learners by 2030. SECTION27 therefore submits that the Norms and Standards should therefore be revised to ensure their rationality and compliance with requirements of the constitutionally entrenched rights to education and equality of learners with disabilities.

Other, poorer schools, indicate that they would like to offer subjects like maths and science but “are not equipped to do so”.

SCHOOLS' RELATIONSHIPS WITH THE PROVINCIAL AND NATIONAL DEPARTMENTS OF EDUCATION

Many of the 22 schools for the visually impaired report having frequent contact with the provincial and national departments of education. For example, one high-achieving school reports receiving visitors from the department on a "weekly basis". The principal at another school, which received considerable support from its provincial department of education, accredits much of the schools' success to the responsiveness of the department:

"[No] school for children with disabilities could possibly survive and operate efficiently without the continuous support of the department."

Principal, School for Learners with Visual Impairments, South Africa

Unfortunately, although the general trend appears to be that schools for the visually impaired are in contact with provincial departments of education on a regular basis, many schools express frustration with the lack of responsiveness from provincial departments and the general lack of expertise of department officials on issues relating to education of visually impaired learners. One principal captured the sentiment of many schools very well, stating that
"the Department hears our cries but do not know how to assist us". A deputy principal at another school notes that:

"It is discouraging for educators that there is no expertise in the department [of basic education]."

Principal, School for Learners with Visual Impairments, South Africa

When asked to give illustrations of the lack of expertise of department officials, many schools indicated that departments would simply tell them "you are the experts" when they approached the department for advice. A deputy principal at a school for both the visually and hearing impaired conveyed to us that a department official who had been coming to the school for many years recently asked "how are the blind learners getting on with their sign language?" An educator at a school in a different province recalled that in 2014, a department official who had been interacting with the school and visually impaired learners for four years earnestly asked "how can a blind learner use computers?"

SECTION27 has also experienced a significant lack of expertise within the Department of Education with regard to the needs of visually impaired learners. For example, in 2014, during a meeting with the official in the DBE

“The department is mostly in the dark. too much is left up to schools”.

Anonymous principal, School for Visually Impaired Learners, South Africa

responsible for special needs education about orientation and mobility at schools for the visually impaired, the official advised us that he did not know what orientation and mobility involves. Once it was explained to him, he indicated that he was in full agreement that posts for orientation and mobility practitioners should be created at all schools for the blind.

In late 2014, it was brought to SECTION27’s attention that the Eastern Cape Department of Education’s (ECDOE) attempt to organise braille literacy training for its educators at schools for the visually impaired, was significantly compromised by the lack of expertise on the part of department officials about braille. It appears that the ECDOE hired a service provider to conduct braille training workshop for educators from all three schools for the visually impaired in the Eastern Cape in October 2014 in Port Elizabeth. Educators report that upon arrival at the workshop, “it became clear very quickly that the [service provider’s representatives] did not know anything about braille”. Although their slideshows indicated they understood that they were hired to teach braille, they merely intended to give a general workshop on teaching English. No braille material for blind educators was brought to the workshop at all.

An educator from a school for the visually impaired notes that the ECDOE officials who they contacted to raise a complaint about this was equally surprised by the service provider’s lack of knowledge about braille. Wasting two days of the week set aside, the provider was reportedly paid R450 000 by the ECDOE for this training. Commenting on how it could have happened that the ECDOE hire a service provider with no knowledge of braille to conduct the training, one educator remarked that as a result of the lack of knowledge about braille in the department, it is very possible that ECDOE officials were “deceived” because:

“Even you yourself could convince them [that you could read and teach braille].”

Anonymous educator, School for Visually Impaired Learners, EC

A similar problem arose last year in Mpumalanga, where we were informed that until late 2014, no department members were braille literate. The only school for the visually impaired in Mpumalanga, Silindokuhle Special School, was informed

that braille training for educators was supposed to be provided through a tender process. On a Friday morning, late in 2014, some educators at the school were contacted about a braille training session for department officials, which educators could attend, happening later that same day in Nelspruit at the provincial department of education. Given the short notice, educators teaching responsibilities and the distance to Nelspruit, none of the educators at Silindokuhle could avail themselves for this training.

Tellingly, as has been detailed above, at the Braille Authority of South Africa AGM in Worcester in May 2015, it became apparent that Mr Mkhuleni Makhathala, Deputy Chief Education Specialist: Inclusive Education who is tasked with overseeing the provincial roll out of braille training for educators, knew little or nothing of these two instances. Little is known about the reasons for these major failures and serious and thorough investigations are required. The severe lack of expertise about education for learners with visual impairments and a lack of accountability mechanisms within the DBE’s inclusive education directorate contribute to the potential for this kind of calamitous wasteful expenditure of money and of educators’ time, particularly given the desperate need for consistent, comprehensive, high quality braille training for educators.

The problem of a lack of adequately informed department officials with the requisite expertise is exacerbated by the large number of vacancies within provincial and district departments’ inclusive education sections. The DBE Progress Report reveals that, in six provinces alone, there are at least a 231 such vacancies. The report concludes that this problem must “be addressed through rigorous budgeting and filling of posts as a critical priority”.¹⁰⁵

Ultimately, the frustration that exists within schools about the lack of expertise and capacity within and the responsiveness from many of the department officials can best be summed up by the statement of an educator who indicated that the impression he gets is that the schools complaints “are thrown in the dustbin”. A principal from another province concluded:

“The department is mostly in the dark. too much is left up to schools”.

