Legislation and policies: Progress towards the right to inclusive education

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OPSOMMING

Wetgewing en Beleid: Vooruitgang na die Reg tot Inklusiewe Onderwys

Die doel van enige onderwysstelsel is die voorsiening van gehalte onderwys aan alle leerders, afgesien van hulle vlak van onderwys. Die ontwikkeling van wetgewing en beleid het baie aandag ontvang en dit weerspieël die Suid-Afrikaanse regering se verbintenis om die diversiteit in die leerderpopulasie te verseker. In lyn met die regering se verantwoordelikheid om beleid te ontwikkel en die transformasieprogram te lei, is die witskrif ontwikkel wat spesifiek gerig is op leerders met leerprobleme. Inklusiewe onderwys kan suksesvol wees indien ons erken dat onderwys die gesamentlike verantwoordelikheid van ouers, onderwysers, kurrikulumkundiges en die gemeenskap is. Inklusiewe onderwys vir almal soos vervat in beleid en wetgewing loop die risiko om eksklusief vir baie leerders in Suid-Afrika te word. Die artikel fokus op die vraag of Suid-Afrika werklik gevorder het in sy belofte van inklusiewe onderwys vir almal deur die daarstel van beleid en wetgewing.

1 Introduction

The objective of any education system is one of providing quality education for all learners, regardless of their educational level and all learners deserve nothing less than a quality education and training that would provide them with opportunities for lifelong learning, the world of work and meaningful participation in society as productive citizens.

For years the traditional education system worldwide has provided special education and related services to students with disabilities. As the educational, social, political and economic needs of society underwent rapid change, it became increasingly evident that these traditional ideas of schools and classrooms were becoming outdated. The effectiveness of current education systems was questioned, and as a result thereof, the concept of "inclusive school practices" was widely discussed as a philosophical basis for development of one education service delivery system to serve all learners.

Inclusive education has evolved as a movement that seeks to challenge exclusionary policies and practices. It can be regarded as part of a wider struggle against the violation of human rights, and unfair discrimination. It seeks to ensure that social justice in education prevails. It is generally agreed that inclusive education has its origins in the human

rights pronounced in the Universal Declaration of Human Rights in 1948 which states in relevant part: [1]

> Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.
>
> ...
>
> Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms.

Section 29(1)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution) provides that everyone has the right to education, including adult education. This right has both a positive and negative dimension as was recognised by the Constitutional Court in *Ex parte Gauteng Provincial Legislature*[2] in which the court stated, with relevance to the interim Constitution:

> Section 32(a) creates a positive right that basic education be provided for every person and not merely a negative right that such a person should not be obstructed in pursuing his or her basic education.

Our policy of "building an inclusive education and training system"[3] is centrally situated within the agenda of education for all, the millennium goals, the Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities.[4] Furthermore it is fundamentally subscribed by the Constitution.[5] Inclusion is fundamentally about assuring access, permanence, quality learning and full participation and integration of all children and adolescents, particularly for members of disadvantaged and poor societies, those with disabilities, those who are homeless, those who are workers, those living with HIV and Aids and other vulnerable children. Protection against discrimination based on culture, language, social groups or individual differences is an inalienable human right that must be respected and fostered by education systems.[6]

2   What is Inclusive Education?

Many definitions of inclusive education have evolved throughout the world. It ranges from extending the scope of ordinary schools so that they can include a greater diversity of children to a set of principles which

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1   Art 26 Universal Declaration of Human Rights, GA Res 217, UN Doc A/810 (1948).
2   *Gauteng Provincial Legislature In re: Gauteng School Education Bill of 1995* 1996 3 SA 165 (CC) 9.
3   Department of Education *White Paper on Special Needs Education: Building an Inclusive Education and Training System* (2001) (*White Paper 6*).
4   *United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities*, GA Res 48/96 (1993).
5   Constitution of the Republic of South Africa, 1996.
6   UNESCO *Salamanca Statement and framework on special needs education* (1994).

ensures that the student with a disability is viewed as a valued and needed member of the community in every respect.[7]

Inclusive education in the South African context is defined as a learning environment that promotes the full personal, academic and professional development of all learners irrespective of race, class, gender, disability, religion, culture, sexual preference, learning styles and language.[8]

In White Paper 6 inclusive education is characterised as:[9]

