A Critical Policy Analysis of Inclusive Education Policies in Countries Ratifying the United Nations Convention on the Rights of Persons with Disabilities

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Abstract

The purpose of this critical policy analysis was to examine the alignment of 16 selected countries' national level inclusive education laws and policies to the United Nations Convention on the Rights of Persons with Disabilities article 24 Education. The first part of the study examined the laws and policies of Shogren and Turnbull's (2014) core concepts of disability laws, which apply to article 24. The core concepts examined were (1) antidiscrimination, (2) integration, (3) individualized and appropriate services, and (4) prevention and amelioration. The second part of the study assessed the laws and policies for possible exclusions for students with disabilities. Lastly, countries' policies were compared based on the Human Development Index, which is an effective application to examine the government's policy priorities and helps provide the culture and context of the country (United Nations, n.d.-b).

The outcomes of this study provided a basis for understanding these 16 selected countries' national level education policies concerning the core concepts of disability law and exclusionary language and practices for students with disabilities. For the core concepts, the primary finding indicated that individualized and appropriate services was the most neglected core concept. This finding was particularly true for medium developing countries on the HDI scale. Explicit indicators included integration versus inclusive education, segregated learning environments, rigid and inflexible curriculum, negative labeling, denied access to general schools, lack of physical access to community general schools, lack of support for assessments, use of school fees, and a lack of student rights. Implicit exclusionary indicators found within the policies included lack of individualized supports, medical model/deficit-based assumptions, lack of teacher training, lack of accountability, lack of student rights, lack of access to the general education setting, and lack of support for assessments. The most common exclusionary indicators were a lack of accountability and the use of segregated learning systems. This empirical data is useful for policymakers, disability advocates, education leaders, and future researchers.

Table of Contents

CHAPTER 1 1
UNCRPD Core Concepts 2
Inclusive Education 3
Exclusionary Education Policy 5
Problem Statement 5
Purpose Statement 7
Research Questions 7
Significance of the Study 8
Delimitations 9
Definitions 10
Organization of the Study 14
CHAPTER 2 15
REVIEW OF LITERATURE 15
Chapter Overview 15
Literature Review Search Process 16
The United Nations Convention on the Rights of Persons with Disabilities 16
Article 24 17
Other Relevant UNCRPD Articles 19
Articles 9 and 30: Equal Access 19
Article 4: Universal Design 20
Article 4: Participation in Decision Making 20
Articles 12 and 13: Legal Safeguards 21
Articles 31 and 33: Policy Monitoring 22
In Summary 22
Exclusionary Policy Language 23
Integrative Over Inclusive Language 27
Segregated Learning Environments 29
Medical and Deficit Models 29
Rigid and Inflexible Curriculum 31
Labeling 32
Lack of Reasonable Accommodations 33
Absence of Individualized Support Measures 34
Lack of Teacher Training 35
Lack of Accountability 37
In Summary 38
Conceptual Frameworks 39
Conceptual Framework 1: Four Core Concepts of Inclusive Education 39
Article 24 and Core Concepts 41
Application of Conceptual Framework 1: Four Core Concepts of Inclusive Education 44
Conceptual Framework 2: Explicit and Implicit Exclusionary Policies 46
Identifying Explicit and Implicit Exclusionary Indicators 49
Explicit Exclusionary Language 49
Implicit Assumptions within Policies 53
Critical Discourse Policy Analysis 61

Human Development Index 62
In Summary 63
CHAPTER 3 66
METHODOLOGY 66
Research Design 66
Research Design Rationale 67
Critical Policy Analysis and Critical Discourse Analysis 67
Justification of Critical Discourse Policy Analysis 68
Core Concepts Approach 71
Exclusionary Indicator Approach 71
HDI Approach 75
Data Collection 75
Trustworthiness 77
Triangulation 79
Peer Debriefing 80
Audit Trails 81
Reflexivity 81
Researcher Positionality 82
In Summary 83
CHAPTER 4 84
FINDINGS AND ANALYSIS 84
Background of Selected Countries 85
Countries' Cultures and Educational Challenges 86
Very High Human Development Countries 86
Singapore 86
New Zealand 87
High Human Development Countries 88
South Africa 89
Trinidad and Tobago 90
Sri Lanka 91
Philippines 93
Medium Human Development Countries 95
Kenya 95
Ghana 96
Pakistan 98
Namibia 99
Bangladesh 100
India 101
Zimbabwe 103
Low Human Development Countries 104
Liberia 104
Sierra Leone 105
Nigeria 106
In Summary 108
Research Question 1—Core Concepts 108
Singapore 109

Antidiscrimination 110
Integration 110
New Zealand 112
Antidiscrimination 112
Integration 115
Prevention and Amelioration 116
South Africa 116
Antidiscrimination 117
Integration 119
Individualized and Appropriate Services 121
Prevention and Amelioration 122
Trinidad and Tobago 123
Antidiscrimination 123
Integration 126
Individualized and Appropriate Services 128
Prevention and Amelioration 129
Sri Lanka 129
Antidiscrimination 130
Philippines 132
Antidiscrimination 132
Integration 134
Individualized and Appropriate Services 136
Prevention and Amelioration 137
Kenya 137
Antidiscrimination 138
Integration 140
Individualized and Appropriate Services 142
Prevention and Amelioration 142
Ghana 144
Antidiscrimination 144
Integration 146
Individualized and Appropriate Services 147
Prevention and Amelioration 148
Pakistan 148
Antidiscrimination 148
Integration 151
Prevention and Amelioration 153
Namibia 153
Antidiscrimination 155
Integration 156
Individualized and Appropriate Services 157
Prevention and Amelioration 158
Bangladesh 158
Antidiscrimination 159
Integration 162
Prevention and Amelioration 163

India 164
Antidiscrimination 164
Integration 166
Individualized and Appropriate Services 168
Prevention and Amelioration 169
Zimbabwe 170
Integration 172
Individualized and Appropriate Services 173
Liberia 173
Antidiscrimination 174
Integration 176
Individualized and Appropriate Supports 177
Prevention and Amelioration 178
Sierra Leone 179
Antidiscrimination 180
Integration 182
Nigeria 183
Antidiscrimination 183
Integration 186
Individualized and Appropriate Supports 188
Prevention and Amelioration 189
Research Question 2 — Explicit Exclusionary Indicators 190
Singapore 190
New Zealand 190
Other Exclusionary Indicators-Denied Access into General Schools 191
South Africa 191
Segregated Learning Environments 192
Other Exclusionary Indicators-Denied Access into General Schools 192
Other Exclusionary Indicators—Lack of Physical Access to Community Schools 193
Trinidad and Tobago 194
Segregated Learning Environments 194
Other Exclusionary Indicators-Denied Access into General Schools 195
Other Exclusionary Indicators—Lack of Physical Access to Community Schools 196
Sri Lanka 196
Philippines 196
Negative Labeling 197
Kenya 197
Segregated Learning Environments 198
Other Exclusionary Indicators-Denied Access into General Schools 198
Ghana 199
Other Exclusionary Indicators-Denied Access into General Schools 200
Pakistan 200
Integrative Over Inclusive Language 201
Rigid and Inflexible Curriculum 202

Namibia....202
Segregated Learning Environments....203
Other Exclusionary Indicators-Denied Access into General Schools....203
Bangladesh....204
Segregated Learning Environments....204
Negative Labeling....206
Other Exclusionary Indicators-Lack of Support for Assessments....207
India....207
Segregated Learning Environments....208
Other Exclusionary Indicators—Lack of Physical Access to Community Schools....209
Zimbabwe....209
Other Exclusionary Indicators-School Fees....210
Liberia....211
Sierra Leone....211
Nigeria....211
Segregated Learning Environments....212
Other Exclusionary Indicators-Lack of Students Rights....213
HDI Country Comparison of Explicit Exclusionary Indicators....214
Research Question 3 –Implicit Exclusionary Indicators....214
Singapore....216
Other Exclusionary Indicators-Lack of Student Rights....216
New Zealand....217
Lack of Individualized Supports....217
Lack of Teacher Training....217
South Africa....218
Medical Model/Deficit-Based Assumptions....218
Trinidad and Tobago....218
Lack of Individualized Supports....219
Medical Model/Deficit-Based Assumptions....219
Lack of Accountability....219
Sri Lanka....220
Philippines....220
Lack of Individualized Supports....220
Medical Model/Deficit-Based Assumptions....221
Kenya....222
Lack of Individualized Supports....222
Medical Model/Deficit-Based Assumptions....223
Lack of Teacher Training....224
Lack of Accountability....224
Ghana....225
Lack of Individualized Supports....225
Lack of Accountability....226
Pakistan....227
Lack of Individualized Supports....227
Medical Model/Deficit-Based Assumptions....227

Other Exclusionary Indicators-Lack of Student Rights 228
Other Exclusionary Indicators-Lack of Access to the General Education Settings 228
Namibia 229
Lack of Individualized Supports 229
Lack of Accountability 230
Bangladesh 230
Lack of Individualized Supports 230
Medical Model/Deficit-Based Assumptions 231
Lack of Teacher Training 231
Lack of Accountability 232
India 232
Lack of Individualized Supports 232
Lack of Accountability 233
Zimbabwe 234
Liberia 234
Lack of Accountability 234
Other Exclusionary Indicators-Lack of Student Rights 235
Other Exclusions-Access to Education 235
Sierra Leone 236
Lack of Individualized Supports 236
Other Exclusionary Indicators-Lack of Supports for Assessments 237
Nigeria 237
Lack of Individualized Supports 238
Medical Model/Deficit-Based Assumptions 238
Lack of Accountability 239
Ratings of Selected Countries' Current State of Inclusive Policies 240
Singapore 240
Exclusionary Indicators 241
New Zealand 241
Exclusionary Indicators 242
South Africa 242
Exclusionary Indicators 244
Trinidad and Tobago 244
Exclusionary Indicators 246
Sri Lanka 246
Exclusionary Indicators 247
Philippines 247
Exclusionary Indicators 248
Kenya 249
Exclusionary Indicators 250
Ghana 251
Exclusionary Indicators 252
Pakistan 253
Exclusionary Indicators 253
Namibia 254

Exclusionary Indicators 256
Bangladesh 256
Exclusionary Indicators 258
India 258
Exclusionary Indicators 260
Zimbabwe 260
Exclusionary Indicators 261
Liberia 261
Exclusionary Indicators 262
Sierra Leone 263
Exclusionary Indicators 264
Nigeria 265
Exclusionary Indicators 266
Transnational Overviews 267
Transnational Findings for Core Concepts 267
Antidiscrimination 268
Integration 269
Individualized Supports and Services 272
Prevention and Amelioration 274
HDI Country Comparison of Core Concepts 277
Transnational Summary of Explicit Exclusionary Indicators 279
Integrative Over Inclusive Language 279
Segregated Learning Environments 280
Rigid and Inflexible Curriculum 281
Negative Labeling 282
Other Exclusionary Indicators-Denied Access to General Schools 282
Other Exclusionary Indicators—Lack of Physical Access to Community Schools 283
Other Exclusionary Indicators-Lack of Support for Assessments 284
Other Exclusionary Indicators-School Fees 285
Other Exclusionary Indicators-Lack of Student Rights 285
Summary 286
HDI Country Comparison of Explicit Exclusionary Indicators 286
Transnational Summary of Implicit Exclusionary Indicators 289
Lack of Individualized Supports 289
Medical Model/Deficit-Based Assumptions 290
Lack of Teacher Training 292
Lack of Accountability 293
Other Exclusionary Indicators-Lack of Student Rights 294
Other Exclusionary Indicators-Lack of Access to General Education Schools 295
Other Exclusionary Indicators-Lack of Access to Education 295
Other Exclusionary Indicators-Lack of Support for Assessments 296
Summary 296
HDI Country Comparison of Implicit Exclusionary Indicators 297
CHAPTER 5 301

FINDINGS AND RECOMMENDATIONS....301
Core Concepts....301
Explicit Exclusionary Indicators....303
Implicit Exclusionary Indicators....305
Contribution to the Literature....307
Implications....308
Recommendations....310
Conclusion....312
REFERENCES....313
APPENDIX....369
VITA....394

List of Tables

Table 2.1 Policy Analysis of National Inclusive Education Policies Since 2010 25
Table 2.2 Policy Language that May Explicitly Authorize or Allow Exclusionary Education Practices.....50
Table 2.3 Policy Language that May Implicitly Authorize or Allow Exclusionary Education Practices.....54
Table 2.4 Table of Countries Listed in Ranking for HDI.....64
Table 3.1 Critical Analysis of National Inclusive Education Policies Published Since 2010.....69
Table 4.1 Comparison of HDI Ranking Countries for Explicit Exclusionary Indicators 215
Table 4.2 Core Concepts of Countries' Policies based on HDI Rankings.....278
Table 4.3 Comparison of HDI Ranking Countries for Explicit Exclusionary Indicators.....288
Table 4.4 Comparison of HDI Ranking Countries for Implicit Exclusionary Indicators.....299