Anonymous principal, School for Visually Impaired Learners, South Africa



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CONCLUSION: CONSTITUTIONAL VIOLATIONS OF LEARNERS RIGHTS IN SCHOOLS FOR THE VISUALLY IMPAIRED

The primary purpose of this report is to investigate the conditions faced by learners with visual impairments at the 22 special schools in South Africa, and evaluate these conditions against the standards set by rights in the South African Constitution. These rights have been interpreted by Parliament and the national and provincial departments of education through existing legislation and policy. Read with the constitutional rights and structural requirements, these legislative enactments and executive determined policies set the standards that the government is compelled to achieve in special schools for visually impaired learners.

This report therefore refers to constitutional violations and conflicts with departmental policies and legislative enactments throughout. In concluding this report, it is necessary to detail and assess the obligations placed on

various state actors in the realisation of the rights of visually impaired children. It will also be useful to, one and half decades after its publication, assess the implementation of White Paper 6 in light of the requirements of the Constitution.

The Right to Basic Education

The Constitution entrenches the right of learners to basic education. This right, which has been described as "unqualified" and "immediately realisable"¹⁰⁶ by the Constitutional Court, places an obligation on the state to take all possible positive steps to ensure that "everyone" has "equal enjoyment and benefit"¹⁰⁷ of the right to basic education. The constitutional obligation to respect, protect, promote and fulfil¹⁰⁸ the right to basic education is even more pronounced when it comes to children living with disabilities who, for equal enjoyment of their right to education, will often require specialised teachers, equipment, materials, curricula and even entire "special schools". The government's obligation to provide for special schools for severely disabled learners in terms of the right to basic education has been acknowledged by the High Court.¹⁰⁹ As has been recorded throughout this report, the government's specific obligations to learners with disabilities are further detailed by Article 24 of the United Nation Convention on the Rights of Persons with Disabilities.

Acknowledging the need to tackle education for learners with disabilities through specific and tailored policy, and in fulfilment of its constitutional obligations, in 2001, the DBE published Education White Paper 6, titled "Special needs education, building an inclusive education and training system" ("White Paper 6").¹¹⁰ It stands alone as the

Department of Basic Education's single comprehensive policy which is specifically aimed at giving effect to the rights of learners with disabilities in special schools. It is therefore crucial that it is not misunderstood as a policy which is only about the "mainstreaming" of learners with disabilities in ordinary schools. The policy itself clarifies that "special schools will be strengthened" and "vastly improved", not abolished.¹¹¹

"I am disadvantaged. Since I came here at school there has been no change."

Philani Nduli Grade 12 learner, Chairperson of the Learners Representative Council, Arthur Blaxall School for the Blind, KZN

Special schools were intended to evolve into "resource centres" for "full-service" and other mainstream schools that would then be able to accommodate learners with disabilities with this crucial support base. The improvement of special schools is therefore, according to White Paper 6, a necessary and vital pre-condition for the mainstreaming of learners commonly understood to be the core purpose of inclusive education policies. The problems at schools for the visually impaired across the country should be understood in this context.

The Right to Equality

The Constitution entrenches the "achievement of equality" as a founding value and "full and equal enjoyment of all rights and freedoms" as constitutional right. Section 9 of the Constitution explicitly prohibits unfair discrimination based on disability, and requires the proactive adoption of "legislative and other measures" to protect and advance categories of people disadvantaged by unfair discrimination.¹¹² The achievement of substantive equality is both urgent and at the core of the Constitution's project of social and economic transformation. The Constitutional Court has emphasised the importance of the proactive pursuit of equality, noting that "equality delayed is equality denied".¹¹³

In the context of disability, the Constitution's commitment to equality is consolidated by the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA)¹¹⁴ and the Convention on the Rights of Persons with Disabilities.¹¹⁵ Section 9(c) of PEPUDA specifies that the prohibition against discrimination on the ground of

disability extends to both a failure to "eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities" and a failure to "take steps to reasonably accommodate [their] needs".¹¹⁶

In South Africa, discrimination against people with disabilities also has a racial element. White Paper 6 acknowledges that "[s]pecial needs education is a sector where the ravages of apartheid remain most evident."¹¹⁷ During apartheid, there was "very limited provision [of education] for black learners with 'special needs'".¹¹⁸ According to the 2011 Census, 89% of children between the ages of 6 and 15 with disabilities are black – a total of 412 885 out of 465 521. Only 0.02% – a mere 10 033 – of children with disabilities in same age group are white.¹¹⁹ The vast majority of children with disabilities are therefore doubly disadvantaged due to social discrimination based on both race and disability.¹²⁰ Schools which formerly catered for only white learners therefore remain almost invariably significantly better resourced.

SECTION27's site visits to schools bear out this reality. The mostly poorly resourced schools, which cater for the majority of visually impaired learners are staffed almost exclusively by black educators and support staff and cater largely for black learners alone. Though many of these schools are located in deeply rural areas across the

country, some schools that suffer from the same degree of challenges are in urban regions. This state of affairs is confirmed by the DBE Progress Report which condemns the fact that "over 12 years the situation has changed very little in terms of achieving equity and redress" for black and rural children with disabilities.¹²¹

White Paper 6: Inclusive Education

Though a full analysis of White Paper 6 is beyond the scope of this report, SECTION27 makes the following observations with the aim of assisting in determining how best the issues raised by this report can be combated. These comments attempt to build on the useful and frank analysis provided in the recent DBE Progress Report on the implementation of White Paper 6—