(1)   Acknowledging that all children and youth can learn and that all children and youth need support;
(2)   Accepting and respecting that all learners are different in some way and have different learning needs which are equally valued and an ordinary part of our human experience;
(3)   Enabling education structures, systems and learning methodologies to meet the needs of all learners;
(4)   Acknowledging and respecting differences in learners whether due to age, gender, ethnicity, language, class, disability or HIV status;
(5)   Changing attitudes, behaviour, teaching methodologies, curricula and the environment to meet the needs of all learners;
(6)   Maximising the participation of all learners in the culture and the curricula or educational institutions and uncovering and minimising barriers to learning;
(7)   Empowering learners by developing their individual strengths and enabling them to participate critically in the process of learning; and
(8)   Acknowledging that learning also occurs in the home and community, and within formal and informal modes and structures.

The inclusion of learners with special education needs or learning barriers, into mainstream classes, is part of a universal human rights movement. It has therefore become imperative to create equal opportunities for all learners to learn and succeed.

In 1996 the South African Schools Act[10] (SASA) legislated that public schools must admit all learners and must attend to their educational needs without any unfair discrimination. White Paper 6 describes the Ministry of Education's commitment to providing educational opportunities for all learners so that all learners benefit from schooling.

SASA alerts us to a shift from the past – a shift that views all children has equal rights to education that fits their needs.[11] This shift to nuclide all learner's needs suggested a system of education which recognises that

7   Sandkull "Strengthening inclusive education by applying a rights-based approach to education programming" (Paper presented at ISEC Conference Glasglow 2005).
8   Department of Education 2007 *Quality education for all: Report of the National Commission for Special Needs in Education on Training (NCSNET) and the National Committee on Education support Services* NCESS.
9   *White Paper 6* 15.
10   84 of 1996.
11   South African Schools Act No 84 of 1996 (SASA).

there are children who have barriers to learning and that these barriers go beyond disabilities.

3   Inclusive Education Internationally

Inclusion has been directly advocated since the Universal Declaration of Human Rights in 1948 and has been acted at all phases in a number of key UN declarations and conventions.[12]

These include:

(1)   The 1948 Universal Declaration of Human Rights which ensures the right to free and compulsory elementary education for all children.
(2)   The 1989 UN Convention on the Rights of the Child, which ensures the right to receive education without discrimination on any grounds.
(3)   The 1990 World Declaration on Education for All (Jomtien Declaration), which set the goal of Education for All (EFA).
(4)   The 1993 UN Standard Rule on Equalization of Opportunities for Persons with Disabilities, which not only affirms the equal rights of all children, youth and adults with disabilities to education, but also states that education should be provided in "an integrated school setting" as well as in the "general school setting."
(5)   The 1994 Salamanca Statement and Framework of Action on Special Needs Education, which requires schools to accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions.
(6)   The 2000 World Education Forum Framework for Action, Dakar, EFA and Millennium Development Goals, which stipulates that all children have access to and complete free and compulsory primary education by 2015.
(7)   The 2001 EFA Flagship on the Right to Education for Persons with Disabilities: Towards Inclusion.
(8)   The 2005 UN Disability Convention which promotes the rights of persons with disabilities and mainstreaming disability in development.

It is estimated that more than 300 participants, representing 92 governments and 25 international organisations, met in Salamanca in 1994 under the auspices of UNESCO and the Spanish Government to further the objectives of Education for All.[13] The Salamanca Statement on Principles, Policy and Practice in Special Needs Education was drawn together with the Draft Framework for Action.[14] The statement proclaims five principles that reflect the rights in respect of education that are enshrined in the Universal Declaration of Human Rights and the United Nations Standard Rules on Equalisation of Opportunities for

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12   UNESCO *Guidelines for Inclusion: Ensuring Access to Education for All* (2005) 13 - 14.
13   Ainscow, Farrell & Tweedle; UNESCO *Education for All Global Monitoring Report* (2005).
14   Peters *Inclusive education: An Education for all strategy for all children* (2004); UNESCO *Education for all global monitoring report* (2005).

