ERP BOOKLETS IN THIS SERIES

- 1. HIV/AIDS: THE RIGHTS OF LEARNERS AND EDUCATORS
- 2. SEXUAL VIOLENCE: THE RIGHTS OF LEARNERS AND EDUCATORS
- 3. THE EDUCATION RIGHTS OF REFUGEES, ASYLUM SEEKERS AND MIGRANTS
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- DISABILITY: THE RIGHTS OF LEARNERS
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- 8. THE COST OF SCHOOLING: YOUR RIGHTS
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- 10. THE RIGHTS OF ADULT LEARNERS
- 11. CORPORAL PUNISHMENT AND BULLYING: THE RIGHTS OF LEARNERS
- 12. EARLY CHILDHOOD DEVELOPMENT AND EDUCATION RIGHTS
- 13. THE RIGHT TO EDUCATION AND PROTECTION FROM DISCRIMINATION

These booklets are dedicated to the millions of young people who are brutalised by the socio-economic and socio-cultural cruelties of life. Unfortunately, young people are also brutalised by those who are meant to provide healing in our country, at home and in school.

Supported



Children

Sweden

These booklets are also dedicated to those educators in formal and informal institutions, and organic intellectuals in social movements and unions, who see their own knowledge as a gift of trust from the people, who see the learning process as a mutual experience, who encourage the building of selfdiscipline and hard work through their own example, and whose greatest happiness comes from seeing those with whom they have been exploring and changing the world around them, go on to share the process with others.

This book is particularly dedicated to Poppie Buthelezi, a student leader disabled during the student uprising of 1976.



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DISABILITY The Rights of Learners





Education Rights for Learners, Parents and Educators





Disability: The Rights of Learners

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We have attempted to ensure that the information in these booklets is accurate up to the time of publication-June 2005. Policies, laws and regulations change. Please contact the ERP for regular updates. All of these booklets are being translated into isiZulu, Sesotho and Afrikaans. The edition on migrant and refugee rights will be translated into French and Portuguese as well. Nonprofit organisations are welcome to reproduce them. Suggestions for improvements are appreciated. Please acknowledge the Education Rights Project if you intend using this material.

Thanks to the Foundation for Human Rights, Save the Children Sweden, the Royal Netherlands Embassy and the Swedish International Development Agency for supporting this initiative.

THE STRUGGLE FOR FREE, QUALITY EDUCATION GONTINUES

THE STRUGGLE FOR FREE

CONTINUES

UALITY PUBLIC EDUCATION

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one Introduction

For many years disability was a key reason for the exclusion of learners from *mainstream** schooling. Learners who were disabled were separated from other children and were sent to special schools, often far away from their homes. For some learners with disabilities the education at special schools was reasonable. The practice of separating learners with disabilities from ordinary schools though, meant that learners and educators did not learn about coping with *diversity* or with learners who are different. Disability remained something to be feared, and often learners with disabilities experienced *discrimination*, as you will read in the stories below.

Since 1994, there is a new official way of understanding disability. This new way looks at obstacles that society creates around people with disabilities. The new policies try to include rather than exclude learners with disabilities from mainstream schooling. The new challenge for those involved in education, whether as learners, educators or parents and school governing bodies, is to face difference in the school and remove the obstacles that are experienced by learners with disabilities.

This booklet aims to help you understand disability in this new way so that you are able to face the challenges in your school. It also explains the *constitutional rights* of people with disabilities and the policies that the Department of Education is implementing with regard to including learners with disabilities in mainstream schools. At the end of the booklet you will find a list of resource organisations that may help you in creating an *inclusive education*.

^{*} Italicised words are explained in the word list at the end of this booklet.



WHAT IS DISABILITY?

There are different ways to understand the word disability and how people with disabilities experience the world. In the past some have seen people with disabilities as having a *deficit* and not 'normal'. This understanding of disability resulted in people with disabilities placed into *institutions* or hidden in back rooms. This traditional or medical view of disability also resulted in disabled children being separated from other children and sent to special schools.

Did you know?

According to the government, 280,000 learners are not in school because of disability. Some children with disabilities, particularly deaf children, were sent to live at special schools many kilometres from home, from as young as four years old. They only saw their families during the holidays.