+ Misapplication of the Constitution: The Department of Women, Children and People with Disabilities (as it then was named),¹²² and a background paper for the Presidency's twenty year review on disability in South Africa¹²³ both correctly observed that the Department of Basic Education have erred in implementing White Paper 6 incrementally and not immediately:

"...the incremental implementation of White Paper 6 over 20 years is not consistent with section 29 of the Constitution of the Republic of South Africa, which requires the state to implement measures and make budgetary allocations so that the right to education is a matter of priority and, as such, requires urgent revision."¹²⁴

The result is that the implementation has been "too gradual and the time frame too extended to make a significant impact".¹²⁵

+ The legal status of White Paper 6: The High Court has acknowledged the limited legal weight of White Paper 6, which it described as "merely a document issued by the Department of Education", which falls outside of the Constitution's definition of "a law of a general application" capable of limiting constitutionally entrenched rights.¹²⁶

Though the National Education Policy Act,¹²⁷ the South African Schools Act¹²⁸ and a litter of other DBE policies refer to and regulate the rights of learners with disabilities, there is a singular lack of a legally binding, guiding piece of legislation or policy which governs education for learners with disabilities. Given the unique issues and challenges faced in educating learners with disabilities, it is arguable that the fulfilment of the state's constitutional obligations in terms of the rights to basic education and equality, may, as the Constitutional Court

held in Grootboom, "require framework legislation at national levels".¹²⁹

+ Ambiguity of White Paper 6: In addition to its uncertain legal status, White Paper 6 is riddled with ambiguity about both its aims and the practical steps that ought to be taken to achieve them. This ambiguity has resulted in "inaction by the stakeholders involved".¹³⁰ The DBE Progress Report recently acknowledged "incoherent conception and understanding" of White Paper 6 "at all levels of the system".¹³¹

Our site visits confirm reports that experts in provincial departments of education, special school principals and educators differ from person to person in "perception about the scope of implementation of inclusive education" and in particular what shift in approach, if any, is required by White Paper 6.¹³² Schools report that the failure of White Paper 6 to provide clear guidance to DBE officials is exacerbated by the lack of expertise within the national and provincial departments of educations' inclusive education sections.

+ Funding for the implementation of White Paper 6: Poor planning, budgeting and funding for the implementation of White Paper 6 "is an important reason for the delay and non-implementation of policies".¹³³ The impact of White Paper 6 has also been "seriously compromised" by the misspending of "more than 50%" of 250 million dollars allocated to provincial departments by Treasury between 2008-2012 "to raise standards of infrastructure and curriculum delivery and improve quality teaching and training".¹³⁴

A report commissioned by SECTION27 entitled "Budgeting for Realising the Right to Basic Education for Children with Disabilities in South Africa" which is attached marked Annexure C comprehensively analyses budget related problems which impact on learners with disabilities' rights.

+ Failure to conduct mobilisation and awareness campaigns envisioned by White Paper 6: White



Paper 6 describes the mobilisation of out of school learners as a “key strategy” in its implementation.¹³⁵ It therefore mandates “a national information, advocacy and mobilisation campaign” as a “central feature” of the inclusive education and training system,¹³⁶ and an immediate short term step to be taken to implement the policy.¹³⁷ This campaign is envisioned to target parents and communities, and raise general public awareness about disability in order to: “uncover negative stereotypes”, garner support for the policy and inform various stakeholders (including government officials) of their rights, responsibilities and obligations in terms of it.¹³⁸

Despite this clear and laudable commitment to an information and advocacy campaign, research suggests that this campaign, which is “arguably the most important facet” of the policy, may not ever have occurred at a provincial level in any “formalised or uniform” way.¹³⁹ The process of “debunking myths” about children with disabilities has therefore not had its intended effect, even with regard to staff within the Department of Education itself.¹⁴⁰ A 2007 IDASA report which involved a survey of experts within inclusive education directorates of all provincial departments of education notes:

“At provincial education level, we found little evidence of well-directed and active advocacy and information campaigns aimed at winning the hearts and minds of all provincial education staff”.

The failings of content and implementation of White Paper 6 and their impact on visually impaired learners’ access to education are animated throughout this report. The report reveals that education for learners with visual impairments is in a state of crisis and that there has been limited systemic, programmatic action taken by the DBE since the publication of White Paper 6 to ensure that the poor state of education for learners with disabilities is reversed. An educator at a rural school, who has been teaching at the school for the visually impaired for 30 years, sums up his impression of the current state of affairs:

“According to me the quality of education at the school has deteriorated since the transition to democracy. Education policy does not accommodate special needs education.”

Anonymous educator, School for Visually Impaired Learners, South Africa

When asked directly about White Paper 6 and the departments’ implementation of it, a principal at another school for the visually impaired said that he has concluded that:

“I do not think the department wants special schools to continue existing.”

Anonymous principal, School for Visually Impaired Learners, South Africa

Cooperative Governance

Chapter 3 of the Constitution lays out principles which are “designed to promote coordination, rather than competition, between various tiers of government”.¹⁴¹ Though the Constitution therefore designates different powers and functions to the national, provincial and local spheres of government it emphasises their “obligation to cooperate with one another in carrying out their constitutional tasks”.¹⁴² The Constitutional Court has held that “co-operative government is foundational to our constitutional endeavour”.¹⁴³

In addition, and importantly in the context of the right to basic education, the Court has confirmed that it is part of the state’s obligation in the fulfilment of its duties to realise socio-economic rights to “clearly allocate responsibilities and tasks to the different spheres of government”¹⁴⁴ and that a comprehensive plan is “one determined by all three spheres of government in consultation”.¹⁴⁵

As has emerged from this report, although the DBE

has made some “requests” of provincial departments of education pertaining to the education of learners with visual impairments, there is no coherent, comprehensive, coordinated policy, strategy or plan to improve the quality of education for visually impaired learners and indeed learners with disabilities more generally. Although the DBE and provincial departments do at times coordinate their efforts, the collective failure to do so effectively compromises the right to education of learners with disabilities. Ultimately, however, it is DBE’s obligation ensure that “laws, policies, programmes and strategies are adequate” to meet the state’s obligations in terms of section 29 of the Constitution.¹⁴⁶ Furthermore, the general lack of expertise within local, provincial and national departments of education with regard to the education of learners with visual impairments further exacerbates the harm done by this lack of effective coordination.