Persons with Disabilities.[15] These include the following:

> (1)   Every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning;
> (2)   Every child has unique characteristics, interests, abilities and learning needs;
> (3)   Educational systems should be designed, and educational programmes implemented, to take into account the wide diversity of these characteristics and needs;
> (4)   Those with special educational needs must have access to regular schools, which should accommodate them within a child-centred pedagogy capable of meeting these needs;
> (5)   Regular schools adapting this inclusive orientation is the most effective means of combating the discriminatory attitudes, creating welcoming communities, building inclusive society, and achieving education for all; moreover they provide an effective education to the majority of children, and improve efficiency and, ultimately, the cost-effectiveness of the entire educational programme.[16]

Many countries in the world have adopted an inclusive education philosophy and are committed to its implementation. What remains questionable is whether all these countries implement and interpret inclusive education the same way.

4   Inclusive Education as a South African Policy

In 1996, South Africa adopted a ground-breaking Constitution which legally entered the basic human rights of all people. The Constitution legislated that all people are equal and thus have equal rights, including the fundamental right to basic education prohibiting unfair discrimination "against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, sexual orientation, age disability, religion, belief, language and birth".

The Constitution further provides a special challenge to all of us by requiring that we give all learners the fundamental right to basic education addressing the imbalances of the past by focusing on the key issues of access, equity and redress.[17]

Section 5 of SASA makes provision for all schools to be full-service schools by stating that public schools may not administer any test related to the admission of a learner to a public school. Full service schools are defined as schools that will be equipped and supported for the full range of learning needs among all our learners. In building capacity of these schools, special emphasis will be placed on inclusive education, which

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15   United Nations Universal declaration of human rights. United Nations *Standard rules on the equalisation of opportunities for persons with disabilities.*
16   UNESCO *Salamanca 5 years on: A review of UNESCO activities in the light of the Salamanca Statement and Framework for Action on Special Needs Education* (1999).
17   Ss 9, 29(1).

includes flexibility in teaching and the provision of education. In determining the placement of a learner with special education needs, the head of department and principal must take into account the rights and wishes of the parents of such learner, taking into account what will be in the best interest of the learner.

Section 12 of SASA outlines how this should happen by stating that the Member of the Executive Council must, where reasonably practicable, provide education for learners with special education needs at ordinary public schools by providing relevant educational support services for such learners and taking all reasonable measures in ensuring that physical facilities at public schools are accessible to disabled persons.

In this transformation process, South Africa has embraced inclusive education as the vehicle of change.

Since a democratic dispensation was introduced in South Africa in 1994, the country has been in the process of social, political, economic and educational transformation aimed at developing a more inclusive society.[18]

Policy development has received a lot of attention and reflects the commitment of the South African government to address the diversity in the learner population and provide a continuum of support within a democratic South Africa. International guidelines such as The Universal Declaration of Human Rights, The United Nations Convention on the Rights of the Child, the standard rules on the equalisation of opportunities for disabled persons and the World Conference on Education for All provide an overall framework of policy development.[19]

Relevant government initiatives include:

(1)   The White paper on Education and Training in a Democratic South Africa.
(2)   The South African Schools Act.
(3)   The White Paper on an Integrated National Disability Strategy.
(4)   The National Commission on Special Educational Needs and Training and the National Committee on Education Support Services.
(5)   White Paper 6: Building an Inclusive Education and Training System.
(6)   Guidelines for Full-service/Inclusive Schools.

At the beginning of 1997, the National Commission on Special Needs in Education and Training (NCSNET) and National Committee for Education Support Services (NCESS) were appointed to investigate and make recommendations on all aspects of special needs and support services in South Africa. White Paper 6 outlines how the system should transform itself to accommodate the full range of learning needs and establish a caring and humane society.[20]

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18   Lomofsky & Lazarus "South Africa: First Step in the Development of an Inclusive School System" 2001 *Cambridge J of Ed* 303 317.
19   *Ibid.*

In the case *Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa*[21] the focus was on the rights of severely and profoundly intellectually disabled children in the Western Cape.

This is one of the first court cases which involved children with disabilities. In the court papers the parties were *ad idem* that children with severe or profound intellectual disabilities are able to benefit from education and training and the applicants (Western Cape Forum for Intellectual Disability) made it clear in their papers that this view has long been internationally accepted.

The policy and practice of the respondents (Government of South Africa and Government of the Province of the Western Cape) infringes the rights of these children in respect of their rights to education, their rights to equality, the right to human dignity and their right to protection from neglect and degradation.