Another way to understand disability, which is accepted by disabled people's organisations and increasingly by government departments, is to look at two terms. These terms are *impairment* and *limitation of activity*. The word 'impairment' refers to a part of the body that is limited in what it can do. For example a person may have a visual impairment when her eyes do not work well and she cannot see properly.

Limitation of activity refers to the disadvantage people with impairments experience because society does not take into account different people's abilities and needs. For example, a child who uses a wheelchair may intellectually be able to learn, but because there are no wheelchair ramps in the school s/he is disabled and cannot take part in school like other learners. It is not the child's physical impairment that is preventing her or him from participating in learning, but the obstacles created by society and the school. This understanding of disability that focuses on the limitations that society creates, is known as the social understanding of disability.

Barriers that affect people with disabilities

There are different kinds of barriers or obstacles that people with disabilities face in their lives. These barriers can be explained in the following way:



Often radio or TV broadcasts are not accessible for people who cannot hear. It is difficult for learners with visual impairments to get books with

large print or in Braille. As a result, many people with sensory impairments are left out from important media campaigns such as those on AIDS or violence against women.

Attitudinal barriers Able-bodied people sometimes view people with disabilities as those that are being punished, or as a source of shame. They are often seen as people who are inferior, and who do not deserve the same rights and privileges in society, or they are seen as sick people who are helpless and need to be treated like children. Such prejudiced and discriminatory attitudes are a major obstacle.

Environmental The design of many public buildings such as schools, clinics, banks and post offices have steps and narrow doorways. It is often forgotten that such features mean that people with physical impairments cannot get in, move around or use the toilets. The lack of rails or the presence of uneven floor surfaces mean that people with visual impairments cannot move around freely without help. Glass doors can be dangerous for people with low vision.

Financial b a r r i e r s

Disability is expensive. Most of the instruments used by people with disabilities to enable them to be independent – such as hearing aids or white

canes – need to be bought. Public transport for a person in a wheelchair or someone using a guide dog, costs double that of able-bodied people. It is also very difficult for a person with a disability to get a job.

(Information from Disability Action Research Team (2000), What is Disability?)

Types of impairments learners may have

People with disabilities have impairments that make it difficult for them to undertake certain activities. For example, a child who has had measles that affected his or her hearing may not be able to hear well at all. However, with devices such as hearing aids and a supportive environment an educator can overcome this problem. For example, if the educator faces the class when speaking, a hearing impaired child with a hearing device can take part in the same learning activities as other children. If we can learn to cope with the differences of people's abilities and needs we can create an *inclusive society* and our own lives will be enriched.

The table below will give you some ideas of the different impairments that learners may have and how you may be able to recognise them.

Type of impairment	How to recognise the impairment	Common causes
Physical impairment / difficulty with movement	Part of the learner's body e.g. both legs, one arm and one leg has difficulty moving. It may be weak or stiff or have uncontrolled movements	 Motor vehicle accidents Burns Difficulties at the time of birth e.g. cerebral palsy Some diseases e.g. polio Injuries e.g. shooting, stabbing
Intellectual impairment and developmental delay	The learner may be slow to learn to walk, talk and do daily activities. The learner has difficulty learning abstract concepts	 Malnutrition Some inherited illnesses e.g. Down's Syndrome Difficulty during birth

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Sensory impairment -vision	Learner cannot see the board unless she sits very close to the board	[•] Albinism • Inherited from parents		
	Learner cannot see at	· Vitamin A deficiency		
	all	\cdot Injuries to the eye		
	Learner holds books and written materials very close to her eyes			
	Learner cannot copy correctly from the board			
Sensory	Learner does not	· Ear infections		
impairment - hearing	always follow instructions	· Some diseases e.g. measles, mumps		
	Learner seems to hear better on one side	· Illness of the mother		
	Learner cannot hear	during pregnancy		
		·Inherited from parents		
Learner may speak too loud		• Exposure to very loud noise		
Speech and	Learner does not pronounce words	• Difficulties at the time of birth		
language impairments	clearly	• Stress		
	Learner stutters Learner cannot tell a	\cdot Intellectual impairment		
	story or speaks like a younger child	 Causes are often unknown 		
Learning	Learner has good	Premature birth		
disability	verbal skills but	· Child abuse		
	struggles to learn to read and write	· Malnutrition		
	In writing, letters and	• Difficulties at the time of		
	numbers may be reversed	birth		
		· Dyslexia		

three How Have Some Learners With Disabilities Experienced Schooling?