List of Figures

Figure 2.1 The Four Core Concepts of Inclusive Education 45
Figure 2.2 Flowchart Illistrating the Core Concept Approach to Inclusive Education Policy Analysis.....47
Figure 3.1 Indicators that May Explicitly Authorize or Allow Exclusionary Education Practices 73
Figure 3.2 Indicators that May Implicitly Authorize or Allow Exclusionary Education Practices 74
Figure 3.3 Study and Data Criteria Chart……..78
Figure 4.1 Core Concept Policy Analysis of Singapore's Inclusive Education Laws and Policies.....111
Figure 4.2 Core Concept Policy Analysis of New Zealand's Inclusive Education Laws and Policies….....114
Figure 4.3 Core Concept Policy Analysis of South Africa's Inclusive Education Laws and Policies.....118
Figure 4.4 Core Concept Policy Analysis of Trinidad and Tobago's Inclusive Education Laws and Policies.....124
Figure 4.5 Core Concept Policy Analysis of Sri Lanka's Inclusive Education Laws and Policies.....131
Figure 4.6 Core Concept Policy Analysis of Philippine's Inclusive Education Laws and Policies.....133
Figure 4.7 Core Concept Policy Analysis of Kenya's Inclusive Education Laws and Policies.....139
Figure 4.8 Core Concept Policy Analysis of Ghana's Inclusive Education Laws and Policies.....145
Figure 4.9 Core Concept Policy Analysis of Pakistan's Inclusive Education Laws and Policies.....149
Figure 4.10 Core Concept Policy Analysis of Namibia's Inclusive Education Laws and Policies.....154
Figure 4.11 Core Concept Policy Analysis of Bangladesh's Inclusive Education Laws and Policies.....160
Figure 4.12 Core Concept Policy Analysis of India's Inclusive Education Laws and Policies.....165
Figure 4.13 Core Concept Policy Analysis of Zimbabwe's Inclusive Education Laws and Policies.....171
Figure 4.14 Core Concept Policy Analysis of Liberia's Inclusive Education Laws and Policies.....175
Figure 4.15 Core Concept Policy Analysis of Sierra Leone's Inclusive Education Laws and Policies.....181
Figure 4.16 Core Concept Policy Analysis of Nigeria's Inclusive Education Laws and Policies.....184
Figure 4.17 Explicit Exclusionary Indicators Found within This Study……...287
Figure 4.18 Implicit Exclusionary Indicators Found within This Study……...298

CHAPTER 1

INTRODUCTION TO THE STUDY

Not only can individuals with disabilities make positive gains through inclusive educational process, but society at large can benefit as well (Hehir et al., 2016). As the Salamanca Statement (United Nations Education, Scientific and Cultural Organization (UNESCO), 1994) says, the benefit of inclusive education in general education schools is "the most effective means to combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all" (p. ix). International treaties, such as the Salamanca Statement (UNESCO, 1994) and the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD) of 2006 (United Nations, 2006) have created a global movement of best practices to help improve access and participation for children with disabilities to quality education with peers who are non-disabled.

Many countries have developed national policies for inclusive education for children with disabilities based on the UNCRPD of 2006 (United Nations, 2006). Since the inception of the UNCRPD, 182 countries have ratified this treaty (United Nations, 2021), demonstrating that inclusive education for children with disabilities is a priority throughout the world (Angelides, 2011). Through ratification, countries become State parties to the Convention's treaty and voluntarily implement the UNCRPD's inclusive education principles specified primarily within article 24 Education (Waldschmidt et al., 2017). This treaty has been significantly noted as "a human rights instrument with an explicit social development dimension" that affirms all humans equally have fundamental rights to education and other freedoms (United Nations, n.d.-c, para.1).

The United States (US) is one of the few countries that has not ratified the UNCRPD. The UNCRPD was based on the Americans with Disabilities Act (1990), but during the drafting

of the UNCRPD President G. W. Bush stated that the US would not support the treaty (Kanter, 2019). According to Kanter (2019), this decision may have been due to fact that the Americans with Disabilities Act (1990) contained exclusions for specific types of disabilities while the UNCRPD requires equal and equitable treatment for all people with disabilities (Kanter, 2019). In 2009, President Obama signed the UNCRPD (Kanter, 2019). Two years later, when the UNCRPD's ratification went before the Senate, the ratification was rejected with five votes short which were needed to obtain the two-thirds Senate majority (Kanter, 2019).

Once countries' governments ratify the UNCRPD, there is an obligation to adopt appropriate legislative and other measures to implement the rights recognized within the UNCRPD (United Nations, 2006, article 4 (a)). As countries incorporate the UNCRPD policies at the national level, their societal values and cultural beliefs influence how inclusive education is defined and practiced (Stephens, 2019). At times, cultural and societal influences may result in the adoption of exclusionary language, both explicitly and implicitly, within the policy text (Hardy & Woodcock, 2015). These values and beliefs may result in the omission of one or more of four core concepts, the indicators of inclusive education in UNCRPD's article 24 Education, which should serve as the foundation of disability laws. Therefore, policymakers have a complex role when developing inclusive education policies since they must ensure human rights and carry out their own societal values and norms within the policy documents.

UNCRPD Core Concepts

The 50 articles of the UNCRPD encompass 16 core concepts of disability policies that affect families of children with disabilities (Shogren & Turnbull, 2014). Initially, 18 core concepts were identified when Turnbull et al. (2001) researched the primary concepts of disability policy through a triangulation of literature reviews, document analysis, and qualitative

research, and then applied the concepts to disability policy in the US. Later, Shogren and Turnbull (2014) assessed the UNCRPD (2006) and found 16 of the core concepts of disability law were used (see Appendix A). Within article 24 Education, four core concepts were utilized. The four core concepts identified were (a) antidiscrimination, (b) individualized and appropriate services, (c) integration, and (d) prevention and amelioration (Shogren & Turnbull, 2014).

The alignment of the core concepts provides a unifying international framework of core values (Shogren & Turnbull, 2014) within education. The four concepts of article 24 Education help to ensure these unified values are implemented within education policies for children with disabilities. Antidiscrimination policies help provide rights to students with disabilities for equal participation and benefit from the education system (Turnbull et al., 2001). Individualized and appropriate services help ensure the implementation of individually tailored and effective services and supports (Meral & Turnbull, 2016) which meet the specific needs of students with disabilities. Integration refers to students' participation within their community and the access to the general education system to the fullest extent possible through accommodations and supports (Shogren & Turnbull, 2010). The last concept of prevention and amelioration refers to the policies which focus on the primary, secondary, and tertiary prevention and minimizes the effects of disabilities (Meral & Turnbull, 2016).

Inclusive Education

An inclusive education embodies the commitment to include and serve every child (Richler, 2012) within all educational settings. As Opertti and Brady (2011) stated,

> An inclusive education system at all levels is not one which responds separately to the needs of certain categories of learners but rather one which responds to the diverse, specific, and unique characteristics of each learner, especially those who are at risk of

> marginalization and underachievement under common frameworks of settings and provisions" (p. 460).

Therefore, the teaching is adapted to the student rather than requiring the student to adapt to the teaching (Suleymanov, 2015). Under the US Individuals with Disabilities Education Act (IDEA, 2004), this is referred to as specialized instruction.

An inclusive education system promotes successful learning outcomes for every type of student without discrimination based on disability (Robo, 2014). These successful outcomes occur when there is a system-wide enhancement of "the quality of education by improving the effectiveness of teachers, promoting learning-centered methodologies, developing appropriate textbooks and learning materials and ensuring that schools are safe and healthy for all" (Robo, 2014, p. 200). Inclusive education requires a commitment to seeking out the student's strengths by developing engaging education programming that decreases learning barriers.

Internationally, the concept of inclusion is interpreted and implemented differently (Ainscow et al., 2013). Yet, certain features have been cited as important for inclusive education. Conceptually,

> Inclusion is concerned with all children and young persons in schools; it is focused on presence, participation and achievement; inclusion and exclusion are linked together, such that inclusion involves the active combating of exclusion; and inclusion is seen as a never-ending process. (Ainscow et al., 2013, p. 6)

Therefore, inclusive education should be constantly evolving, a progress working towards the goal of educating all children together.

Exclusionary Education Policy

Exclusionary environments arise when students with disabilities are not allowed to participate regularly or continuously in schools or programs or in meaningful learning experiences that are seen as valuable learned skills that contribute to the community (UNESCO, 2020a). Exclusionary practices can be promulgated through the implicit meanings and the explicit textual language employed in national policy statements. Explicit exclusionary policy text language may occur through social and cultural contexts that standardize requirements which favor students without disabilities.

Not all exclusionary practices are explicit within the policy text (Kirby, 2017). Other types of exclusions occur implicitly or are implied in the legislative text. Implicit practices or procedures prescribed by the policy may assume that children with disabilities are inferior or are others who do not warrant treatment ascribed to students with non-disabilities. For example, policies may implicitly sanction segregated grouping practices leading to the "othering" of children with disabilities (Stabile, 2016, p. 381). This implicit social exclusion for children with disabilities may be detrimental throughout their lives. Long-term exclusions for children with disabilities have been associated with failure in school, job insecurities, poverty, and significant health issues (Robo, 2014).

Problem Statement

Regardless of the UNCRPD's treaty language and the number of signatories, it is unclear whether the core concepts of inclusive education have been incorporated into national education policies. A deficit of national and international policy studies has investigated this issue and resulted in some researchers urging more policy research concerning inclusive education policies in relation to the UNCRPD (Amor et al., 2019; Shogren & Turnbull, 2014). The United Nations

CRPD committee reported that national policy lacks in "disaggregated data and research, necessary for accountability and program development, impeding the development of effective policies and interventions to promote inclusive and quality education" (United Nations, 2016, p. 2). Furthermore, because inclusive education policies are constantly under revision, D'Alessio and Watkins (2009) proposed that qualitative content analysis of international inclusive education comparative studies are continuously needed to provide the foundations for quantitative research. This statement suggests that a qualitative research study may be useful for improving inclusive education policies.

Byrne (2019) discerned a need to consider how inclusivity rights are provided to the fullest extent within inclusive education. With this consideration, exclusionary language within policy texts may unintentionally facilitate barriers to full inclusion. In addition, exclusionary language is not currently defined or fully understood (Beckmann, 2016). Therefore, implicit assumptions and explicit exclusionary language found within inclusive education policy are areas that need to be further researched and developed.

Shogren and Turnbull (2014) encouraged researchers to begin with the "salient policy questions [that] would ask whether national policy is congruent with the articles" (p. 25). In alignment with the UNCRPD, the application of core concepts in policy studies helps to provide policy leaders with the ability to make appropriate modifications within national policies (Shogren & Turnbull, 2014). While policy leaders may not utilize the outcomes of this dissertation, the outcomes may extend support to educational leaders, disability advocates, and future researchers to provide some understandings as to how national policies are creating exclusions through language and meanings and how national policies may not align with inclusive education practices as required under the UNCRPD within this study's selected

countries. Shogren and Turnbull (2014) further suggested that a policy study based on an analytical framework incorporating the core UNCRPD concepts of inclusive education is needed.

Purpose Statement

This study aimed to analyze the alignment of national level inclusive education policies with the requirements of the UNCRPD (2006). The framework of the UNCRPD core concepts of inclusive education guided a policy analysis in determining the presence or absence of alignment of the national policies to the four core concepts of antidiscrimination, individualized and appropriate services, integration, and prevention and amelioration. Later, a critical summarization of the countries' core concepts was transnationally analyzed both to the individual country and across the countries. The second part of the study applied a critical policy analysis and examined if exclusions occur within the policies to help better address and overcome future challenges for educational leaders, disability advocates, and inclusive education researchers.

Specifically, I analyzed selected signatory countries' national policies to investigate if the core concept requirements of the UNCRPD were met. The national level policies were examined for exclusionary language and implicit exclusions within the policy texts by applying exclusionary policy indicators which were derived from past policy analysis studies. The study's goal was to provide an overview of the status and development of inclusive education, focusing on exclusionary language within the policies in the selected countries that have ratified the treaty.

Research Questions

This critical policy analysis was guided by three research questions that focused on comparisons of national policy texts from 16 countries that have voluntarily based their inclusive

educational policies for children with disabilities on the UNCRPD's core concepts as enumerated in article 24 Education. The findings of the selected countries' national policy and law texts are compared and described with the relevant sections of the UNCRPD's article 24 Education with special attention to if and how exclusionary policies were incorporated in implicit and explicit ways.

RQ1. Which, if any, of the four core concepts in article 24 Education of the UNCRPD are evident in the selected countries' national inclusive education laws and policies?

RQ2. What evidence is there, if any, that explicit policy language that may lead to exclusionary practices is present in the selected country's national education laws and policies and how does it compare across the transnational sample?

RQ3. What evidence is there, if any, that the policy language may lead implicitly to exclusionary practices in the selected country's national education laws and policies and how does it compare across the transnational sample?

Significance of the Study

This study was potentially the first study in which multiple countries' education policies have been analyzed to discern whether the UNCRPD requirements of inclusive education have been incorporated the four core concepts and whether explicit and implicit exclusionary policies were embedded in these texts. Therefore, the outcomes of this study have provided empirical data that educational leaders, disability advocates, and future researchers may find helpful. The results may help ensure equity and equality in educational policies for students with disabilities to promote more inclusive policies through the incorporation of the four core concepts-antidiscrimination, individualized and appropriate services, integration, and prevention and amelioration.