White Paper 6 outlines the government's intervention strategy aimed at ensuring that children who experience various barriers to learning and development have access to quality education. It presents a vision which recognises the rights of all South African children to an equitable education, reflecting the Constitutional rights to human dignity and quality education. Inclusive education is described in White Paper 6 as one:

(1)   Acknowledging that all children and youth can learn and that they need support;
(2)   Enabling education structures, systems and learning methodologies to meet the needs of all learners;
(3)   Acknowledging and respecting difference in learners, whether due to age, gender, ethnicity, language, class, disability or HIV status;
(4)   Acknowledges that learning occurs in the home, the community, and within formal and informal structures;
(5)   Changing attitudes, behaviour, teaching methods, curricula, and environment to meet the needs of all learners;
(6)   Maximising the participation of all learners in the culture and curriculum of educational institutions, and uncovering and minimising barriers to learning.

This policy has outlined six strategies for establishing inclusive education and training system. As Francis and Muthukrishna[22] explain an

important proposal made in White Paper 6 relates to the need for changes in the general education system so that learners experiencing barriers to learning can be identified early and appropriate support provided.

This is reiterated in the first point of the long-term goal:

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20   *White Paper 6.*
21   2011 JDR 0375 (WCC).
22   Francis & Muthukrishna "Able voices on inclusion/exclusion: A people in their own words" 2004 *Int J of Special Ed* 110.

> 4.4.1 Our long-term-goal is the development of an inclusive education and training system that will uncover and address barriers to learning, and recognise and accommodate the diverse range of learning needs.[23]

The first strategy is the implementation of a national advocacy and information programme in support of the inclusive model. The second strategy is the conversion of special schools into resource centres. The inclusive education policy proposes converting these schools into resource centres as part of its integrated strategy.

The staff members of these schools are to be gradually integrated into District-Based Support Teams to support Institutional and Level Support Teams and neighbourhood schools.

The third strategy of this policy is the establishment of full service schools. White Paper 6 argues for the need to establish thirty "full service schools" in South Africa as part of its short term goals.[24] Physical infrastructure improvements were being completed in twelve of these schools. So far not one of the thirty schools are fully established. The *Conceptual and Operational Guidelines for the Implementation of Inclusive Education: Full Service Schools*[25] defines a full service school as a mainstream school which provides quality education for all learners by meeting the full range of learning needs in an equitable manner.[26]

It is envisaged that full service schools will provide education for regular learners as well as those with disabilities in an inclusive setting, with there being support for those with disabilities within a regular classroom. Provincial and Educational Departments have thus far trained 800 district officials and educators of full service and special schools in the implementation of the SIAS Strategy.

The 20 year time frame, for the implementation of the key interim steps, was initially as follows:

> 2001-2003 Expand the above in line with lessons learned from initial implementation.
> 2009-2021 Expand provision to reach targets.[27]

The fourth strategy is the establishment of District Based Support and Institutional Support Teams. The Department of Education holds the belief that barriers to learning and development can be reduced by strengthening the education support services. The policy proposes the establishment of District Based Support Teams which comprise staff from provincial, district, regional and national offices and from special

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23   *White Paper 6* 45.
24   Ibid.
25   Department of Education 2005.
26   Department of Education *Conceptual and operational guidelines for full-service schools* (2005).
27   *White Paper 6*.

schools.[28] The Support Teams were formed and had started to provide support services to special school resource centres.

The Education White Paper 6 also proposes the establishment of support teams at school level. The primary function of these teams is to co-ordinate learner and teacher support.

The fifth strategy is the general orientation and introduction of management, governing bodies and professional staff to the inclusive education model and the targeting of early identification of disabilities for invention in the Foundation Phase.

The sixth strategy is the mobilisation of approximately 300,000 disabled children and youth of compulsory school-going age who are outside the school system. All these strategies are still only on paper. None of the strategies were implemented in full.

The ratification of the Convention on the Rights of Persons with disabilities by the South African Government in 2007 places an obligation on the system to recognise the right providing equal opportunity to life-long learning for all in an inclusive education system at all levels without discrimination.[29] The Convention further places an obligation on Government to ensure that persons with disabilities are not excluded from the general education system on the basis of disability, and that they can access an inclusive, quality and free primary, and secondary education on an equal basis with others in the communities in which they live.