Florence was a learner in Grade 10. She had polio as a young child, which left her with a walking disability. In the Maths class one day the teacher was giving prizes for good school work. She went through the list of hard workers and eventually came to Florence who got 100%. The teacher did not believe that Florence could have achieved 100% without cheating. The teacher asked various learners if they had seen Florence cheating. Although Florence achieved 100% for the test without cheating, she was not given any prize and the teacher made negative remarks that a person with a disability could never go to university. The teacher said that all Florence would

At a mainstream primary school three girls with disabilities were part of a Grade 3 class. In this class for a certain period each morning the class would stand and recite poems and times tables. All three girls had Many learners with disabilities experienced a number of barriers to learning and education. The following are examples of the experiences that some learners with disabilities have had, particularly with regard to attitudinal barriers. be able to do on finishing school was to sit at home and receive a disability grant.

physical disabilities that made it difficult to stand. For this reason the principal of the school allowed these three girls to sit and do the recitations. However, the class teacher refused to allow the girls to sit. Gradually during the recitations one or more of the girls would fall over and the other children in the class would laugh. The teacher punished these girls for not standing by threatening to send them to a special school. A young hearing-impaired girl was attending a mainstream school. She was interested to play sport and in particular to try out for the netball team. The teachers did not allow her to play any sport and instead made her look after the jerseys of the other children playing sport. This girl, together with her physically disabled friend, was also not allowed to participate in debating as they "might embarrass" the school when other schools saw that they had learners with disabilities in the debating team.

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WHAT DOES THE CONSTITUTION SAY ABOUT DISABILITY?

Chapter 2 of the South African Constitution is known as the Bill of Rights and it specifically mentions disability. Section 9 of the Bill of Rights commits the state to promote and uphold the equality and rights of all individuals. Section 9(3) says that the government may not unfairly discriminate against anyone on any grounds including disability. In addition, no person can unfairly discriminate against anyone because of disability.

Consider what the Constitution says about language rights and the delivery of services to people with disabilities.

Disability and Sign Language language, but this is not an official language of the country and so many government services such as the police and health services are not easily available to deaf people. There have been situations in which deaf people have tried to report crimes but no one at the police station could communicate with the deaf person to take a statement.

According to the Bill of Rights (Section 29), people in South Africa have the right to basic education, including adult basic education in their own language. But a high rate of illiteracy exists amongst people with disabilities, in KwaZulu Natal there are no Public Adult Learning Centres that use sign language to help deaf people become literate. There is one Public Adult Learning Centre in Umlazi, Durban, that teaches Braille, but if you live anywhere else in KwaZulu Natal and you are a blind adult, you will not be able to become literate at a governmentrun adult learning centre.

Disability: The Rights of Learners

Disability and Services Another section (Section 26) of the Bill of Rights states that the government must ensure that people have access to proper housing. In many areas there are new Reconstruction and Development Programme (RDP) houses, but have you ever seen whether these houses are accessible to wheelchair users? Most of these houses have physical barriers for people using wheelchairs. There may be steps up to the front door and often there are narrow doorways. In Kokstad, a small town in KwaZulu Natal, the local disabled people's organisation negotiated with the municipality to make some of the RDP houses accessible for people who use wheelchairs.



What Does the Government Say About Disability and Schooling?

In 1997 the government published a key policy dealing with disability. This is known as the Integrated National Disability Strategy (INDS). It explains how disability is an issue that affects all government departments. The INDS makes recommendations on issues such as health, education, transport and housing.