ENDNOTES AND ANNEXURES

ENDNOTES

1 Taken from a video produced by the South African Mobility for the Blind Trust accessible at <https://www.youtube.com/watch?t=23&v=9LuLXQtcPoM>.

2 DBE Progress Report (May 2015) at p 37-8.

3 Government of the Republic of South Africa and Others v Grootboom and Others (CCT11/00) [2000] ZACC 19; 2001 (1) SA 46; 2000 (11) BCLR 1169 (4 October 2000) at para 44.

4 Constitution, s 29.

5 All interviews were conducted by SECTION27 researchers. The necessary permission of various provincial departments of education was acquired upon the request of schools.

6 DBE Progress Report (May 2015) at 19. Figures provided by the report are for 2012 and therefore are likely to underestimate the number of visually impaired learners in mainstream schools.

7 Donohue D & Borman J, "The challenges of realising inclusive education in South Africa" *South African Journal of Education*; 2014; 34(2) at 3 (citations omitted).

8 DBE Progress Report (May 2015) at p 6-7.

9 Human Rights Watch, "Complicit in Exclusion": South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities, August 2015 at p 2-3.

10 DBE Progress Report (May 2015) at p 20-21.

11 DBE Progress Report (May 2015) at p12-17. The unreliability of these estimates makes it difficult to reach a particular conclusion on the numbers produced which could be accurate, undercounts or overcounts.

12 UNICEF, "Children with Disabilities in South Africa: a Situational Analysis" 2001-2011 at 10-11 notes that these statistics may significantly underestimate the number of children with disabilities in South Africa. The General Household Survey of 2009, for example classified nearly 2.1 million children as "disabled Wildeman and Nondo "Implementation of Inclusive Education: How Far are we?" (2007) at 23, 30-1.

13 Id, UNICEF, at 10-11. This estimate is fairly reliable as it matches similar estimates of 429472 (GHS 2013) and 465521 (Stats SA Census 2011).

14 Id.

15 DBE Press Statement "Education Department makes great strides towards addressing the plight of disabled learners" (18 August 2015).

16 Id.

17 The definition of "severe sight disability" is, however, unclear, making it difficult to draw specific conclusions on the number of out of school learners with visual impairments, though the number may be considerable.

18 DBE Progress Report (May 2015) at p 12. Although these statistics are questions given that in 2013 there were 2495 partially sighted and 1307 blind learners in the same 22 schools. See: Department of Basic Education "Inclusive Education: progress report; DBE on its 1st Quarter 2014 performance", September 2014 accessible at <https://pmg.org.za/committee-meeting/17501/>. The Progress Report itself acknowledges "some serious concerns on the accuracy of the data."

19 In Mpumalanga, Northern Cape and the North West for example there is only a single school for visually impaired learners. In Mpumalanga, Silindokuhle Special School caters for

only primary school learners requiring all learners to move to neighbouring provinces for high school. Many learners travel far distances to school and parents have no option but to send children to stay in hostels and therefore see them seldom during the school year.

20 Department of Arts and Culture, "Investigation into national Braille production needs and related Braille policy matters in South Africa" at p 18. Despite repeated attempts to access a final version of this report, the Departments of Arts and Culture has repeatedly denied SECTION27 access to it since 2012 when it was, according to contributing authors, completed. Copy cited throughout available on file with SECTION27.

21 See for example the speech launching the campaign which does not make any reference to learners with disabilities:

"Speech delivered by the MEC for Education Ms Nelia Peggy Nkonyeni on the occasion of for the 2015 Learner Admissions Campaign held at Linpark High School, Pietermaritzburg" available at <http://www.kzneducation.gov.za/Portals/0/speeches/2014/Learner%20Admission%20Launch%20Speech%20Version%202.pdf>.

22 Wildeman and Nondo at 30-31.

23 Id.

24 Although it is hoped that the Department of Basic Education's recently published "Policy on Screening, Identification, Assessment and Support" will improve on this situation, its effectiveness in implementation cannot yet be assessed.

25 Department of Basic Education "Inclusive Education: progress report; DBE on its 1st Quarter 2014 performance", September 2014 accessible at <https://pmg.org.za/committee-meeting/17501/>.

26 DBE Progress Report (May 2015) at p 6-7.

27 Id at p 46 noting that "there is however little proof of the quality of education that is being bought with this funding"

28 DBE Progress Report (May 2015) at p45.

29 White Paper 6 details this conditional grant as a: "New conditional grant funding from the national government is proposed for non-personnel funding for the first five years. In particular, such funding will be used for two purposes. Firstly, it will be used in both special and full-service schools to provide the necessary facilities and other material resources needed to increase access for those currently excluded. Secondly, it will be used to provide some of the non-educational resources that will be required to ensure access to the curriculum, such as medication, devices such as wheelchairs, crutches, hearing aids, guide dogs, interpreters and voice-activated computers, and social workers."