Inclusive education as a new reality in South Africa brings along major philosophical shifts for the entire education system. The new policy adopts an ecosystem perspective which suggests a shift away from location problems within the learners and locates them in all the systems that act as barriers to learning. These include the family, the school and aspects of community functioning.[30] In addition, it suggests a shift from focusing on the category of disability to the level of support needed by the learners identified during assessment.[31]

The "human rights foundation"[32] of inclusive education suggests that the parent of a learner experiencing barriers to learning should have a

substantial say in decision as to where their child is educated.[33] Linked to this, is a shift from the Special Education Act, which encourages the

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28   White Paper 6.
29   Green & Engelbrecht *An Introduction to inclusive education. Responding to the Challenges of Inclusive Education in Southern Africa* (1948) 2-9.
30   Hay 2003.
31   Department of Education *Conceptual and operational guidelines for full-service schools* (2005).
32   Hay 135.
33   Hay "Implementation of the inclusive education paradigm shift in South Africa education support services" 2003 *SA J of Ed* 135-138.

segregation of designated groups of learners, to the SASA, which enables all learners to go the neighbourhood schools. The ratification of the Convention on the Rights of Persons with Disabilities by the South African Government in 2007 places an obligation on the system to recognise the right of persons with disabilities to education and to realise the right through providing equal opportunity to life-long learning for all in an inclusive education system.

Further, inclusive education suggests a shift away from the structural arrangements that were meant to deliver a segregated system of education.[34] The conversion of special schools into resource centres and the establishment of District-Based Support Teams, as well as Institutional Level Support Teams is an example of such a shift. Inclusive education calls for a shift from functionalism to radical structuralism. This shift entails moving away from racist, disability, sexist and classist-assumptions to non-racist, non-disability, anti-class and non-sexist assumptions.[35]

5   Progress towards the Right to Inclusive Education

White Paper 6 clearly states the intention of achieving inclusion rather than mainstreaming or integration.[36] It notes at the same time, however, that belief in, and providing support for, a policy of inclusive education are insufficient to ensure that such a system will successfully be translated into practice. Consequently, a strategy to meet the needs of students with disabilities in the interim was articulated in White Paper 6.

In 2005 the National Department of Education developed National Strategy on Screening, Identification, Assessment and Support (SIAS Strategy). This is directed at determining the nature and level of support required by learners with special education needs and also outlines the procedures to ensure that all learners with level 4 and 5 (learners who require moderate and high levels) of support such as learners who are disabled and receive social security grants, are admitted to schools and receive the necessary support.

Between June and October 2008 several further documents were published to assist with the implementation of the inclusive education vision. These included:

(1)   Making explicit the role of the district based support teams;[37]

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34   Naiker *An investigation into the implementation of outcomes-based education in the Western Cape Province* (Doctoral thesis 2000 University of the Western Cape) 110.
35   *Ibid.*
36   *White Paper 6.*
37   Department of Education *Conceptual and operational guidelines for the implementation of inclusive education: District-based support teams* (2005).

(2)   The practicalities of the establishment of full-service schools;[38]
(3)   The adaption of curriculum to meet the needs of diverse learners;[39]
(4)   A clear management plan for the first phase of implementing inclusive education;[40]
(5)   The practicalities of transforming special schools to resource schools;[41] and
(6)   Guidelines for teachers at both regular and special schools for inclusive learning programmes.[42]

All these documents were taken a step further in the publishing of the *Guidelines for Full Service Schools*, but still no real action was documented for the proper implementation of all these plans, mentioned in the documents above.

While some aspects of the implementation of the 20 year plan are behind schedule, steps are being taken to progress this initiative. Examples would be the appointment of additional staff to resource schools and the documentation noted above.[43]

In the *Guidelines for Full-service/Inclusive Schools*, a follow up document on Education White Paper 6 criteria or minimum standards that a school must comply with to be considered an inclusive/full-service school, are provided.[44] The objective of the guidelines is to explain the main principles of full-service schools, describe their characteristics, outline the Institutional development, while building links with different partners at all levels of support.

Within Adult Education (AET) and Further Education and Training (FET), institutions will also be selected and developed to become full-service educational institutions. In building capacity of these schools, special emphasis will be placed on inclusive principles, which include flexibility in teaching and learning and the provision of education support to learners and educators. The guidelines further state that the first cohort of full-service schools will become examples of good practice and will chart the way for all schools/institutions to ultimately become inclusive institutions.