The INDS comments on the system in which education was provided for learners with disabilities, mainly in special schools that were disability specific. The situation resulted in about 70% of children with disabilities of school-going age being out of school. The INDS outlines the principles according to which education should now be provided to learners with disabilities. These principles are that all South Africans (regardless of ability) should have the widest possible educational opportunities. They should receive education and training in as normal an environment as possible. Learners must be provided with the resources needed to reach their highest potential. These principles lead to recommendations for action that include the following:

· Developing a flexible curriculum that can be adapted to the needs of the individual learner. · On-going pre-service and in-service training for teachers. · Parent empowerment programmes to enable parents to participate in assessment and decision-making concerning their children. · Developing appropriate technology in education and trainina. · Developing a long-term vision to have teachers fluent in sian language in all centres of learning. · Providing for integrated early childhood development at community level that will include disabled children. Students with serious disabilities should have special schools if the general school system does not meet their educational needs. · Disabled adults should have access to adult basic education and training (ABET). · All learners should have access to education support services. · Developing national norms and standards for vocational education and training that will meet the needs of learners with disabilities in an inclusive environment. · Removing discriminatory practices and barriers at institutions of higher education.

There are also specific laws and policies from the Department of Education, which are relevant to disability and schooling. The National Education Policy Act (1996) explains how the rights of people with disabilities should be protected and promoted in education. In particular this Act supports the right of:

"(1) every person to be protected against unfair discrimination within or by an education department or education institution on any ground whatsoever; (2) of every person to basic education and equal access to education institutions" This statement in the National Education Policy Act together with the White Paper on Education and Training (1995) and the South African Schools Act (1996), lays the foundation for the Department of Education's policy on meeting the educational needs of learners with disabilities.

In July 2001, the Department of Education published its White Paper 6 titled, 'Building an Inclusive Education and Training System'. It proposes the development of *inclusive education* as the way to overcome the barriers facing children with disabilities as well as other learners in the education system. Education White Paper 6 says that the inclusive education system will consist of three types of schools at the levels of General Education and Training (Grades 1-9) and Further Education and Training (Grades 10-12).

Depending on the needs of the child, a child with a disability could be placed at any of the three types of school:

Learners who need little support will be accepted at mainstream schools where the teachers will have improved skills to respond to individual learner needs. Learners who need more support will attend designated full-service schools with their able peers. These full-service schools will mainly be primary schools that have been selected and equipped, with staff being trained to address barriers to learning that different children may experience.

Finally, special schools will be changed into resource schools to provide for those learners who need a high level of support. In addition, the staff of these schools will act as a resource in terms of curriculum and other issues, to neighbouring schools in the district.

Education White Paper 6 guides the Department of Education to gradually implement over a period of 20 years, a system of inclusive education that will affect all levels of education. As at February 2005, the national Department of Education has designated the 30 districts around the country in which inclusive education will initially be implemented. In addition, the Department of Education has identified the special school that is to become a resource school and the mainstream school that is to become a full-service school in each of these 30 districts. Plans are being made for the upgrading of physical resources in these schools as well as for the training of staff from the designated schools and districts.

Case Study

Understandably, many learners with disabilities would like changes in schools much sooner. The following example involves a case of learners at a school in Gauteng. Learners at this school for learners with disabilities went on strike because they felt they were not treated with respect. A blind learner, Lucky

Mpshe, had this to say, "Our teachers do not understand Braille material, there is a shortage of Braille textbooks, and there are no opportunities for blind learners to take part in sports." Matthews Ledwaba, from the same school, agreed: he said that learners paid R2,100 per year but conditions at the school had not improved.

(City Press, June 5-12 2005)

What is inclusive education?

The aim of an inclusive system of education is to serve all children, regardless of their differences, within the mainstream of education. A number of learners have been excluded from the mainstream of education for many reasons including disability, poverty, teenage pregnancy and HIV/AIDS. The Department of Education recognises that all children and youth can learn but that they need support. Therefore in White Paper 6, the Department of Education commits itself to "changing attitudes, behaviour, teaching methodologies, *curricula* and the environment to meet the needs of all learners." (p.16)

These changes are meant to overcome the barriers that different learners have experienced in education such as:

- · an inflexible curriculum;
- · negative attitudes towards difference;
- · inaccessible buildings; and
- · inappropriate language of learning and teaching.

In order for the inclusive education system to be most supportive, Education White Paper 6 states that a structure known as the district support team will also be developed to support teachers and schools with regard to curriculum, assessment and learning support materials. Within each school there will be an institutionlevel support team that will put in place co-ordinated learner and teacher support services, with extra support coming from the district support team.

The new inclusive education system will also focus on getting into the education system the estimated 280 000 learners who are out of school because of disability and various barriers. This demands a community outreach and *mobilisation* effort.