30 It is possible that this is what the DBE Progress Report details on Table 45, p 46-47. These appear to be small amounts of money of which most provinces spend an even smaller percentage. The report itself describes some of the allocated amounts as "totally insufficient".

31 City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another (CC) [2011] ZACC 33; 2012 (2) BCLR 150 (CC); 2012 (2) SA 104 (CC) (1 December 2011) at para 56-75, Grootboom at para 66-69; Basic Education For All and Others v Minister of Basic Education and

Others (23949/14) [2014] ZAGPPHC 251; 2014 (4) SA 274 (GP); [2014] 3 All SA 56 (GP); 2014 (9) BCLR 1039 (GP) (5 May 2014) at para 43 ("the state must manifestly budget for basic education as well as for all the other resources which the state provides").

32 Budgeting for Rights Report at 3.

33 Wildeman and Nondo.

34 Budlender at p 38 concludes:

"There are several indications that some of the special schools budget is used for purposes other than schooling for children with disabilities. For example, the budget is used for schooling in some categories of child and youth care centres as well as for home schooling. This means that the size of the allocations for schooling for children with disabilities is even less than appears in the budget votes."

35 Department of Women, Children & People with Disabilities, Baseline Country Report below n 52 at para 227-8.

36 Id.

37 Constitution, s 41(1)(h)(iv).

38 Department of Arts and Culture at p 14.

39 Donohue D & Borman J at p 5.

40 Twenty Year Review: South Africa 1994-2014, Background Paper: Disability at p 10,12; White Paper 6 at 5,14,21.

41 White Paper 6 at 5.

42 Human Rights Watch, "Complicit in Exclusion": South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities, August 2015 at p 2-3 and 17-21.

43 International Covenant on Economic Social and Cultural Rights, Article 13(2).

44 See Committee on Economic Social and Cultural Rights, General Comment No. 13: The Right to Education (Art. 13) at para 6.

45 DBE Progress Report (May 2015) at p 6-7.

46 White Paper 6 at p 40 explicitly mentions social workers and interpreters as what appear to be examples (the wording "such as" suggests this) of what the grant would cover:

"Secondly, it will be used to provide some of the non-educational resources that will be required to ensure access to the curriculum, such as medication, devices such as wheelchairs, crutches, hearing aids, guide dogs, interpreters and voice-activated computers, and social workers."

47 Taken from a video produced by the South African Mobility for the Blind Trust accessible at <https://www.youtube.com/watch?t=23&v=9LuLXQtcPoM>.

48 Id.

49 Id.

50 Id.

51 Id.

52 De Vos N.O and Others v Minister of Justice And Constitutional Development and Others (CCT 150/14) [2015] ZACC 21 (26 June 2015) at para 29, footnote 35.

53 The Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106), December 2006 available at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>, Article 24(3)(a).

54 De Vos N.O and Others v Minister of Justice And Constitutional Development and Others (CCT 150/14) [2015] ZACC 21 (26 June 2015) at para 29-31, 58.

55 SECTION27 is a member of the Orientation and Mobility Action Group.

56 Id.

57 The pressing nature of the lack of competent house mothers is emphasised by the DBE Progress Report which acknowledges the "extremely poor conditions in many special school hostels" and high rates of child abuse in hostels. DBE Progress Report (May 2015) at p 51.

58 DBE Progress Report (May 2015) at p 45, Table 43.

59 Although information obtained from interviews is incomplete, (information was not made available to SECTION27 about these positions by numerous schools) at least 13 schools reported not employing social workers and 12 schools reported not having occupational therapists.

60 DBE Progress Report (May 2015) at p 36.

61 DBE Progress Report (May 2015) at p 37-8.

62 White Paper 6 at p 7,18.

63 Department of Basic Education, " Strategic Planning Framework for Teacher Education and Development in South Africa 2011-2025: Technical Report", accessible at <http://www.education.gov.za/LinkClick.aspx?fileticket=ZF%2F6rDGMIFM%3D&tabid=358&mid=2316,p11>.

64 Department of Arts and Culture, p 18.

65 Id at p 80, 77.

66 UNCRPD, Article 24(4).

67 Id.

68 DBE Progress Report (May 2015) at p 62-67.

69 Department of Arts and Culture Report, 18-20.

70 UNCRPD, Article 24(3)(a).

71 See Section 27 and Others v Minister of Education and Another (24565/2012) [2012] ZAGPPHC 114; [2012] 3 All SA 579 (GNP); 2013 (2) BCLR 237 (GNP); 2013 (2) SA 40 (GNP) (17 May 2012); Basic Education For All and Others v Minister of Basic Education and Others (23949/14) [2014] ZAGPPHC 251; 2014 (4) SA 274 (GP); [2014] 3 All SA 56 (GP); 2014 (9) BCLR 1039 (GP) (5 May 2014).

72 See Annexure D. Comments as per notes of Timothy Fish Hodgson (Legal Researcher, SECTION27) of Mr Allan Subban's comments at the South African Braille Authority AGM held in Worcester on 29 May 2015.