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38   Department of Education *Conceptual and operational guidelines for the implementation of inclusive education: Full-service schools* (2005).
39   Department of Education *Curriculum adaptation guidelines of the Revised National Curriculum Statement* (2000).
40   Department of Education *Framework and management plan for the first phase of implementation of inclusive education: Managing the transition towards an inclusive education system* (2005).
41   Department of Education *Conceptual and operational guidelines for the implementation of inclusive education: Special schools as resource centres* (2005).
42   Department of Education *Guidelines for inclusive programmes* (2005).
43   Maher *Inclusive education a decode after democratisation: The Educational needs of children with disabilities in KwaZulu-Natal.* (PhD Thesis 2007 Auckland University of Technology).
44   Department of Basic Education *Guidelines for Full-service Schools* (2010).

The Guidelines provides criteria as minimum standards that a school/institution must comply with to be considered an inclusive/full-service school/institution. The guidelines are not restricted to schools in the General Education and Training (GET) brand but are also applicable to further and higher education and training institutions, guiding them on what steps they should take in recognising and addressing the diverse learning needs of their learners. Adult basic education programmes, as well as early childhood development centres should also be part of this development process while building links with different partners at all levels for support. Furthermore, they are designed to provide a practical framework for education settings to become inclusive institutions.

6 Challenges of Inclusive Education in South Africa

Policy content is one of the critical pillars on which policy implementation is based. It is regarded a crucial factor in establishing the parameters and directives for implementation although it does not determine the exact course of implementation.[45]

The success or failure of policy depends on the support the policy generates among those who are affected. Christie states that though policy makers may prefer the emphasise structural changes, they cannot sidestep human agency and its influence on policy outcomes.[46]

Inclusive education studies also assert that strong support at all levels of the department of education is one of the key strategies to the successful implementation of inclusive education.[47] *Education White Paper 6* commits itself to the establishment of strong education support services in South Africa. One of the key strategies towards the attainment of this goal is to involve people in the support service field who can support the implementation. This can be done through the establishment of district-based support as central part of the strengthening of education support services.

Policy implementation studies have shown that the success of any policy rests on the capacity to implement.[48] In the South African context, capacity is regarded as a strategic entry point to the development and implementation of education policies.

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45   Brynard & De Coning *Policy Implementation. Improving public policy: from theory to practice* (2006) 180-213.
46   Christie *Changing schools in South Africa: Opening the door of learning* (2008).
47   See also Hay *Implementation of the inclusive education paradigm shift in South Africa education support services* 2003 *SA J of Ed* 135-138.
48   Makoa "Aids Policy in Lesotho: Implementation challenges" *African Security R* 2004 71-77.

Inclusive education with its focus on transforming all aspects of the education system requires a systemic approach to the analysis of capacity which includes individual, school, district, province and national levels. This assumes a systemic approach that can investigate the capacity of policy-makers and implementers to implement inclusive education policy.

The capacity of individuals to perform their functions forms the basis for any success. What constitutes an individual's capacity to perform functions effectively in an inclusive education system? White Paper 6 and the *Guidelines for Full-service/Inclusive Schools* expect individual educators to have skills or expertise to identify barriers to learning; to support learners in the classroom; to collaborate with-other support providers; to determine the levels of support needed by learners; and to adapt the curriculum to meet the needs of all learners.[49]

Teachers and schools are expected to cope with large-class sizes, students from diverse cultural and linguistic backgrounds, developmental variations of students' skills, social problems, and what teachers view as unacceptable behaviour. To impact on this it is suggested that teachers need to be well organised, have expert skills, have routines well established and be adaptable to ever-changing factors and condition in the regular classroom.[50]

Schools should be at the centre of support that must focus on increasing the capacity of individual schools to support the participation and learning of an increasing diverse range of learners.[51] In this approach, all role players are encouraged to share and build on their existing knowledge in order to increase inclusivity in all aspects of the school.[52] This all indicates that the context of change and inclusive education implies a redefinition of the tradition isolated roles-of teachers in mainstream schools to a more collaborative role in the accommodation of diversity in inclusive classrooms. More importantly White Paper 6 or the current implementation of government policy makes no provision for disabled children to be catered for by special schools at present. Government only said that their objective is to ensure, at an unspecified time in the future, that disabled children are catered for by special schools. Moreover, the furthest that government goes at this stage is to say that children "may be able to access support" at special schools. They do not indicate what form this support will take, when it will occur, where it will be provided and to what extend it will be provided. So for the foreseeable future the SIAS strategy will continue to be employed.