WHAT CAN YOUR SCHOOL DO?

The Department of Education has promised a fully-fledged inclusive system in twenty years time. Of course we do not have to wait until then, there are arrangements in our schools we can make now for our schools to become friendlier to people with disabilities.

1. Identify the barriers that exist in your school that would affect learners with different impairments. Here are some questions you could ask to find out which barriers exist:

-				
What are the attitudes of the staff, learners and school governing body towards people with disabilities?			Are there many places in your school with steps that would make it difficult for people in wheelchairs or who use crutches to	Is there at least one toilet that is accessible for people who use wheelchairs?
	Is there anyone in your school who knows sign language or could communicate with a deaf person?	a all pc mi as	get around? ould a learner with disability be owed to articipate in extra- ural activities such sport, debating ad the choir?	Are the teachers supportive enough to allow a child with speech problems, such as stuttering, to read in front of the class?

You may be able to think of many more questions to find out about the barriers in your school. You could even set this as a project for one of the classes in your school.

2. Once you have identified which barriers exist in your school, you can take steps to remove these barriers. For example:

If there are many people who have negative attitudes towards disability, you could have a disability awareness day at your school. On this day you could invite people with disabilities such as members of your local disabled people's organisation or parents of children with disabilities. You could collect articles from the newspaper and magazines about disability or you could invite organisations listed at the end of this booklet to run disability awareness workshops.

If you need help to adapt the curriculum, contact the district office of the Department of Education.

If there are physical barriers such as narrow doorways or steps, you could ask the Physical Planning section /directorate of the Department of Education to help make your school accessible for people in wheelchairs. If you have visually impaired people at your school you could cordon off any dangerous areas where the person might fall e.g. where holes are being dug to make a food garden.

> If there are learners with disabilities who experience financial barriers at your school, you could find out the cost of their transport to school and get the Department of Education to assist them.

3. Find out which resource organisations exist in your area to give you information about disability. You can use the resource list at the end of this booklet to help you find local branches of national organisations.

- 4. Find out whether inclusive education is being tried out in your district and if it is, find out the names of the full-service and resource schools for the district. A list of the 30 districts and the full-service and special schools in these districts where inclusive education is being tried out can be obtained from the Inclusive Education Directorate of the national Department of Education (see resource list at the end of the booklet).
- 5. Do not refuse admission to any learner simply because he/she is disabled. Find out what his/her abilities are as well as what level of support the learner with a disability will need. The child may be suitable for your school if you get enough support from your district.
- 6. If you know of any children with disabilities who are out of school, inform them of their right to education and the provisions that the Department of Education is making for learners with disabilities through inclusive education.
- 7. Involve the parents of any learners with disabilities in the governance of the school and particularly to help the teachers regarding the needs of their own child.
- 8. Make parents aware that a learner with a disability may be able to receive a grant from the state. The Care Dependency grant is paid to people who look after children between the ages of 1 and 18 years with serious disabilities. The parent or caregiver will need a medical report from a doctor and then the caregiver can speak to a social worker at the Department of Social Welfare. The caregiver will need a bar-coded ID, a birth certificate for the child and proof of income. A learner with a disability and over the age of 18 years can get a disability grant. S/he will also need a bar-coded ID, a medical report and proof of income.
- 9. You can help to remove attitudinal barriers to disability by thinking about and changing the language you use to talk about people with disabilities. In most languages there are words that are negative or unpleasant that are used to describe people with disabilities. You can help people to change these negative words into more positive language by using the table below and by finding out suitable words in your own language.

ENGLISH TERMS

Negative/Offensive/ Unacceptable	Seen as more acceptable or positive
Cripple/ _{Crippled}	People with disabilities
Invalid	People with impairments
Dumb	People without speech/person who has a speech disability/speech difficulty/speech impairment
Mentally handicapped	People with learning difficulties
Retarded	People with intellectual impairments/disabilities
Mongol	Person with Down's Syndrome
Mental	Person with many life
Mentally ill	Person with mental health disability
Spastic	Person with cerebral palsy

ISIZULU TERMS

Negative/Offensive/ Unacceptable	Seen as more acceptable or positive
Isidalwa Isilima Isidididi	Umuntu okhubazekile
Imphumputhe	Umuntu ongaboni