73 DBE Progress Report (May 2015) at p 34-35.

74 Pioneer Printers itself notes that it has only ever sold books to schools in four provinces in 2014: the Western Cape, Eastern Cape, North West Province and Mpumalanga. These were paid for and ordered by provincial departments of education. In email correspondence with Schalk Hugo of Pioneer Printers, on books in other national languages:

"We are in the process of appointing a Xhosa braille proofreader to be able to produce books in Xhosa and Zulu as well, because Athlone School in the Western Cape has Xhosa speaking learners. I requested support from WCED and DBE to expand our capacity in these languages as well, but did not receive any response. In 2013 I also applied for funding at the Lottery regarding a Xhosa braille production team, but the application is still in assessment. We circulated the African Language CAPS list to all 22 schools and to all PED LTSI coordinators to indicate which African Language CAPS books they want so that I can work out a strategy which African Language CAPS books we can start producing. I only received feedback from Pioneer School and WCED."

75 See Annexure D.

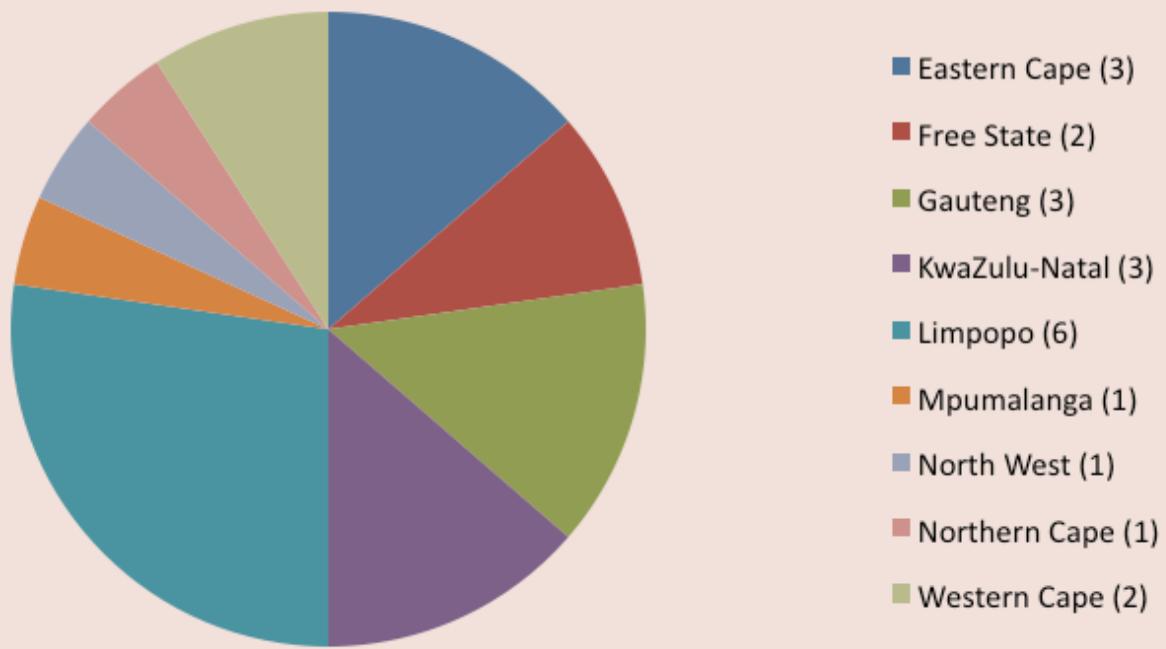
76 Information obtained from the Department of Basic