The results may provide insights about explicit exclusionary language and exclusion through implicit assumptions which are embedded within in policies and law. Such exclusionary legislative texts create barriers for students with disabilities from obtaining the instruction and support services needed to acquire an education which brings benefit to their future career and life plans. As Smyth et al. (2014) contended, international comparisons of policies can be particularly useful in national-level conversations about implicit means in working towards fully inclusive education systems.

Finally, the findings of the study, although not generalizable to countries outside of this study, may provide a lens on the commitment or capacity of a sample of UNCRPD signatories to offer a legal framework in which inclusive education is mandated for students with disabilities. At minimum, the study's results could show areas of weakness to help educational leaders, disability advocates, and future researchers to help build future legislative supports for students with disabilities. Also, the research design methodology may encourage other researchers to conduct similar investigations into education policies nationally and internationally and, thereby, expand the body of knowledge on the status of inclusive education worldwide.

Delimitations

The data were collected from policy and law texts of countries based on the following purposive criteria:

(a) the country has ratified the UNCRPD;

(b) the country possessed text-based national inclusive education laws and policies that were derived from article 24 Education of the UNCRPD;

(c) the national laws and policies were in English;

(d) the country practiced English Common Law;

(e) the country was not a part of the European Union;

(f) the country was not one of the world's top Westernized and industrialized societies; and

(g) the country had a population of over 1 million people.

I did not examine if the written policies were implemented within the countries' educational systems. Instead, I focused strictly on the national level legislative texts for alignment of the four core concepts and what, if any, explicit exclusionary language, or implicit assumptions of exclusions had been integrated within national level inclusive education policies.

Definitions

For the purpose of this study, the following terms have been operationally defined as follows:

Critical Discourse Analysis—Differing from other types of discourse analysis, the framework of critical discourse analysis is used to uncover power relationships and demonstrate inequalities embedded within society (Amoussou & Allagbe, 2018). This is done through a systematic analysis of written text and spoken words to "investigate ways in which authority, dominance and social inequality are constructed, sustained, reproduced and resisted" (Amoussou & Allagbe, 2018; Kazemain & Hashemi, 2014). Critical discourse analysis is often used with critical policy analysis.

Critical Policy Analysis—Increasingly used in the field of education, critical policy analysis is a tool used to question structures and systems within the policy field (Diem et al., 2014). Critical policy analysis has no singular or concrete definition, but overall is "a means to discover and/or question the complexity, subjectivity, and equity of policy" through less traditional approaches

and with a variety of theoretical frameworks (Diem et al., 2014, n.p.). Critical policy analysis can be used along with critical discourse analysis.

Exclusion—According to the UNESCO International Bureau of Education (2020a), exclusion from the educational system is defined to mean when a student with a disability is not regularly or continuously allowed to participate in schools or programs or denied participation in meaningful learning experiences that provide skills that contribute to the community. For this study, exclusion is specifically focused on the access for children with disabilities to primary and secondary general education programming and activities.

Exclusionary Policy Language—The UNCRPD (2006) defines discrimination on the basis of disability as

> Any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civic or any other field. It includes all forms of discrimination, including denial of reasonable accommodation. (p. 271)

Therefore, exclusionary language within legislative texts supports discrimination or exclusion of children with disabilities.

Explicit Policy Language—Explicit policy language is overtly stated through text in official documents, websites, and court decisions that declare the law (Shohamy, 2006). In this study, national policy text was evaluated for explicit policy language embedded in inclusive educational policies which may lead to exclusionary practices.

General Education or General Classrooms—General education is the term that is used to create consistencies with national level laws and policies in discussing the common education

setting to teach the general population of students. Terms found within policy text included general education, ordinary education, normal education, and regular education. General education or classrooms is perceived by the author to be the least stigmatizing of the legislative terms to use when discussing these general population education settings.

Human Development Index—Developed by the United Nations, the Human Development Index (HDI) provides data concerning a countries' average achievement in three key dimensions of a long and healthy life, knowledge, and a decent standard of living (United Nations Development Programme (UNDP), n.d.). For this study, HDI was used to transnationally compare countries' outcomes.

Inclusive Education—Inclusive education refers to "the process of systematic reform embodying changes and modifications in content, teaching methods, approaches, structures, and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences" (United Nations, 2016, p. 11).

Integration—In this study, integration has one of two means, depending on the context. First, integration is a process used to educate children with disabilities in general settings when students can adapt with little to no modification to the curriculum or setting (United Nations, 2016). In reference to Shogren and Turnbull's (2014) core concept of integration, integration refers to the student with disabilities participation within their community and access to general education system through the accommodations and supports.

Lacks—According to the Merriam-Webster (n.d.), lacks means "to be deficient or missing." In reference to the explicit and implicit indicators, lacks within the indicators' title means that either the indicator is missing or does not wholly meet the criteria.

Legal Loophole—Under the legal definition, loopholes allow "without violating its literal interpretation, an allowable legal interpretation or practices unintentionally ambiguous due to a textual exception, omission, or a technical defect, evades or frustrates the intent of a contract, law, or rule" (The Law Dictionary, n.d., para. 1).

Out-of-school children—On an international comparative level, out-of-school children refer to primary and secondary aged students who should be enrolled in school and have not attended for an entire academic year (UNESCO, 2019a).

Person (or child) with disability—Children and adults with disabilities "include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others" (UNCRPD, 2006, article 1, p. 270).

Policy that is Implicitly Exclusionary-—Covert policy is "informal, unstated, de facto, grass-roots and latent" (Shohamy, 2006, p. 50) and is absent from the text. Policies that are implicitly exclusionary for persons with disabilities assumes individual deficits, including labeling that may create stigmas for children with disabilities, and assumptions that disabilities are abnormal or unhealthy insinuating that children with disabilities should be separated from typically developing children which is evidence of exclusionary practices (Kirby, 2017).

Segregation-—Segregation occurs when students with disabilities are educated in a separate environment designated for those with impairments and are isolated from other students without disabilities (United Nations, 2016).

State party-—A State party is a country that has ratified or acceded to a particular treaty to become legally bound (USLegal, 2019). The degree to which an individual country is "legally

bound" to a treaty is in accordance with that specific country's laws. In this study, the treaty is the UNCRPD.

Transnational—A research perspective which examines an individual unit, in this case a country, to a global system which can address political processes put into place through international organizations (Williams, n.d.).

Organization of the Study

This critical policy analysis is divided into five chapters. Chapter 1 includes the introduction, statement of the problem, the study's purpose, research questions, delimitations, and definitions of key terms used in this study. Chapter 2 provides a discussion of the UNCRPD and article 24 Education, along with a review of empirical literature on inclusive education exclusions that may be implicitly and explicitly supported in education laws and policies. The chapter further expounds on how the frameworks were developed. Chapter 3 provides details of the research design and methodology that was the basis of this critical policy analysis. Chapter 4 presents the findings in response to each of the research questions, along with the transnational analyses. A synthesis of the research questions, implications, contributions to the literatures, and suggestions for future research occurs in Chapter 5.

CHAPTER 2

REVIEW OF LITERATURE

The purpose of this critical policy analysis was to provide an overview of inclusive education's status for countries that have ratified the UNCPRD so that educational leaders, disability advocates, and future researchers may have guidance to improve the equity and equality in educational legislation for children with disabilities. First, the selected national level policies were examined with the use of Shogren and Turnbull's (2014) four core concepts of antidiscrimination, integration, individualized and appropriate services, and prevention and amelioration. Second, the same policies were examined for exclusionary policies through explicit policy language and implicit exclusionary assumptions. To that end, three research questions guided this study.

RQ1. Which, if any, of the four core concepts in article 24 Education of the UNCRPD are evident in the selected countries' national inclusive education laws and policies?

RQ2. What evidence is there, if any, that explicit policy language that may lead to exclusionary practices is present in the selected country's national education laws and policies and how does it compare across the transnational sample?

RQ3. What evidence is there, if any, that the policy language may lead implicitly to exclusionary practices in the selected country's national education laws and policies and how does it compare across the transnational sample?

Chapter Overview

To provide a foundation of this study, three of the study's major components are reviewed through the literature. First, the UNCRPD's (2006) article 24 Education and other relevant articles pertinent to inclusive educational policies are described. Next, Shogren and

Turnbull's (2014) identification of four core concepts of inclusive education as stipulated in article 24 Education are discussed. Next, the literature, including policy studies, is reviewed for exclusions of students with disabilities through explicit language and implicit assumptions. Lastly, a review of the three frameworks — core concepts (Shogren & Turnbull, 2014) explicit exclusionary indicators, and implicit exclusionary indicators used in this study are reviewed.

Literature Review Search Process

This literature review's search process began with The University of Tennessee and East Tennessee State University library databases, such as ERIC, Sage Publications, and Google Scholar. These search engines provided peer-reviewed articles and policy studies. The search terms for the UNCRPD included 'CRPD article 24' which generated 12,300 articles published since 2010. In search of exclusionary language in policy, 23,600 articles were produced with the terms 'education' and 'children with disabilities AND national policy' published since 2010. Each of the searches was narrowed to find specific articles related to inclusive (special education focused) education policies and laws. I read articles on each topic until I acquired a command of the literature (Merriam & Tisdell, 2016). Additional resources were purposively added as the literature was reviewed and relevant articles were found.

The United Nations Convention on the Rights of Persons with Disabilities

In 1945, the United Nations was developed as an international organization. Initially, 51 countries committed to the development of the United Nations, pleading that their governments fight together against the Axis Powers (United Nations, n.d.-a). Today, the United Nations has 182 Member states, or countries, and confronts several humanitarian issues. The Charter of the United Nations (United Nations, 2016, Article 1(3)) states that one of the primary purposes of the organization is to promote human rights through "cooperation in solving international

problems of economic, social, cultural, or humanitarian" efforts by "encouraging universal respect for human rights and for fundamental freedoms for all" (United Nations Commission on Human Rights, 1991, para. 1). To ensure oversight of human rights laws, the United Nations creates treaties, conventions, and international agreements (Dag Hammerskjold Library, 2020).

In December 2006, the United Nations adopted the UNCRPD international treaty. The UNCRPD became the first legally binding treaty of the 21st century to protect people with disabilities. This treaty was promoted as "the missing piece of legislation" as the United Nations had never formally recognized persons with disabilities in any other human rights laws (De Meulder, 2014, p. 13).

A country's signature on the UNCRPD is a symbolic commitment to support people with disabilities. Only when a country ratifies the treaty is there a stronger national commitment (Waldschmidt et al., 2017). Through the ratification, the country commits to executing the UNCRPD's articles into national law and agrees to report regularly on compliance standards (Richler, 2012; Waldschmidt et al., 2017). Once a country agrees to ratify the UNCRPD, the United Nations monitors the country's implementation of the treaty through regular reporting, engaging in dialog, and making any necessary recommendations for improvements (De Meulder, 2014).

Article 24

Within the UNCRPD's 50 articles, article 24 Education is the predominant article to outline the requirements for inclusive education as a human right for children with disabilities. The participating countries' policies help to provide assurances of inclusivity at all educational levels by promoting "a sense of dignity" (UNCRPD, 2006, article 24(1)(a), Education, p. 285) and allow each student to reach "their fullest potential" (UNCRPD, 2006, article 24(1)(b),

Education, p. 285). For students with disabilities to "participate effectively in a free society" (UNCRPD, 2006, article 24(1)(c), Education, p. 285), the student is not to be excluded from free primary and secondary education based on their disability (UNCRPD, 2006, article 24(2)(a), Education). Education is to occur within their own community (UNCRPD, 2006, article 24(2)(b), Education) through individualized measures "with the goal of full inclusion" (UNCRPD, 2006, article 24(2)I, Education, p. 285). Students are to receive necessary supports within the general education system (UNCRPD, 2006, article 24(2)(d), Education) and be provided with reasonable accommodations (UNCRPD, 2006, article 24(2)(c), Education). Reasonable accommodations are defined as appropriate modifications and adjustments necessary to provide an equal status of others' rights and freedoms (UNCRPD, 2006, article 2, Definitions).

In providing full and equal participation in their own communities, countries' policies are to enable children with disabilities to "learn life and social development skills" (UNCRPD, 2006, article 24(3), Education, p. 286). The participating countries' policies should facilitate the learning of Braille or other alternative means of communication (UNCRPD, 2006, article 24 (3)(a), Education) including sign language (UNCRPD, 2006, article 24(3)(b), Education), when needed for the student. Countries' policies are to provide alternative communication by hiring teachers, including those with disabilities, and who are qualified in Braille and sign language (UNCRPD, 2006, article 24(4), Education). Alternative communication is defined as "languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology" (UNCRPD, 2006, article 2, Definitions, p. 271). Educational staff and professionals are expected to be trained in all modes of communication, along with being trained about

disability awareness, and provided with useful educational tools and materials (UNCRPD, 2006, article 24(4), Education).