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49   Department of Basic Education *Guidelines for Full-service/inclusive Schools* (2010).
50   Knight "Towards inclusion of Students with special educational needs in the regular classroom" 1999 *Support for Learning* 3-7.
51   Ainstow *Understanding the development of inclusive schools* (1999).
52   Dyson & Forlin *A theoretical framework for inclusive schools. Perspectives on learning difficulties* (1999) 1-14.

As to when some of the affected children may be admitted to special schools, government says that they will only be admitted if they are able to "acquire sufficient skills" or if they "achieve the minimum outcome and standards linked to the grade of education". Admission to a school will be on the basis of an assessment of a child's level of educational need. Children who fall inside levels 4 and 5 of the SIAS strategy will be admitted to special schools. It is clear that when policies are implemented there will be children with severe intellectual disabilities who will be excluded from the schooling to be provided. It is necessary to adopt an holistic approach for severely disabled children, to enable them to develop their ability and potential to the fullest extent.

Education White Paper 6 regards parental involvement, community partnership and intersectoral collaboration as the key in the implementation of inclusive education. This depends on various individuals' capacities to perform their tasks effectively. Parental involvement depends on the parent's ability to make a meaningful contribution to the preventing, identification and removal of barriers to learning.[53] In the light of the discussion above the following questions could be asked:

(1)   How suitably qualified are the educators and Institutional level Support Team members in performing the identified functions?
(2)   Do parents/institutional & Level Support Team members/educators/ School Governing Bodies/district officials have the skills to perform the identified functions?
(3)   What are all the role-players' understanding of inclusive education?

Despite the commitment to transformation and inclusivity of policy makers, as well as at the wider societal level, traditional conservative attitudes and practices still prevail at the school- and classroom levels. As a philosophy, the concept of inclusive education in the South African context embraces the democratic values of equality and human rights, and the acceptance and recognition of diversity.[54] Racially entrenched attitudes towards those who are "different" influence the way in which diversity is regarded. Children with disabilities as well as those from poverty-stricken households are viewed by both teachers and learners as "different". Teachers are unable to grasp the fact that their own attitudes towards diversity contradict basic human rights and equitable access to education.[55]

School principals' roles as leaders in managing change should create a climate of collaboration. Because of a lack of institutional capacity both in administrative systems and suitable leadership, and a culture of

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53   Christie *Changing schools in South Africa: Opening the Door of Learning* (2008).
54   Swart & Pettipher *Changing roles for principals and educators. Promoting learner development preventing and working with barriers to learning* (2001) 30-44.
55   Peters, Johnstone & Furguson "A dis-credibility rights in education module for evaluating inclusive education" 2005 *Int J of Inclusive Ed* 139-160.

support and collaborative partnership between teachers as well as between teachers, learners and parents are almost non-existent.

Lessons from policy implementation research show that the education system can provide good policy, education support, and resources and build the capacity of participants to implement the policy, but if attitudes have not changed, the implementation will fail.[56] Attitudes and beliefs of school staff[57] students, parents and the local community have an impact on the school's effectiveness in implementing inclusive educational practices.

While the attitudes of the teachers, parents and learners are critical in most research, it is argued that the attitudes and beliefs of school principals towards inclusive education is the key factor to successful implementations at school level.[58]

Policy documents recommend a community based approach as a strategy for developing inclusive school communities. Community involvement is identified by teachers and parents as problematic, leaving the school with the sole responsibility for the education of a large number of learners. The active involvement of the community in collaborative partnerships with teachers and a mutual recognition of each other's needs are therefore almost non-existent. No effort has been made to build on the strengths of existing community support systems and other existing assets in the school to develop a unique community based support system.[59]

Research has shown that the curriculum stands out as a key issue when working with schools and education in addressing the needs of learners.[60] The National Commission on Special Needs in Education and Training and National Committee on Education Support Services argue that, in an education system, the curriculum needs to be accessible and responsive to the needs of all learners.[61]