- Education official website, available at <http://www.education.gov.za/Curriculum/Workbooks/tabid/574/Default.aspx>.
- 77 DBE Progress Report (May 2015) at p 34-35.
- 78 Minister of Basic Education, Angie Motshekga (April 2015) available at <http://www.education.gov.za/Newsroom/Speeches/tabid/298/ctl/Details/mid/1749/ItemID/3257/Default.aspx>. These comments were also repeated in the Minister's Budget vote media briefing <http://www.gov.za/speeches/minister-angie-motshekga-media-briefing-education-budget-vote-201516-6-may-2015-0000>.
- 79 DBE Progress Report (May 2015) at p 34-35.
- 80 See Annexure D.
- 81 DBE Progress Report (May 2015) at p 34-35.
- 82 Department of Arts and Culture, at p 19.
- 83 White Paper 6 at p 19.
- 84 White Paper 6 at p 5.
- 85 Id.
- 86 Id at p 6.
- 87 General Comment 13, at para 6.
- 88 DBE Progress Report (May 2015) at p 34-35.
- 89 Budlender at p 29.
- 90 Id at 30.
- 91 V John, "Disabled pupils' hostel of horror" available at <http://mg.co.za/article/2013-08-30-disabled-pupils-hostel-of-horror>.
- 92 Id
- 93 Id.
- 94 D Hawker, "Brand new special-needs school descends into ruin" available at <http://www.enca.com/south-africa/brand-new-special-needs-school-descends-ruin>.
- 95 Id.
- 96 Budlender at 29-30.
- 97 Id.
- 98 Regulations Relating To Minimum Uniform Norms and Standards for Public School Infrastructure, Government Notice R920 in Government Gazette 37081 of 29 November 2013, s 1.
- 99 Id at s 6, emphasis added.
- 100 Id at s 6(3)(a)
- 101 Id at s 6(3)(b)(vi).
- 102 Id sections 4(3)(a)-(d) read with s 4(b).
- 103 Id.
- 104 Pharmaceutical Manufacturers Association of South Africa and Another: *In re Ex Parte President of the Republic of South Africa and Others* (CCT31/99) [2000] ZACC 1; 2000 (2) SA 674; 2000 (3) BCLR 241 (25 February 2000) at para 85-90.
- 105 DBE Progress Report (May 2015) at p 44-45.
- 106 Juma Masjid Primary School and Others v Ahmed Essay N.O. and Others CCT 29/10 [2011] ZACC 13 at para 37; KwaZulu-Natal Joint Liaison Committee v MEC Department of Education, KwaZulu-Natal and Others (CCT 60/12) [2013] ZACC 10; 2013 (6) BCLR 615 (CC); 2013 (4) SA 262 (CC) (25 April 2013) at para 38.
- 107 Constitution, s 9.
- 108 Constitution, s 7(2).
- 109 Western Cape Forum for intellectual Disability v Government of the Republic of South Africa and Another (2011 (5) SA 87 (WCC)) [2010] ZAWCHC 544; 18678/2007 (11 November 2010).
- 110 Department of Basic Education, "Education White Paper: Special Needs Education" available at <http://www.education.gov.za/LinkClick.aspx?fileticket=gVFccZLi/tl=...>.
- 111 White Paper 6, introduction of Minister Kader Asmal and 20-1; Western Cape Forum for intellectual Disability.
- 112 Constitution, s 9(2)-(3).
- 113 Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Tourism and Others (CCT 27/03) [2004] ZACC 15; 2004 (4) SA 490 (CC); 2004 (7) BCLR 687 (CC) (12 March 2004) at para 74.
- 114 Act 4 of 2000.
- 115 Article 24.
- 116 PEPUDA, s 9(c).
- 117 White Paper 6, Introduction of Minister Kader Asmal.
- 118 Howell, C *Disabled Students and Higher Education in South Africa* at p 165 in Watermeyer et al "Disability and Social Change: A South African Agenda" available at <http://www.hsrcpress.ac.za/product.php?productid=2151&js=n&freedownload=1>.
- 119 Census 2011 as quoted in Debbie Budlender.
- 120 K Crenshaw 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) The University of Chicago Legal Forum 139-167. See also *South African Police Service v Solidarity obo Barnard* 2014 (6) SA 123 (CC) para 153-157.
- 121 DBE Progress Report (May 2015) at p 48.
- 122 Department of Women, Children & People with Disabilities, Baseline Country Report above n 52.
- 123 Twenty Year Review, above n 29 at p 27.
- 124 Department of Women, Children & People with Disabilities, Baseline Country Report above n 52.
- 125 Id.
- 126 Western Cape Forum for intellectual Disability above n 83.
- 127 Act 84 of 1996.
- 128 Act 27 of 1996.
- 129 Grootboom at para 40.
- 130 Donohue & Juan Bornman at p 6.
- 131 DBE Progress Report (May 2015) at p 6.
- 132 Wildeman & Nondo at p 2.
- 133 Id.
- 134 Department of Women, Children & People with Disabilities, Baseline Country Report above n 52 at para 227-8.
- 135 White Paper 6 at p 7-8.
- 136 Id at p 25.
- 137 Wildeman & Nondo at p 19.
- 138 Id at p 33-34.
- 139 Id at p 19-20.
- 140 Id.
- 141 S Woolman & T Roux "Co-operative Government and Intergovernmental Relations", S Woolman et al (eds) Constitutional Law of South Africa (2 ed) at 14-1.
- 142 Grootboom at para 39.
- 143 National Gambling Board at para 32 quoted in S Woolman & T Roux "Co-operative Government and Intergovernmental Relations", S Woolman et al (eds) Constitutional Law of South Africa (2 ed) at 14-20.
- 144 Id.
- 145 Id.
- 146 Id.