The only disabilities that are specified in article 24(3) Education are deaf, blind, and deafblind (UNCRPD, 2006). Children with these types of disabilities are to learn through the most suitable language and alternative communication modes and be taught in an environment that maximizes their academic and social abilities (UNCRPD, 2006, article 24(3)I, Education). The UNCRPD's primary and secondary education requirement is for all children to reach their fullest potential by including teaching mobility skills (UNCRPD, 2006, article 24(3)(a), Education) and utilizing peer supports (UNCRPD, 2006, article 24 (3)(a), Education).

Other Relevant UNCRPD Articles

Article 24 Education provides a strong overview of the United Nations' expectations, yet other articles help to support inclusive educational policies and practices. The other UNCRPD articles extend the guidance and further support inclusive educational policies. The following section outlines these supporting articles.

Articles 9 and 30: Equal Access

Two articles emphasize equal access at school. Article 9 Accessibility (1) outlines accessibility standards within a school for children with disabilities in concern to equal access "the physical environment, to transportation, to information and communication, including information and communications, including information and communications technologies and systems" (United Nations, 2006, p. 276). Equal access includes children with disabilities "with other children to participate in play, recreation and leisure and sports activities" and activities within the school (United Nations, 2006, article 30(5)(d), Participation in Cultural Life, Recreation, Leisure and Sport, p. 291).

Article 4: Universal Design

In the UNCRPD's article 2 General Obligations, there is a requirement for the implementation of universal design. Universal design is defined as

> The design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design…shall not exclude assistive devices for particular groups of persons with disabilities where this is needed. (United Nations, 2006, p. 271)

Within learning environments, universal design applies to the physical school environments and the curriculum. Universal designs concerning physical environments include adjustable furniture, high contrast printed signs, and automatic doors (Atkinson et al., n.d.; Burgstahler, 2021). Often referred to as Universal Design in Learning, universal design also applies to teaching pedagogy which applies multiple and flexible strategies to meet all the learners' needs (Dolmage, 2015). To further explain, universal design in learning is based on pedagogical practices through multiple means of representation (various ways to gain information), multiple means of expression (alternative ways to express knowledge), and multiple means of engagement (appropriately challenge student) (Burgstahler, 2021; Dolmage, 2015).

Article 4: Participation in Decision Making

Another inclusive education requirement concerns children with disabilities' rights to participate in decisions that affect them (McCallum & Martin, 2013; Weller, 2016). Article 4 General Obligations (3) states,

> In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, countries shall closely consult with and actively involve persons

> with disabilities, including children through their representative organizations. (United Nations, 2006, p. 272)

The UNCPRD emphasizes that participation of the child in decision making should be determined by the age and maturity of the child and not on the disability (McCallum & Martin, 2013). This requirement provides students with disabilities to participate in decisions about their lives just as any non-disabled person has the right to do (McCallum & Martin, 2013).

Articles 12 and 13: Legal Safeguards

Students with disabilities have legal safeguards. Article 12(1) Equal Recognition before the Law cites "persons with disabilities have the right to recognition everywhere as persons before the law" (United Nations, 2006, p. 278). Additionally, the person may "enjoy legal capacity on an equal basis with others in all aspects of life" (United Nations, 2006, Article 12 (4), Equal Recognition before the Law, p. 278). The safeguards are to

> Ensure that all measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, applied for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. (United Nations, 2006, article 12 (4), Equal Recognition before the Law, p. 278)

Article 13(1) Access to Justice goes on further to explain that accessing justice, often referred to as due process, occurs based on the "provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants" (United Nations, 2006, p. 279).

Articles 31 and 33: Policy Monitoring

Articles 31 Statistics and Data Collection and 33 National Implementation and Monitoring promotes the scrutiny of compliance through the monitoring of policies for people with disabilities (Birtha, 2013). The mechanisms should provide data to help State parties monitor the country's compliance with the international treaty and facilitate action or change throughout the appropriate government and educational infrastructures (de Beco, 2014). Article 31 Statistics and Data Collection discusses the requirements for data collection, which includes confidentiality for the privacy of individuals with disabilities and disaggregation of collected data for the purpose of improving implementation of State parties' obligations under the treaty. Article 33(2) National Implementation and Monitoring stresses the State parties have a duty to promote, protect, and monitor the implementation of the UNCRPD at the national level. Furthermore, article 33(3) National Implementation and Monitoring indicates that "persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process" (United Nations, 2006, p. 294).

In Summary

The United Nations provides the human rights guidelines for educational practices through inclusive educational practices. These guidelines are primarily found within article 24 Education, with supportive requirements found within several other articles. The UNCRPD (2006) provides inclusive education policymakers with requirements on the rights of equal access, universal design, participation in decision-making, legal safeguards, and the requirements for oversight of implementing the UNCRPD treaty. The UNCRPD committee seeks to ensure that countries meet the requirements of inclusive education and the other human rights by necessitating reports, engaging in discussions, and providing feedback to each country.

Exclusionary Policy Language

Although inclusive education policies are often framed in the context of equity, inclusion, and improved language, there are times when exclusionary practices are fostered by policies (Slee, 2014). Such exclusions occur through explicit policy language and policies that implicitly lead to exclusionary practices (Kirby, 2017; Shohamy, 2006). Explicit policy language legitimizes practices which segregate students with disabilities from their peers with non-disabilities. Such practices include examples of standardized testing without modifications, a lack of differentiated instruction (Kirby, 2017), and a lack of requiring environmental and physical structures (Armstrong et al., 2016). Policies with implicit exclusionary practices refer to the underlying assumptions which stigmatize students with disabilities by suggesting that children with disabilities are unable to participate or are "pathologized" and need to be separated (Kirby, 2017, p. 179).

As Beckmann (2016) noted, new understanding of exclusion in inclusive education has come about, but there continues to be a lack of understanding as to what exclusions exists. For this study's purpose, a clarification needed to occur to help give a better understanding of the types and how exclusions occur within educational policy text. Therefore, a synthesis of policy analysis studies was conducted to critically examine the exclusions found in the prior policy studies. The policy studies that were selected occurred after 2010 to ensure that the countries' governments had time to implement the UNCRPD requirements within the national level policies. The findings of exclusionary language and implicit assumptions promoted the exclusions used to develop a conceptual framework of exclusionary indicators. These exclusionary indicators were then applied to this study for the critical analysis of the 16 selected national policies.

Through literature search, there were 20 policy analysis studies of inclusive education found to have examined inclusive education exclusions (see Table 2.1). In one study, Byrne (2019) examined the United Nations Committee's concluding remarks concerning 72 UNCRPD signatory countries. The findings indicated that exclusionary language and the legal practices existed within all of the countries' inclusive education policies (Byrne, 2019). The other 19 policy analysis studies examined countries' national and state level education policies. All except two studies completed by Alves (2019, 2020) noted exclusionary policy text findings. From these 20 policy analysis studies reviewed, only four countries used in the studies were not signatories of the UNCPRD. Those countries were Kuwait, South Korea, Taiwan[1], and the United States.

My synthesis and critical analysis of the 20 studies' findings provided a more defined understanding of explicit policy language and implicit assumptions that may lead to exclusionary practices. Many researchers (Alves, 2019; Alves, 2020; Hameed & Manzoor, 2019; Roleska et al., 2018) noted the need for more explicit language within the policies to increase expectations for inclusive education and encourage stronger inclusive educational practices. Other researchers (Carrington et al., 2015; Chong, 2016; Graham & Jahnukainen, 2011; Ochoa et al., 2017) indicated that explicit and implicit policies continue to exist in policy texts that underpin exclusionary educational practices. Several indicators of exclusionary language within the text inductively emerged from this critical analysis. According to these 20 policy analysis studies, exclusionary indicators that were found in educational text were

[1] Taiwan is self-governing, but since World War II Taiwan has been a part of the National Chinese control. Due to the One-China policy, the United Nations is not able to recognize Taiwan as a country. MAP: Which countries "Recognize" Taiwan in 2019? https://worldpopulationreview.com/country-rankings/countries-that-recognize-taiwan

Table 2.1

Policy Analysis Studies of Inclusive Education Exclusions Since 2010

Author(s)	Country Policy Analyzed	Inclusive Education Findings
Alves (2019)	Portugal	Recent policies give a clearer vision of inclusion through access, participation, and support within the classroom
Alves (2020)	Portugal	New policies require all teachers need to be prepared for inclusion and mainstream teachers are responsible for all learners
Byrne (2019)	Examined UN Concluding remarks on 72 countries	CRPD committee supported the dismantlement of segregated learning (special schools and special education classrooms), which many countries had not yet implemented
Carrington et al. (2015)	China Australia	Insufficient professional development for school leadership, gaps in pre-service training
Chiu & Turnbull (2014)	Taiwan US	Policy borrowing from US; core concepts of family participation, rights of privacy, cultural responsiveness, and liberty have discrepancies compared to the UNCRPD
Chong (2016)	Malaysia	Policies hold competitive centralized examinations, inflexible curriculum standards, and incentives for high performing schools
Duke et al. (2016)	Samoa	Policy borrowing from US; lack of teacher preparation; implementation of IEPs; student placement; segregated learning
Graham & Jahnukainen (2011)	New South Wales Alberta Finland	Two of the countries use language of integration rather than inclusion
Hameed & Manzoor (2019)	Pakistan India Bangladesh	Of the three countries, India was found to be the most aligned with UNCRPD
Hardy & Woodcock (2015)	Canada England Australia US	Deficit driven language; use of integrative or inclusive language; lacks encouragement of diversity in education

Table 2.1 Continued

Author(s)	Country Policy Analyzed	Inclusive Education Findings
Lamptey et al. (2015)	Ghana	Without defining disabilities, accountability lacked as to who was to be served
Lianeri (2013)	Greece	Exclusionary use of stigmatizing labeling and evaluation procedures
Loper (2010)	Hong Kong	Missing reasonable accommodations, missing antidiscrimination legislation, and constitutional equality rights
Michael & Oboegbulem (2013)	Nigeria	Shortcomings were cited as identification and referral, unbiased assessment, least restrictive environments, funding, IEPs, and mandate
Ochoa et al. (2017)	China Kuwait South Korea Turkey United States	Five countries' policies examined for labeling, identification and diagnosis, free and appropriate education, IEPs, and due process
Ree (2015)	Australia Japan	Japan lacked policies for reasonable accommodations
Rimmerman et al. (2015)	Israel	Current policies to continue to approach disabilities from a deficit model
Roleska et al. (2018)	United Kingdom France Spain Poland	Two countries' policies lacked in oversights due to vague policies
Zaman et al. (n.d.)	Bangladesh	Integrative language was used over inclusive
Zhuang (2016)	Singapore	Segregated learning occurs as special schools; centered on eradicating social barriers; mandate accessible schools and maximizing potential for students

Note. The purpose of each study listed in the table was to analyze and develop common exclusionary practices within the inclusive education policy studies to later be used to build a framework of exclusionary indicators for this study.

- use of integrative over inclusive language;
- segregated learning environments;
- use of medical/deficit models;
- use of rigid and inflexible curriculum;
- using labeling as a form of discrimination;
- lack of reasonable accommodations;
- absence of individualized educational supports;
- lack of teacher training; and
- the absence of accountability measures.

An explanation of each of these types of exclusions from the policy analysis are detailed in the following section. Each section outlines the possible negative influences of using such exclusionary language in policy text. Later, these findings are outlined to further explain the development of this study's conceptual framework for explicit and implicit indicators.

Integrative Over Inclusive Language

Concerning inclusive education, there is a distinction between the terms "inclusion" and "integration" (Rodriguez & Garro-Gil, 2015, p. 1323). Inclusion was introduced in the 1990s and was refined by several international groups to move beyond integration (Rodriguez & Garro-Gil, 2015). Prior to the introduction of inclusion, integration occurred when students with disabilities were physically integrated into classrooms, schools, and communities with the intention of providing social-educational interactions (Rodriguez & Garro-Gil, 2015). Today, the UNCRPD (2006) stipulates that inclusive education is required. Inclusion goes beyond integration by proving education which "modifications in content, teaching methods, approaches, structures and

strategies in education to overcome barriers with a vision serving to provide all students…with an equitable and participatory learning experience" (p. 4).

The United Nations' Committee General Comments (2016) provide a detailed explanation of integration versus inclusion when it comes to policymaking. Integration refers to the process of educating a child within a general education or mainstream setting when the child is deemed to function within the norms of that learning environment (United Nations, 2016). Inclusion is a process in which the educational setting is adapted to meet the needs of all the learners by "modification through content, teaching methods, approaches, structures and strategies…to overcome barriers…with an equitable and participatory learn experience and environment that best corresponds to the [students] requirements and preferences" (United Nations, 2016, para. 9).

Through a policy analysis, Zaman et al. (n.d.) contended that integration was the policy standard instead of inclusion. Zaman et al. (n.d.) believed that Bangladesh's policy held a fairly strong framework for inclusive laws but lacked in a strong infrastructure to support inclusive practices. The researchers found that while entrance into mainstream (integration) was provided for children with disabilities, there were gaps in the teaching-learning methods, curriculum and syllabus, classroom materials, and teacher training (Zaman et al., n.d.). These policies placed students with disabilities within the general classroom without practices of inclusion to support student participation, rather the students were provided a physical integration into the classroom (Zaman et al., n.d.).