Seven Where to Go if You Need Further

National Department of Education

	Postal address		Telephone			Director		
Inclusive Education Directorate	Private Bag X8 Pretoria 0001	95	(012) 312-5074 / 55		505	Dr S. Naicker		
	Postal address	Tele	ephone Fax		IX E		mail address	
Entitler. cial F	Postnet Suite 78 Private Bag X3 Plumstead 7801	1021/0117		1021) 16	Fax E		o@acess.org.za	
to society security (ACES	S)			_1				
hied	Postal		phone	Fax		En	nail address	
Disable People South Africa	P.O. Box 3467	67 (021), 161.01		62103	⁹ m	zolis	si@dpsa.org.za	
ISA Pos	tal address Te	leph	one	Fax		Er	nail address	
X04	Private Bag (04 Westhoven 0 2142		b ¹⁰	126-581	ზ d	leaf	sa@icon.co.za	
	Postal addres	is	Tele	ohone		Er	nail address	
Disabled Children's Action Group (DICAG	16 Broad Rd Wynberg 7800	Pretoria (012) Port Elizat		(021) 797-5977		lica	g@iafrica.com	
Down's	Postal address		el	Fax		Em	ail address	
Down Syndrome Syndrome South Africo	P O Box 1563	00 36	672	1011206 6159406	dssa	offi	ce@icon.co.za	

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Epilepsy south	Postal address		elephone		Fax		Email address
Africa P.	O. Box 73 bservatory 235	1021/2014 447-3014		1021053 44000		info	@epilepsy.org.za
Nation	al Postal addres		Telephone				Email address
council	P.O. Box 4 Melville 2			1268040		5105	nationaloffice@ ncppdsa.org.za
	Postal		Teleph	one		ах	Email address
Quadriple9 Association of Sou Africe				109:2121 109:2121		1190	nationaldirector @iafrica.com
People for	Postal address	address		Telephone $\left \begin{array}{c} 0 \\ 0 \\ \mu^{3b} \\ \mu^$:	Email address
People 1 Awareness Of Disability Issues (PADI)	P.O. Box 45	P.O. Box 452 Rosettenville 2130				р р	adi@icon.co.za
e i can	Postal addr	ess	Telepho		Fa	x	Email address
South African Federation for Mental Health	Private Bag Braamfonte 2017	in	242.96 242.96	b	125		solly@safmh.org
South African National	Postal addre	SS	Tel		x	E	Email address
South African National Council for the Blind	P.O. Box 111 Hatfield 0028	49 }	1012/11 Ab-1171	90) 346	2149	adm	nin@sancb.org.za

Disability: The Rights of Learners

V)

WORD LIST

able-bodied people	people who do not have a disability
accessible	able to be used by people with disabilities as well as other people
albinism	a physical condition where a person's hair and skin lacks pigmentation making them vulnerable to the rays of the sun
barriers	things that block or prevent participation in school, community and work
Braille	a system of raised dots that help blind people to read
constitutional rights	those things that everyone is entitled to, written in the highest law of the country
curriculum/curricula	what is taught, how it is taught, and ways used to find out what has been learned
deficit	something missing or wrong
designated	specially set aside or chosen
discrimination	being treated badly, in this case, because of disability
diversity	a range of differences in people, for example, in terms of religion, language, colour, ability, gender and sexual orientation
flexible	able to change in order to meet different needs
dyslexia	a learning disorder that typically involves difficulty in recognising written words or symbols
impairment	refers to a part of the body which is limited in what it can do

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in-service-training	given to teachers after they have qualified and have been given posts in different institutions
inclusion	being involved and counted in with other people
inclusive education	a new view of education in which learners with disabilities are included with 'able' learners in the same school
institutions	in this context places where people with disabilities are placed away from their homes
intellectually	in the mind and with regard to thinking
limitation of activity	not able to do something to the same extent as 'able' people
mainstream	the type of schooling available for most learners in ordinary schools
mobilisation	making people aware and encouraging them to be active
prejudiced	have negative attitudes towards someone/ something
pre-service	the training given to teachers before qualifying and taking up their posts in schools
sensory impairments	when one or more of your senses, i.e. hearing, sight, smell or touch is impaired
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vocational education education that prepares learners for work