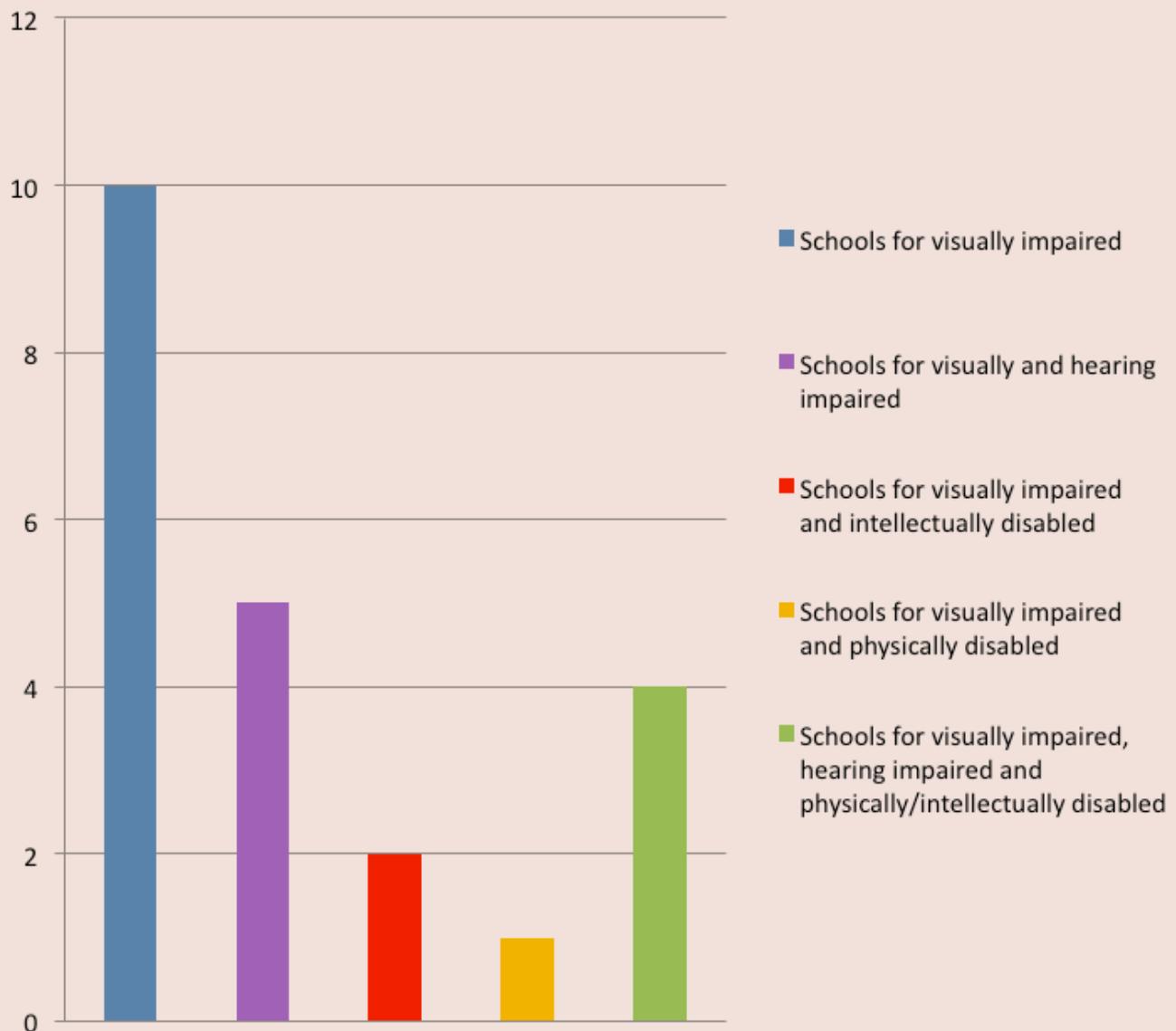
ANNEXURE A

SCHOOL'S NAME	PROVINCE	DISABILITIES CATERED FOR
Efata School for the Blind and Deaf	EC	visually impaired and hearing impaired
Khanyisa School for the Blind	EC	visually impaired
Zamokuhle Special School	EC	visually impaired
Bartimea School for the Deaf and Blind	FS	visually and hearing impaired
Thiboloha School for the Deaf and Blind	FS	visually and hearing impaired
Filadelfia Secondary School	GP	visually impaired, hearing impaired and physically disabled
Sibonile School	GP	visually impaired
Prinshof School	GP	visually impaired and intellectually disabled
Open Air School	KZN	inclusive school for learners with visual impairments, hearing impairments and the physically disabled
Ethembeni School	KZN	visually impaired and physically disabled
Arthur Blaxall School for the Blind	KZN	Visually impaired
Setotlwane Secondary Special-needs School	LP	visually and hearing impaired
Siloe School for the Blind	LP	visually impaired
Tshilidzini Special School	LP	visually impaired and hearing impaired
Letaba Special School	LP	visually impaired and intellectually disabled
Rivoni School for the Blind	LP	visually impaired
Bosele School for the Deaf and Blind	LP	visually impaired
Silindokuhle Special School	MP	hearing impaired, visually impaired and intellectually disabled
Christiana School for the Blind	NW	visually impaired learners
Re-Tlameleeng Special School	NC	visually impaired, hearing impaired and physically disabled
Athlone School for the Blind	WC	visually impaired learners
Pioneer School	WC	visually impaired learners

Schools for visually impaired by province



Number of schools that cater for disabilities



ANNEXURE B

Questions for staff at special schools for visually impaired learners *

1. Is your school a primary or a secondary school?
2. How many teachers are there at your school?
3. How many of these teachers are braille literate?
4. How many of the teachers are blind themselves?
5. How do the teachers teach if they are not braille literate? What do they do?
6. Does your school have teacher assistants and who pays for them?
7. Are there shortages in braille textbooks? (Every learner should have their own textbook per subject.)
8. Are there shortages in Braille workbooks? (Every learner should have their own workbook per subject.)
9. What textbooks have you received for each subject and for which grades?
10. How do teachers teach when there are no braille books?
11. Is there a braille printer at the school?
12. How many people at this school do know how to use the printer?
13. Do teachers produce books for the learners with this printer?
14. Do teachers do the editing, printing and brailling after school hours?
15. How many hours is this per week?
16. Does every teacher know how to produce material with the braille printer?
17. If a teacher is not able to print, what do they do?
18. Are there braille teachers at the school?
19. Have the teachers at your school ever attended any workshop on braille?
 - a. When was this?
 - b. Who hosted these workshops? (was it the DBE?)
20. How many learners are enrolled at your school?
21. How many learners are blind or partially sighted? (Actual numbers between blind and partially sighted.)
22. Are there Apex machines at the schools?
 - a. How many Apex are there?
 - b. Are Apex used instead of braille textbooks? Or is it a combination of both?
 - c. Do you think that Apex could replace books? Why?
23. Is your school easily accessible for the blind learners?

*Please note: these questions were used as guides for discussion in all interviews, but further questions developed as schools revealed additional information. All staff interviewed were given an opportunity to express challenges which were not covered by the questions.

ANNEXURES C-F

For those with further interest, please find the following Annexures online:

- ✚ Annexure C: Budgeting for Realising the Right to Basic Education for Children with Disabilities in South Africa, Debbie Budlender
- ✚ Annexure D: Summary of Correspondence between Section27 and Various Role Players
- ✚ Annexure E: Orientation and Mobility Action Group
- ✚ Annexure F: The Visually Impaired Educators' Forum of South Africa