Hardy and Woodcock (2015) found in Australia that policies contained the term mainstreaming. In Canada, the policy text referred to terms of "integrating students", "regular classrooms", and "mainstreaming" (Hardy & Woodcock, 2015, p. 151). The researchers argued

that framing mainstreaming as inclusion in policy is not an inclusive practice (Hardy & Woodcock, 2015). Chilemba (2013) supported the idea that mainstreaming is different than inclusion because students with disabilities are considered to have deficits which need to be fixed rather than changing the learning environment. Therefore, mainstreaming, along with the other mentioned terms, appear to deflect the purpose of inclusive practices by utilizing integrative language (Hardy & Woodcock, 2015).

Segregated Learning Environments

The UNCRPD has deemed segregated learning environments as a form of discriminatory practice, which places a stigma on countries that rely on segregated learning environments (Byrne, 2019). Exclusion through segregated learning appears to occur more often for students who have complex and severe disabilities, whereas mild disabilities are more often considered abled and accepted into general education settings (Byrne, 2019; Graham & Jahnukainen, 2011). For example, Kuwait's regulations placed students with severe disabilities in special schools, whereas students with mild disabilities were admitted into mainstream settings (Ochoa et al., 2017). Ghana's policies explicitly excluded children with severe disabilities and mental health issues from public schools (Lamptey et al., 2015). Zhuang (2016) reported Singapore's laws to be vague, which resulted in an increase of special schools and specialized programming to cater to the diverse range of disabilities, except for those few who were "more able" to attend mainstream schools (p. 633).

Medical and Deficit Models

Policy language that is based on a medical model or deficit perspective may keep students with disabilities in segregated learning settings (Carrington et al., 2015; Chong, 2016; Graham & Jahnukainen, 2011; Kirby, 2017). As the dominant disability model for over 100

years, the model predominately focuses on what is not working based on biological conditions and impairments of the child (D'Alessio & Cowen, 2013). In the education system, solutions are based on an attempt to adapt the child to the system (D'Alessio & Cowen, 2013; Rimmerman et al., 2015). Such segregation was found in Hardy and Woodcock's (2015) study of Australian policies, which found that policies focused on students' deficits. The implicit message was that mainstreaming was acceptable for children with disabilities only when they were able to conform to the general education classroom (Hardy & Woodcock, 2015).

The medical model indicates that people with disabilities are inherently flawed and weak, creating implicit barriers (Kirby, 2017; Rimmerman et al., 2015). Chong (2016) argued that a lack of consideration to the student's varied needs left the child with a label and gave the perception that the child was uneducable. Additionally, Carrington et al. (2015) indicated that such perceptions may be because policies based on the deficit-based model negatively impact teachers' beliefs and practices.

In Malaysia, the medical model in educational policies required a medical doctor to determine the mental functioning of intellectual abilities (Chong, 2016). According to Chong (2016), this process created a system where students were given the wrong diagnoses for their educational needs. For instance, students who could have been classified as slow learners were often diagnosed with mental retardation (Chong, 2016, p.10). Also, medical professionals used clinical tests and psychometric assessments for diagnoses of slow learners, but dismiss factoring in the holistic needs (e.g., family, environmental, schooling needs) of the student which may have left a negative impact. To further exacerbate exclusionary practices for such children with labels, there was a lack of flexible curriculum standards and having limited placements for students with disabilities to be educated (Chong, 2016).

Rigid and Inflexible Curriculum

> The United Nations (2016) specifies that inclusion requires a systematic reform to Embod[y] changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences. (United Nations, 2016, p. 4)

This statement indicates that curriculum is to be adapted to meet the needs of the learners to help maximize classroom participation. Flexible curriculum is offered through adapted teaching methods that fit the needs of the student's strengths, challenges, learning styles, and provision of reasonable accommodations (United Nations, 2016).

National education policies that support rigid curriculum standards and standardized testing can hinder students with disabilities from participating in the general education setting (Chong, 2016; Michael & Oboegbulem, 2013). In such competitive environments, individualizing instruction is difficult for teachers because of the need for strict timetables, exact content requirements, and the use of whole group instruction to prepare students for the exams (Odongo & Davidson, 2016). High-stakes assessment outcomes drive exclusion as national curriculum standards become content-driven (Koya, 2018) and require teachers to pace the content's execution without regard to the individualized needs of students with disabilities and deters the provision of reasonable accommodations.

In Graham and Jahnukain's (2011) study, Canadian and Australian regional policies, educational standards were highly competitive. Students with disabilities could be accepted in general schools, yet those served within the general education settings were limited to available

courses (Graham & Jahnukain, 2011). High-needs students were referred to special schools rather than being provided with reasonable accommodations in the general education setting (Graham & Jahnukain, 2011).

Labeling

Labeling has been found to serve a purpose in education, yet labels can create exclusions to equal access for educational opportunities or settings (Lianeri, 2013). One positive attribute of labeling students with disabilities provides educators with common indicators as to learning needs and styles of the child with the label (Boyle, 2014). Yet, as Stabile (2016) indicated, some laws that make distinctions through labeling students with disabilities can be devaluing.

Specific disability labels hindered students by being denying access to general education schools and classrooms when perceived as unable to adapt to a general education setting because of the label (Graham & Janukainen, 2011). This accessibility has been found to be especially true for those students labeled with emotional or behavioral disabilities (EBD) (Graham & Janukainen, 2011). In Graham and Sweller's (2011) study, an increased number of students categorized with EBD were found to have higher rates of being educated outside of the general school.

When special education diagnoses became the focus of providing services in South Wales, United Kingdom, and Alberta, Canada, Graham and Jahnukainen (2011) found that the number of students within segregated settings increased. Yet, in Finland when policies focused on supplying educational support structures to students in need without requiring a diagnosis or "ascribing sigmatising labels" higher rates of placement within the general education classroom occurred (Graham & Jahnukainen, 2011, p. 26). In simpler terms, Finland's policies

automatically provided supports for educationally struggling students without a needed label (Graham & Jahnukainen, 2011).

Lack of Reasonable Accommodations

According to the UNCRPD, inclusive education should be adaptive through both its physical environment and the curricula (de Beco, 2014), which is often done through reasonable accommodations. Reasonable accommodations are required to be realized as a right, and State parties are to assure that students with disabilities have reasonable accommodations per "the individual's requirements" (UNCPRD, 2006, article 24(2)(c), p. 285). The definition of reasonable accommodations is the "necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden" on those facilities required to make such provisions (United Nations, 2006, article 2, p. 271).

Within the General Comments, the United Nations (2016) gives further direction regarding what reasonable accommodations entail. Although there is no single formulaic measure of what an individual needs, accommodations include changing the class location, using a variety of communications, enlarged or Braille curriculum, note-takers, and interpreters (United Nations, 2016). Non-material accommodations include more time, alternative evaluations, or curriculum standards (United Nations, 2016).

Laws that ensure reasonable accommodations aim to create equality and non-discrimination within the classroom (Loper, 2010). Yet, Hong Kong's[2] educational policies were found to lack obligations for reasonable accommodations by using overly broad and vague

[2] Hong Kong is not recognized as a country; rather it is known as the Government of the Hong Kong Special Administrative Region (2018). At the time of this study, Hong Kong had an education system and policies that differed from mainland China. See https://www.edb.gov.hk/en/edu-system/special/about-special/index.html for more information.

expectations of educational provisions (Loper, 2010). The use of such broad measures undermined the goals of inclusion by requiring students to adapt to the norm and solidified marginalization (Loper, 2010, p. 433). Loper (2010) suggested that policy measures should be taken to implement universal design, such as disability-friendly ramps, to help overcome such indirect exclusions.

Absence of Individualized Support Measures

The UNCRPD (2006) requires that students with disabilities be provided with individualized support measures (article 24 (2)(e), Education). Such support measures are provided in the environment which maximizes the academic and social development with the ultimate of goal of full inclusion (UNCRPD, 2006, article 24(2)(e), Education). Therefore, students are required to be provided supports within the general education system to ensure their education is effective (UNCRPD, 2006, article 24(2)(d), Education).

Often policies and procedures for individualized education programming (IEP) has been based on the US model and integrated into other countries' inclusive education policies (Duke et al., 2016). In the US, the IEP is a legal process to help individualize a student's educational program by considering the student's present performance level to formulate educational goals and objectives with the application of specific modifications and accommodations (IDEA, 2004). However, Duke et al. (2016) argued that the US's process can be problematic to some countries, as the US laws are not always applicable in other countries' inclusive education laws. Problems can arise when there is a lack of teacher training or professional development to carry out such programming (Duke et al., 2016).

Duke et al. (2016) found such concerns when Samoan IEP policies were borrowed from US education policies. In Samoa, the IEP process of collaboration and problem solving were

effective measures to support the student with disabilities (Duke et al., 2016). However, the IEP goals determined student placement and narrowed the focus of the curriculum goals within the Samoan education system (Duke et al., 2016). Therefore, barriers were created for students with disabilities to gain access to an appropriate education.

When legal mandates do not ensure individualized education, exclusionary concerns arise since students with disabilities may not be able to participate in the general education classroom with the appropriate supports, which can be considered a least restrictive learning environment (Michael & Oboegbulem, 2013). For example, in Michael and Oboegbulem's (2013) research Nigerian IEP policies were found to not support appropriate placements through individualized programming. The school principal determined the placement rather than the multi-disciplinary team who worked with the student (Michael & Oboegbulem, 2013). Ochoa et al., (2017) found two other examples in Kuwait's policies which hindered the application of individualized supports in the general education classroom. First, IEPs were not legally binding documents which voided any guarantee that the supports were to be carried out. Secondly, although parents were encouraged to participate, parents had no power in the decision-making concerning the education placement (Ochoa et al., 2017).

Lack of Teacher Training

The UNCRPD (2006) requires the training of educational professionals and staff. The trainings are to "incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities" (UNCRPD, 2006, article 24, Education, p. 286). The United Nations (2016) encourages trainings to support the core values of human diversity, growth and development, the human rights model, and inclusive pedagogy to promote students'

competencies and accommodations. Teacher trainings should include topics on alternative communication modes and modalities, provisions of individualized instructions, varied teaching methods to adapt content, and teaching pedagogies to meet students' educational objectives (United Nations, 2016).

Several countries' policies were reported to be problematic for a lack of teaching training (Byrne, 2019; Carrington et al., 2015; Duke et al., 2016; Hameed & Manzoor, 2019; Michael & Oboegbulem, 2013). Byrne (2019) found in the United Nations' Concluding Observations that Italy's policies held poor quality pre-and in-service training requirements. Jordan's policies were noted to lack training teachers to modify math and computer curriculum to be accessible for all students (Byrne, 2019). This practice was exclusionary, particularly for students who were deaf and blind (Byrne, 2019). In Australia and China, the policies were identified to have challenges for insufficient professional development for inclusive policy and practice (Carrington et al., 2015). For both countries, pre- and in-service trainings were found to overemphasize theory without practical application (Carrington et al., 2015).

Duke et al.'s (2016) research indicated that teacher training and professional development are less common in developing countries. Other researchers supported this idea within their policy analyses (Hameed & Manzoor, 2019; Michael & Oboegbulem, 2013). Hameed and Manzoor (2019) acknowledged that India, Pakistan, and Bangladesh's training policies were minimal. Pre-services were found to be based on one to two subjects on inclusion for special education (Hameed & Manzoor, 2019). General education teachers were not provided any training on inclusion, resulting in barriers because teachers lacked in ability and had negative attitudes (Hameed & Manzoor, 2019). Michael and Oboegbulem (2013) found no Ghanaian policies which outlined the requirements for personnel training and was believed to impact the

country's stagnation of inclusive education. In Samoan policy, Duke et al. (2016) cited that the practice of US-style IEPs was implemented, but training lacked to provide teachers with proper implementation techniques.

Lack of Accountability

The UNCRPD denotes the terms of accountability through statements that "prohibit[s] all discrimination" (UNCRPD, 2006, article 7(2), Children with Disabilities), and the country "shall take appropriate steps to ensure that reasonable accommodation is provided" (UNCRPD, 2006, article 7(3), Children with Disabilities). The article's language refers to due process, which can be used to ensure that students with disabilities receive fair treatment. Yet, some countries have dismissed incorporating some type of due process that provides students the ability—a process—to challenge the school or government when their rights have been violated (Aldersey & Turnbull, 2011).

Parent's rights were found to vary in inclusive educational policies across countries' policies (Ochoa et al., 2017). Kuwait and China's policies had no formal due process for parents who wanted to challenge educational decisions (Ochoa et al., 2017). In Turkey, parents had the right to disagree with the school's decision but no rights to refuse the decision, as the final decision was left to the school system administrators (Ochoa et al., 2017).

Chiu and Turnbull (2014) recognized that Taiwan's policies needed to be strengthened with more explicit provisions for parent participation for decision-making in Taiwan. The policies outlined that parent should be invited to the IEP and placement meetings, but there was no mention in attendance to the multidisciplinary assessment/evaluation team meetings (Chiu & Turnbull, 2014). Also, the roles and rights of the parents were missing from the policies (Chiu & Turnbull, 2014). While Chiu and Turnbull (2014) conceded that parents' omission might be due

to cultural norms regarding how parents honor and respect teachers, these omissions in the policy kept parents from providing input to support their child and help make decisions.