The Guidelines of Full-service schools indicate that this must be a flexible curriculum to accommodate different needs and styles. It further indicates that inclusive schools should know how to differentiate the curriculum and educators must understand that inclusive education is a fundamental principle of the Curriculum and Assessment Policy

56 McLaughlin *Listening and Learning from the field: Tales of policy implementation. International Handbook of educational change* (1998) 70 84.
57 Forlin "Diversity and Inclusivity" Paper presented at the SAALED Conference, Johannesburg South Africa 2004.
58 Praisner.
59 Reiser *Checklist and Notes on what School Policy on Disability, Equality and Inclusion should cover* 2008 Disability Equality in Education London.
60 UNESCO *Changing Teaching Practices: Using Curriculum Differentiation to Respond to Student's Diversity.*
61 Department of Education *Quality education for all: Report of the National Commission of Special Needs in Education and Training (NCSNET) and the National committee on Education Support Services (NCESS)* (1997).

Statement of 2010. But again there are no signs or examples of any positive development or establishment of full-service schools.

The report further suggests that in order to enable schools to accommodate the diversity in the learner population, overall curriculum transformation is required. This includes the review of different aspects of the curriculum such as the learning environment, learning programmes, teaching practices, capacity of teachers, assessment of the learning outcomes, equipment, medium of teachers, assessment of learning outcomes, equipment, medium of teaching and learning, and the nature of support provided to enable to the learning programme.

White Paper 6 policy limits the meaning of curriculum to what is learned, how it is delivered, what resources are used; the pace of teaching and the time frame for the completion of the curriculum and assessment.

Inclusive Education emphasises the right of all learners to gain access to the curriculum. This means ensuring that the curriculum is responsive to the needs of all learners. The curriculum is therefore a critical variable for the effective implementation of inclusive education. Some key questions that must be asked are:

(1)   Are teachers able to implement the curriculum effectively?
(2)   Do classroom environments enable teachers to implement this approach?
(3)   Do lessons build on the diversity of student's experiences?
(4)   Are changes made to the curriculum for students who experience barriers to learning?

The South African Schools Act alert us to a shift from the past – a shift that views all children as equal with equal rights to education that fits their needs. This shift to include all learners' needs suggest a system of education which recognises that there are children who have barriers to learning and that these barriers go beyond disabilities.

The Department of Education's defence is that they are in the process of implementing White Paper 6 and the SIAS strategy.[62] The defence of the Department of Education indicates the shortcomings in South Africa. The SIAS diagnostic instrument enables the foundation phase teachers to identify disabled learners, but after this phase there are still many shortcomings.

The most important shortcoming is that the system for full-service schools, special schools and inclusive schools, are not fully operational yet. A further shortcoming is that policy has not been converted into legislation. Specific legislation (like the American Individuals with Disabilities Act) must be promulgated. SASA only refers to a few articles aimed specifically at special schools and learners. SASA is insufficient to

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62   *Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa* 2011 JDR 0375 (WCC).

address all the complexities and unique needs of inclusive education. The policy of White Paper 6 must be converted into legislation. Then the Department of Education must budget to satisfy legislation, and then parents can take government to court to enforce the rights of their children with disabilities.

7 Conclusion

Inclusive education can be a success if we recognise that education is the joint responsibility of parents, teachers, curriculum advisors and the community. A community-based approach to inclusion is a central feature of inclusive schools. Belonging and support, which are basic human rights, are being turned into rights that have to be earned. Inclusive education for all as enshrined in policies and legislation runs the risk of becoming exclusive for many in South Africa, especially the poor. If the emphasis is on testing and benchmarking of schools, it leaves little room for partnerships and inclusion. Social and educational transformation is not delivered by democratic elections and policy visions alone. It needs to be won in complex and concerted engagement with social, political and economic forces, in which the development of new policies is simply one step.

Enhancing the recognition and acceptance of the basic rights of all South African children to be accommodated in inclusive school communities involves an acknowledgement of the complexity of the dynamic interaction between societal as well as contextual factors and the continuous development and evolvement of supportive and collaborative inclusive communities on all levels of the education system.

The promise of strategic planning within the Department of Education to ensure that the management of inclusive education is recognised and addressed at all levels of service delivery, must now become a commitment to drive the process of building inclusive education in the district, province and country.

Inclusive education is not an end in itself, but a means to an end, that of the realisation of an inclusive society.