Systematic accountability was another concern in inclusive education policies (Loper, 2010; Ree, 2015; Roleska et al., 2018). For example, Loper (2010) found Hong Kong's policies implicitly required reasonable accommodations but held no standards to ensure accountability (Loper, 2010). In a review of four European Union (EU) countries policies, Roleska et al. (2018) found both the United Kingdom and Poland's policies provided vague concepts for implementation, making accountability less robust. This lack of non-binding obligations and conditions towards inclusive education was also found by Ree (2015). All three researchers argued that a lack of accountability provided opportunities for discrimination due to a lack of enforcing rights deserved by those with disabilities (Loper, 2010; Ree, 2015; Roleska et al., 2018).

In Summary

Despite the policy progress, through the application of the UNCRPD, profound challenges of exclusion continue to exist (United Nations, 2016). A critical analysis of the 20 prior policy analysis studies, along with other literature, supports the need for improvements through the findings of exclusionary policy language and implicit assumptions, which could create exclusions. Multiple indicators of exclusion were found within the analysis of the policy studies. Those concepts were integrative over inclusive language, policy promotion of segregated learning environments, the use of labeling as a form of discrimination, application of the medical or deficit models, lack of reasonable accommodations, lack of teacher training, the absence of individualized support measures within the general education setting, and the absence of

accountability measures. The concepts gleaned from the past studies created the framework for this study to answer questions 2 and 3.

Conceptual Frameworks

Two frameworks formed the conceptual basis of this study and guided the analyses of findings for this critical policy analysis. The first conceptual framework (used in question 1) is comprised of the four core principles identified by Shogren & Turnbull (2014) that represent the expanse of inclusive education as conceptualized by article 24 Education of the UNCRPD (2006). The second conceptual framework (used in questions 2 and 3) is comprised of exclusionary indicators, both implicit and explicit, which were derived from a critical analysis of 20 selected countries' policy studies from 2010 to 2020. All three research questions were analyzed and interpreted through the use of critical discourse policy analysis. Later, HDI was applied to examine transnational comparisons of the policy outcomes.

Conceptual Framework 1: Four Core Concepts of Inclusive Education

The core concept approach is an established approach to disability policy analysis (Shogren & Turnbull, 2010; Shogren & Wehmeyer, 2014; Turnbull et al., 2001). Based on the earlier work of Turnbull et al. (2001), which identified 18 core concepts in US disability law and policy, Shogren and Turnbull (2010) further clarified the role of core concepts by aligning other public policy and practice inputs and outcomes, both nationally and internationally. Since that time, their contribution has been used extensively in transnational comparative disability policy and practice research (Aldersey & Turnbull, 2011; MacLachlan et al., 2012; Mannan et al., 2011; Mannan et al., 2012).

Pertinent to this study, Shogren and Turnbull (2014) applied the core concept approach to investigate the alignment between core concepts of US disability policy and the UNCRPD. The

researchers accomplished this through a content analysis of each of the UNCRPD articles and a review of the core concepts commonalities. Through these outcomes, a table was created that matched the core concepts particularly pertaining to the UNCRPD articles, where appropriate (see Appendix A).

Shogren and Turnbull (2014) synthesized that 16 of the 18 core concepts of US disability policy were represented in the UNCRPD. Only two core concepts were not explicitly evident. Those concepts were classification and cultural responsiveness. Shogren and Turnbull (2014) speculated that this might have resulted from the purpose of the UNCRPD. First, classification does not dictate how a country "should classify a person as eligible for services and supports; instead, it is focused on identifying and providing a framework for human rights" (Shogren & Turnbull, 2014, p. 22). Secondly, the researchers asserted that cultural responsiveness is embedded throughout the compact given the diversity among the United Nations' membership (Shogren & Turnbull, 2014).

The value of Shogren and Turnbull's (2014) work is viewed in the context of creating a unifying international framework that allows educational leaders, disability advocates, and researchers to consider core human rights values as related to the development of public policy and practices for individuals with disabilities. This framework is compatible with the social-ecological approach to disabilities that the World Health Organization adopted to replace the previously traditional medical model (Shogren & Turnbull, 2014). The medical model of disability defines disability as a "pathological condition that is subject to prevention, cure, or amelioration," (Shogren & Turnbull, 2014, p. 21), whereas the social-ecological model posits that "the interaction between a person with an impairment and the social, cultural, and physical

environment more sufficiently explains the nature of disability" (Shogren & Turnbull, 2014, pp. 21-22).

Given Shogren and Turnbull's (2014) research, the core concept analysis of a sample of signatories' national policies that govern the educational opportunities of students with disabilities is arguably the most appropriate approach. What was determined by the identification of the core concepts and the UNCRPD provided a framework to analyze a sample of signatories' national policies and laws on the education of students with disabilities. In this study, the core concepts framework was specifically applied to focus on the four concepts found within the UNCRPD's article 24 Education to answer question 1 of this study. A discussion of article 24 and the core concepts follows.

Article 24 and Core Concepts

As noted previously, article 24 Education of the UNCRPD (2006) provides a policy framework for inclusive education that should be reflected in the signatories' education policies. Shogren and Turnbull (2014) found four core concepts embedded in article 24:

- antidiscrimination,
- individualized and appropriate services,
- integration, and
- prevention and amelioration (p. 24).

The presence of each of these four core concepts in national education policies signifies that the education policies are congruent with the intent of the UNCRPD article 24 Education in providing an inclusive education to students with disabilities (Shogren & Turnbull, 2014).

Antidiscrimination. Antidiscrimination, often the convening foundation of disability policies, posits that discrimination based on a disability violates a person's rights to equality; not

subject to discrimination is a human right (Turnbull et al., 2001; United Nations, n.d.-c). The UNCRPD gives further refinement to antidiscrimination concerning inclusive education. The State parties are to recognize the right of persons with disabilities to education, without discrimination, and on the base of equal opportunities (United Nations, 2006). The presence of the core concept of antidiscrimination in education policy is to ensure that decisions are made objectively and holistically (Turnbull et al., 2001). Holistic considerations look beyond the student's impairments by considering their capabilities and preferences to ensure equal treatment and equal opportunities within the educational setting (Turnbull et al., 2001).

Furthermore, equal treatment is more complex than treating the persons with disability the same as someone without a disability; rather, the treatment is about being equitable (Turnbull & Stowe, 2001b). Persons with a disability require additional supports to reach equitable rather than equal outcomes. Equal treatment of students with disabilities, without considering any necessary additional supports or specialized instruction classrooms may unwittingly lead to unequal opportunities to learn and to thrive (Turnbull et al., 2001).

Individualized and Appropriate Services. Individualized and appropriate services are the second core concept and compliments the intent to prevent antidiscrimination (Turnbull et al., 2001). In other words, these services promote equity in opportunity. This concept focuses on "who gets what, why, and under what kind of eligibility-determination standards and processes" (Stowe et al., 2005, p. 75). Services are individualized to the child with disabilities' needs and preferences (Stowe et al., 2005). The student's strengths, needs, and culture are all considered to maximize outcomes (Stowe et al., 2005). Educational services are based on an individualized evaluation and are expected to be genuine, effective in producing the desired results, and meaningful (Turnbull et al., 2001). Individualized services are provided through reasonable

accommodations or modifications, which include physical and communication via technology (Turnbull et al., 2001). These services are required to support the child with disabilities in ways that advance their access to the curriculum and learning (Turnbull & Stowe, 2001b). Commonly, services occur within the school and across various educational and community settings where the child with disability needs supports (Turnbull & Stowe, 2001a).

Integration. The third core concept, integration, is another concept that is used to thwart discrimination (Turnbull et al., 2001) by prohibiting segregation in the educational setting (Turnbull et al., 2003). Integration allows children with disabilities to participate in their neighborhood schools and communities (Umbarger et al., 2005). This concept refers to the idea that students with disabilities need to be participatory in groups, classrooms, and activities with students without disabilities; the students may not be excluded or segregated due to their disability (Loper, 2010, UNCRPD, 2006). Students with disabilities must be allowed to participate in activities and receive services that benefit those without disabilities. The access to education and services should not be limited to only that which is provided to those with disabilities (Loper, 2010; Turnbull et al., 2003).

Integration is not to be confused with classroom inclusion, as integration is more than a placement in the physical school environment for students without disabilities (Booth & Ainscow, 2002; Rodriguez & Garro-Gil, 2015). Simply placing students with disabilities in the same classroom as those without disabilities without including them through active teaching and learning is an exclusionary practice (Rodriguez & Garro-Gil, 2015). To ensure more than a physical placement in the general education setting, individualized and appropriate services need to be provided to support participation within those learning environments (Turnbull et al., 2001).

Prevention and Amelioration. The final core concept, prevention and amelioration, refers to the primary, secondary, and tertiary prevention of disabilities (Shogren & Turnbull, 2014; Turnbull et al., 2001). Examples include early detection and treatment for those identified as at-risk of having a disability; individualized, more inclusive and integrated programs; and appropriate services that "incorporate the least drastic means of intervention, treatment, habilitation, rehabilitation, or other amelioration" (Turnbull et al., 2001, p. 137). Measures taken for prevention and amelioration increase the prospects that an individual can be independent and participate in education, work, and society (Wegner & Rhoda, 2015; World Health Organization, 2010). Appropriately manifested in policy, prevention and amelioration benefit society because communities become better educated on preventing or minimizing the risk of disabilities (Turnbull et al., 2001). Furthermore, as more students with disabilities are integrated and included in general education programming, opportunities for awareness and the importance of prevention are increased (Turnbull et al., 2001).

Application of Conceptual Framework 1: Four Core Concepts of Inclusive Education

For the purposes of this study and based on policy work of Shogren and Turnbull (2014), the presence or absence of the four core concepts identified in UNCRPD article 24 Education were the measure of inclusive education in the sample of UNCRPD signatories' national education policies (see Figure 2.1). The UNCRPD has become the international standard for inclusive education (Shogren & Turnbull, 2014). Thereby, connecting the UNCRPD requirements through the four core concepts provides a clear path for analyzing transnational education policies for evidence of inclusive education.

Similar to previous studies (Aldersey & Turnbull, 2011; Chiu & Turnbull, 2014; Meral & Turnbull, 2016), this critical analysis yielded findings with which I offered recommendations on

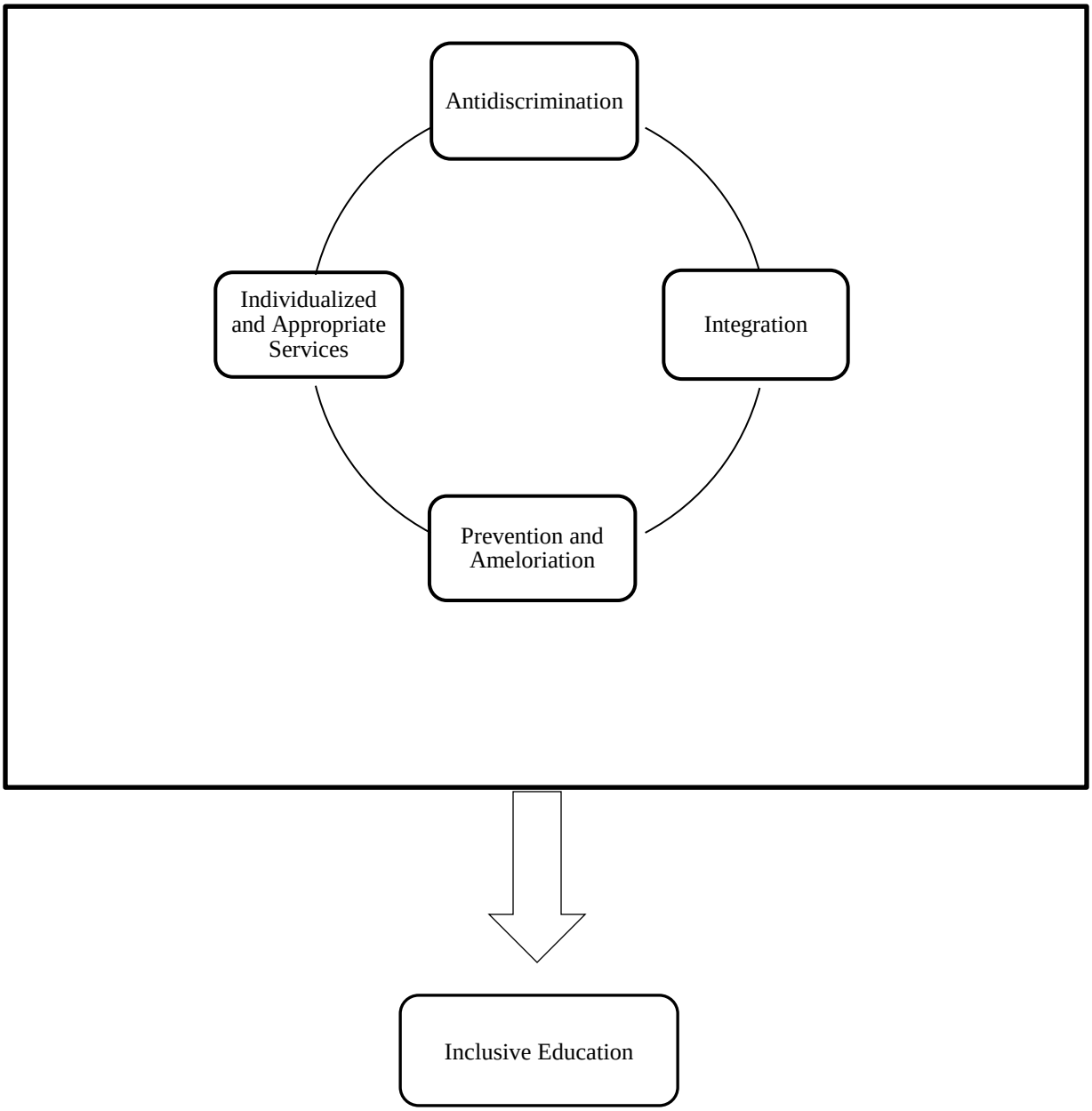

Figure 2.1

The Four Core Concepts of Inclusive Education

how to improve or increase the inclusivity of the selected country's national education policies examined in the study. For example, Aldersey and Turnbull (2011), Chiu and Turnbull (2014), and Meral and Turnbull (2016) analyzed Tanzania's, Taiwan's, and Turkey's laws and policies to search for evidence of the core concepts. In all instances, one or more concepts were absent. Using this information, the researchers advised these countries' leaders on how to improve inclusive education in law and policy (see Figure 2.2).

For research question 1, a similar procedure was applied which examined the four core concepts of article 24 Education. Each of the countries' education policies were reviewed to assess which of the four concepts of disability law were present, if any. For each of the 16 selected signatory countries, a table was developed to indicate when a core concept was found by showing what policy held what core concept. From these findings, I made recommendations later in the narrative for the incorporation of one or more of the four core concepts of inclusive education for those countries that are not in complete compliance with the UNCRPD.

Conceptual Framework 2: Explicit and Implicit Exclusionary Policies

Despite the various processes of inclusive education across the globe, inclusion aims to ensure that students with disabilities are never excluded (Armstrong et al., 2016). However, countries "range of legacy interests, pressures and priorities operational in individual education systems is inevitable in shaping the manifestation of enabling legislation" to not always align with international treaties, such as the UNCRPD (Smyth et al., 2014, p. 15). Therefore, the implementing of inclusive education through implicit and explicit national level has been found to be a complex process in establishing inclusive approaches which may unintentionally and intentionally creating exclusions of children with disabilities (Smyth et al., 2014); thus, making

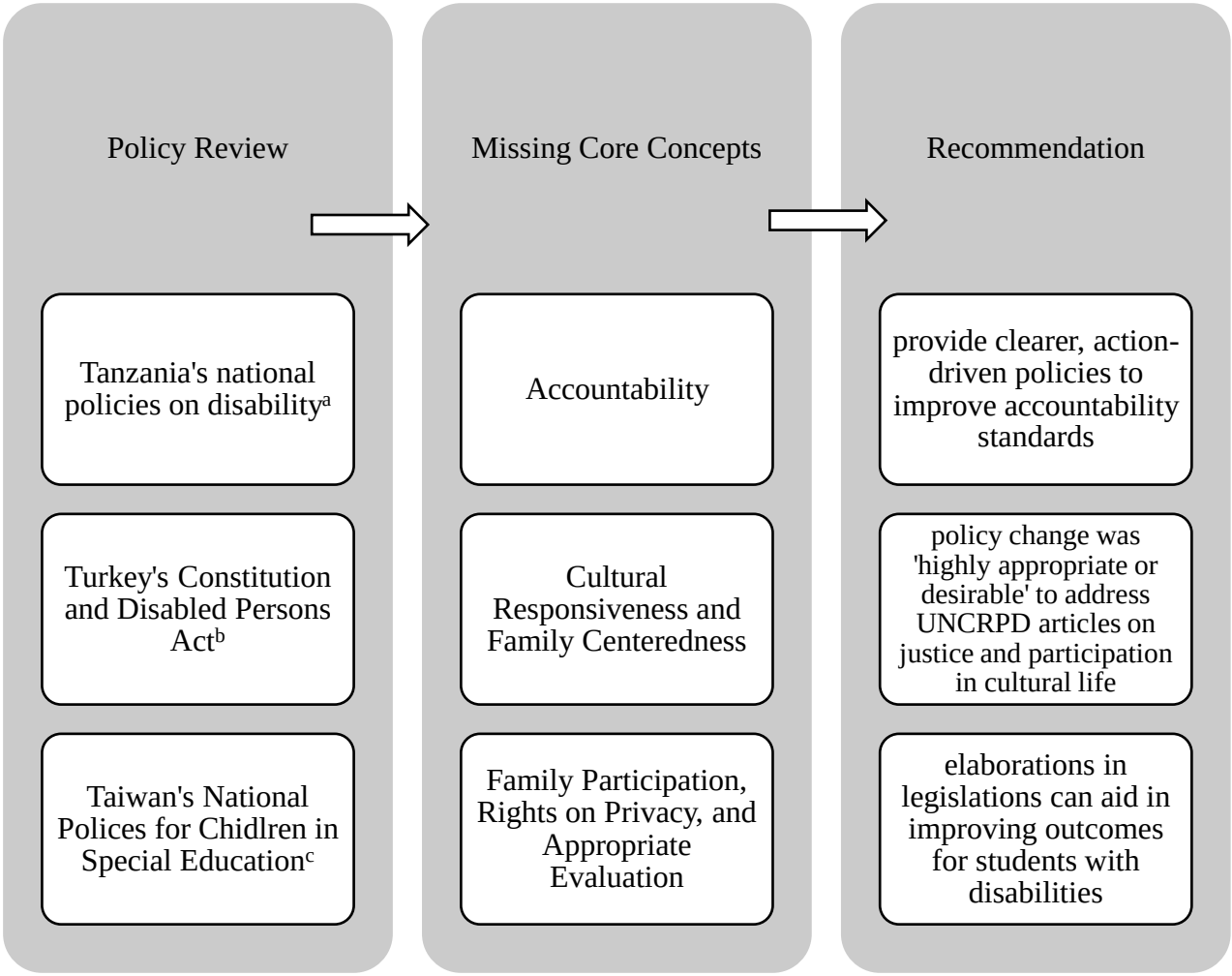

Figure 2.2

Flowchart Illustrating the Core Concept Approach to Inclusive Education Policy Analysis

Notes. [a] Adapted from "The United Republic of Tanzania's National Policy on Disability: A Policy Analysis, " by H. M. Aldersey and H. R. Rutherford, 2011, *Journal of Disability Policy Studies, 22*(3). (https://doi.org/10.1177/10442073103978772011). Copyright 2011 by Hammill Institute on Disabilities. See Appendix B for permission.

[b] Adapted from "Comparison of Turkish Disability Policy, the United Nations Convention on the Rights of Persons with Disabilities, and the Core Concepts of U.S. Disability Policy," by B. F. Meral and H. R. Turnbull, 2016, *Alter, European Journal of Disability Research, 10*(3). (https://doi.org/10.1016/j.alter.2016.02.001). Copyright 2016 by Elsevier Masson SAS. See Appendix B for permission.

[c] Adapted from “Taiwan’s National Policies for Children in Special Education: Comparison with UNCRPD, Core Concepts, and the American IDEA” by C. Chiu and H. R. Turnbull, 2014, *Journal of Policy and Practice in Intellectual Disabilities, 11*(3). (https://doi.org/10.1111/jppi.12086). Copyright by John Wiley and Sons. See Appendix B for permission.

a need to better understand what explicit and implicit exclusionary indicators are found within policies.

Identifying Explicit and Implicit Exclusionary Indicators

With inclusive education being a process and not a state, there is a continuous need to move forward in work that supports the learning and participation of all students (D'Alessio, 2011). Therefore, examining, identifying, and understanding the problems of inclusive education creates knowledge about inequities within policies (D'Alessio, 2011). To help examine what exclusions can exist inclusive education policy researchers can analyze the initial emergence of exclusion and marginalization of children with disabilities (Liasidou, 2011). This study applied these concepts through a framework of identifying explicit and implicit exclusionary indicators.

Explicit Exclusionary Language

Without a framework of explicit exclusionary policy language to base this study on, a critical analysis of 20 prior policy studies provided a basis for examining the 16 countries' policies for this study. The four explicit exclusionary indicators which were derived from those policies were use of integrative over inclusive language, segregated learning environments, rigid and inflexible curriculum, and negative labeling (See Table 2.2). This section reviews each of the four explicit exclusionary indicators.

Integration Over Inclusive Language. In Hardy and Woodcock's (2015) review of Australian policies explicit language was found to use inclusive education inappropriately. The policies were noted to intertwine various terms such as "integrative approaches with inclusive curriculum" and mainstreaming, along with using these terms interchangeably with special education (Hardy and Woodcock, 2015, p. 156). Hardy and Woodcock (2015) deemed inclusion in these policies to be lacking in substance, as the term had not been applied appropriately or

Table 2.2

Policy Language That May Explicitly Authorize or Allow Exclusionary Education Practices

Indicator	Citations
Use of integration over inclusive language (e.g., mainstreaming)	Chong, 2016; Hardy & Woodcock, 2015
Segregated learning environments	Byrne, 2019, Hameed & Manzoor, 2019; Ochoa et al., 2017, Zhuang, 2016
Rigid and inflexible curriculum	Chong, 2016; Michael & Oboegbulem, 2013 Zaman et al., n.d.
Negative Labeling	Graham & Jahnukainen, 2011; Lianeri, 2013

elaborately. Furthermore, the use of the term inclusion was problematic based on the narrow focus of students with special needs, emphasizing mainstreaming over inclusion, and failing to refer to the term of inclusion creating illusions of integration or mainstreaming (Hardy & Woodcock, 2015). Therefore, policies which contain integrative over inclusive language can create exclusions for students with disabilities.

Segregated Learning Environments. Chong (2016) examined Malaysia's educational policies and found processes of segregated learning systems. Students needing higher level of supports are considered unsuitable for general education settings (Chong, 2016). Additionally, policy language stressed for students in special education to be guided towards vocational and technical oriented supports, which systematically shifts those students to have lower attainment goals, both educationally and in their careers (Chong, 2016). Such policies exclude students with disabilities from equally accessing the same classes as their peers without disabilities and deny them the ability to learn within the same environments as their peers without disabilities.

Rigid and Inflexible Curriculum. Through policies, Chong (2016) found Malaysian schools accountable for high academic achievement which hindered schools from developing inclusive learning settings. The educational policies indicated that students with mild and moderate disabilities were given a trial period to determine the student's adaptability to the general education setting, which started with slow increments within the general classroom setting (Chong, 2016). When students were placed in the general education setting, mainstreaming practices were used rather than inclusive practices (Chong, 2016). Chong (2016) argued that this policy's rationale excludes children based on inherent deficits while their needs and potentials are given secondary consideration.

Through a comparative analysis of New South Wales, Alberta, and Finland, Graham and Jahnukainen (2011) found exclusions in New South Wales through policy language by reverting to integration rather than inclusion. As Chong (2016) found in Malaysia, New South Wales policies were rigid in promoting that schools are for "average" children (Graham & Jahnukainen, 2011, p. 8). Students are shifted to other schools when they are not able to meet standardized benchmarks (Graham & Jahnukainen, 2011). Those with disabilities are placed within special schools due to an increase in diagnosis and special education costs (Graham & Jahnukainen, 2011). Therefore, high levels of academic accountability which voids students with disabilities from receiving accommodations or forces them to be educated within a separate learning environment due to a rigid and inflexible curriculum promotes exclusionary practices.

Labeling. Graham and Jahnukainen (2011) found Alberta's policies implemented during the 1980s attempted to increase accountability for those students with disabilities through the use of IEPs. The IEPs came with block funding based on enrollment numbers for those students with severe disabilities, but not those with mild disabilities (Graham & Jahnukainen, 2011). The funding attached to the severe label created an increased number of students participating in special education classes and schools (Graham & Jahnukainen, 2011). Therefore, the government unintentionally created exclusionary practices through segregated learning rather than working towards inclusive settings. A high level of misdiagnosis and a rise in severe emotional/behavioral disorders occurred during this time (Graham & Jahnukainen, 2011) which further created exclusions for these students. When labeling hinders students access to equitable resource or restricts access to all educational settings, this creates exclusions for students with disabilities.

Implicit Assumptions within Policies

Implicit exclusions occur through assumptions that students with disabilities have deficits and need to be educated separately (Kirby, 2017). Jie (2016) asserts that even with the most explicit policies, there can be a scope of interpretation, creating importance to identify the silences as to what is openly stated. Therefore, missing or covert policies can make for implicit exclusions (Shohamy, 2006). Policy analysts have found several types of exclusionary practices through implicit policies which is explored within this section.

In application to this study, no framework was found which could help examine the implicit exclusionary indicators. Therefore, a critical analysis was completed of the 20 studies used within the literature review to develop a framework for implicit exclusionary indicators. The four implicit exclusionary indicators which were found were lack of individualized supports, medical model/deficit-based assumptions, lack of teacher training, and lack of accountability (See Table 2.3). The next section reviews the four implicit exclusionary indicators that have been developed for the framework for this study which were used to evaluate implicit assumptions, creating exclusionary practices.

Lack of Individualized Education Supports. Loper's (2010) assessment of Hong Kong's inclusive policies indicated that even though policies provide some protections for students with disabilities, the policies had weaknesses for possibilities of discrimination. Those weaknesses included education provisions with broad expectations, an overly narrow definition of discrimination, and a lack of explicit duty to provide accommodations to avoid discrimination (Loper, 2010). Loper (2010) turned to the UNCRPD, and other national treaties for the rights of students with disabilities to be educated without discrimination and urged the need for providing quality education requires the modification and accommodations to ensure such rights. To delve

Table 2.3

Policy Language That May Implicitly Authorize or Allow Exclusionary Education Practices

Indicator	Citations
Lack of individualized supports (planning, progress monitoring, accommodations, and modification)	Duke et al., 2016; Graham & Jahnukainen, 2011; Kirby, 2017, Loper, 2010; Zaman et al., n.d.
Medical model/deficit-based assumptions	Carrington et al., 2015; Chong, 2016; Graham & Jahnukainen, 2011; Hameed & Manzoor, 2019; Kirby, 2017; Rimmerman et al., 2015
Lack of teacher training	Carrington et al., 2015; Duke et al., 2016; Hameed & Manzoor, 2019; Michael & Oboebulem, 2013
Lack of accountability (self /parents and policy implementation)	Chiu & Turnbull, 2014; Loper, 2010, Ochoa et al., 2017; Ree, 2015; Roleska et al., 2018

further, Loper (2010) explained that direct discrimination occurs with less favorable treatment for those with disabilities. In contrast, indirect discrimination occurred when seemingly neutral practices were in place, which negatively affected students with disabilities (Loper, 2010). Loper (2010) recommended the equality of students with disabilities by providing reasonable accommodations to avoid discrimination.

Micheal and Oboegbulem (2013) found that Nigerian policies lacked a variety of concepts which impacted students with disabilities access to the least restrictive environment and for provisions of reasonable accommodations. The lacking policies were through identification and referral processes, unbiased assessments, and IEPs (Micheal & Oboegbulem, 2013). Further, the educational polices did not support teacher skills training to effectively work with various disabilities, which further restricted the ability to accommodate students with disabilities within the inclusive setting (Micheal & Oboegbulum, 2013).

Japanese policies were found by Ree (2015) to have vague language or lack of definitions (Ree, 2015). First noted by Ree (2015) was a lack of explanation for discrimination within education. Additionally, policies concerning reasonable accommodations were vague (Ree, 2015). Urging for a more precise definition to facilitate more inclusive practices, Ree (2015) cited that such vague policies encourage unintentional barriers. Ree (2015) contended that the educational system continues to work under the former segregated system with such barriers within the Japanese system.

Ree (2015) makes mention of reasonable adjustments (known elsewhere as accommodations) within Australian policies, but the standards were unclear. Ten years after the policy was implemented, numerous complaints were made concerning enrollment, exclusions from school activities, lack of trained staff, lack of appropriate amenities, and inflexible

curriculum (Ree, 2015). The complaints were considered to be a result of vague policies (Ree, 2015). Lastly, the individualized planning programs were found to focus on the student's disability rather than providing reasonable accommodations or specialized curriculum, resulting in a lack of participation (Ree, 2015). Therefore, a lack of individualized supports and services range from policies lacking in IEP process, lack of teacher training, vague policies of implementation, and a lack of modification and accommodations.

Medical Model/Deficit-Based Model. In a review of Australia and China's educational policies concerning inclusion, both countries' policies were found to be structured on a deficit-based model (Carrington et al., 2015). Carrington et al. (2015) recommended trainings and pedagogical discourse in policy to reflect the expectation of accessible curriculum for all and the respect for diverse learners. This recommendation is to promote a social model where students are provided environmental supports rather than focusing on the inadequacies of the students (Carrington et al., 2015).

Rimmerman et al.'s (2015) study of disability legislation in Israel found that the medical model was the predominant language used within policies. The use of the medical approach was found to negatively influence media representations of disability, stigmatization towards disabilities, and stigmatization experienced by people with disabilities (Rimmerman et al., 2015). Also, students with disabilities were required through policy to pay for supports needed while in mainstreaming, which excluded parents who could not pay for such supports from accessing mainstreaming (Rimmerman et al., 2015).

Chong (2016) examined Malaysia's educational policies and found exclusions occurred through discourse relating to the implementation of the medical model. Policy language continuously stressed for those in special education to be guided towards vocational and

technical oriented supports that systematically shifted those with disabilities to lower attainment goals both educationally and in their careers. This policy's rationale excludes children based on inherent deficits while their needs and potentials are given secondary consideration (Chong, 2016).

In Hameed and Manzoor (2019) research of inclusive reforms in the subcontinent countries, Pakistan's policies were found to use the medical model, despite the policy's promotion of integration. The concept of inclusive education was limited to those students with mild and moderate disabilities, excluding those with higher needs (Hameed & Manzoor, 2019). Since the signing of the UNCRPD, Pakistani schools and general education schools continue to work as separate units, creating barriers to progress a student with disabilities into the general education setting (Hameed & Manzoor, 2019).

In Ghana, policies were found to lack definitions for disabilities which created a lack of accountability, as it is unclear as to "which child with what types of disability quality to benefit from policy provisions and which children with disabilities may be excluded because of some criteria imposed by policy" (Lamptey et al., 2015, p. 109). Lamptey et al. (2015) found that policies to use a disability severity classification based to qualify for inclusive education. Children who qualified for inclusive education were broadly noted as those with non-severe physical and mental disabilities (Lamptey et al., 2015). Lamptey et al. (2015) indicated a need to define the term disabilities to promote the fundamental rights of those with disabilities. This recommendation was due to the negative cultural beliefs; by only relying on medical diagnosis further impedes such negative perceptions to further exclude children with disabilities (Lamptey et al., 2015). Through these studies, it has been found that implicit exclusions occur through the

use of medical and deficit-based language by use of classification and creating assumptions that students with disabilities are not able to participate within the general education setting.

Lack of Teacher Training. In reviewing Australia and China's educational policies concerning inclusion, Carrington et al. (2015) found policies lacking in teaching standards that caused challenges of implementing inclusive education. Both countries' policies were found to have gaps in pre- and in-service trainings for teachers in supporting inclusive pedagogical practices (Carrington et al., 2015). Carrington et al. (2015) recommended trainings and pedagogical discourse in policy to reflect the expectations of curriculum for all and the respect for diverse learners.

The policies of India, Bangladesh, and Pakistan were reviewed by Hameed and Manzoor (2019) and found that

> Teacher education for educational reform is being taken as minimal, isolated, and ad-hoc in pre-service programs in general and in-service program specifically. Usually, these training courses for in-service teachers are for a short period and without any technical support for curriculum and course materials. (p. 61)

General education teachers had no requirements to take courses concerning inclusive education, and special education teachers were required to have one or two courses (Hameed & Manzoor, 2019). The lack of teacher training is considered an essential aspect of providing appropriate access to education.

Lastly, Zaman et al. (n.d.) found Bangladesh's policies concerning teacher and staff building capacity was ambiguous. Zaman et al. (n.d.) acknowledged that a lack of teachers' capacity to serve the needs of a primary school child presents significant limitations in achieving a quality education. Once in the secondary schools, teachers were not adequately trained to carry

out inclusive education nor were provided with proper training in sensitization (Zaman e al., n.d.). Therefore, implicit exclusions occurred through teachers not having the skills needed to support students to participate in their learning by a lack of understandings the students' needs or how to make appropriate accommodations.

Lack of Accountability. In the study most similar to this one, Chiu and Turnbull (2014) compared Taiwan's national policies to the UNCRPD, core concepts, and the US Individual's Disability Education Act (IDEA, 2004). The comparative analysis revealed that parent participation and due process were missing from the Taiwanese policies (Chiu & Turnbull, 2014). The researchers noted that, due to the cultural, teachers are highly respected, so parents may not go against what teachers say; thus, possibly impacting why parent participation was kept from being implemented within the policies (Chiu & Turnbull, 2014). However, actively involving parents in the decision-making process was recommended for policy improvement by Chiu and Turnbull (2014). Since this was a comparative study rather than a critical analysis study, Chiu and Turnbull (2014) did not explain why this is considered an exclusionary practice.

Similar to Chiu and Turnbull's (2014) study, Aldersey and Turnbull's (2011) found Tanzanian disability policies to hold similar exclusions for parental participation. Policies did explicitly provide families with supports through access to information, supports through a national parent association, and technical aids for primary and secondary education (Aldersey & Turnbull, 2011). However, implicit omissions of how to ensure parents' participation in meetings and outlined consequences for policy violations (Aldersey & Turnbull, 2011).

In both studies, the lack of parental participation and systems of accountability, sometimes referred to as due process, were encouraged to be further developed due to missing guidance within the policies (Aldersey and Turnbull, 2011; Chiu & Turnbull, 2014). Since both

studies were not critical analysis studies, no explanation was provided as to how the policies or lack of policies caused exclusions. However, research-based practices have shown that parenting involvement in decision-making offers a strengths-based approach to the child's abilities and promotes healthy child development (Durisic & Bunijevac, 2017). Therefore, denying parents participation can create exclusions for the child because decisions are not holistically made based on the child's strengths which may impede the child from being placed in the least restrictive learning environment. Additionally, due process allows parents to seek grievances when their child with disabilities has not been provided with the educational policy requirements.

Polish policies were found by Roleska et al. (2018) to hold exclusions of rights for those with autism. Basic rights to education were provided within the policies, but other protections for those with autism were missing. Rolelska et al. (2018) assert that with laws that provide overly general provisions that "such a system makes it almost impossible for autistic people to claim the rights they ought to be entitled to" (p. 12).

Japan's students are lacking in assurances of services, as the special education policies are too general and legally non-binding, making them ineffective (Ree, 2015). For example, individual education programming is the responsibility of the home room teachers, who are often not trained or lack certifications (Ree, 2015). Principals make the final placement decisions, but since there are no legally defining procedures for independent reviews, parents can either go to court or continue discussions with educational authorities (Ree, 2015). This is a burden that is placed on the family and creates another barrier to inclusive education (Ree, 2015). Through these policy analyses, a lack of accountably causes exclusions through a lack of parent participation, voiding rights of specific disabilities, having no system of a complaint mechanism (due process), or not having legal backing for IEPs to ensure their implementation.

Critical Discourse Policy Analysis

The practice of critical discourse analysis in disability education research is done to promote social changes (Liasidou, 2008; van Dijk, 1995) through considering inequalities. Although there is no singular or concrete process for implementing critical discourse analysis (Diem et al., 2014), critical discourse analysis goes beyond the traditional methods of qualitative analysis (Liasidou, 2011). The emphasis of critical discourse is to analyze how texts ideologically are shaped by relations of power to practice (Amoussou & Allagbe, 2018; Kazemain & Hashemi, 2014). To effectively meet the criteria of a critical discourse analysis should (Amoussou & Allagbe, 2018, p. 12-13; van Dijk, 2003)

- be problem or issue oriented;
- be inter- or multi-disciplinary with focus on social problems in relation to discourse and society;
- take an explicit critical approach, position, or stance of text and talk;
- focus on group (e.g. policies) relations of power, dominance, and inequality and ways these are reproduced or resisted by social group members through text and talk;
- be about underlying ideologies that play a role in reproduction or resistance against dominance or inequality;
- be a study that is focused on uncovering or revealing what is implicit, hidden and other discursive ways to influence the minds of people in the interest of those with power;
- attempt to uncover discursive means of social influence through a critical stance; and
- try to formulate strategic proposals for the development of counter-ideologies in practices in challenge.

By using critical discourse analysis as a methodology, questions can be asked that are complex, subjective, and examine equity (Diem et al., 2014, n.p.). Then, through a systematic analysis of policy (written text), the critical discourse process examines how dominance and social inequalities are constructed within the policies (Amoussou & Allagbe, 2018; Kazemain & Hashemi, 2014). During interpretation, the policy discourse is not only analyzed, but also the research is to draw upon the relationship between different texts and includes the context and history in which the text was referenced (Fairclough, 2001; Liasidou, 2011).

Critical discourse analysis through the use of policy text is a methodology that was amenable to this study. Of the 20 policies that I critically analyzed to form the framework for questions 2 and 3, 10 studies applied a critical lens to analyze education policies. To further support this decision, the aim of this study aligned with the target requirements to qualify as critical discourse policy analysis, as the findings of the research questions were analyzed with a focus on how the national-level government policies create barriers or omit supports, within inclusive education required by the UNCRPD article 24 for students with disabilities. Recommendations are provided to help those who work in the field of disability policies to help prevent such barriers in future policy for students with disabilities to access inclusive education.

Human Development Index

The Human Development Index (HDI) is a composite index developed by the United Nations Development Programme to resolve the concern that a country's development is not assessed alone on economic growth (UNDP, n.d.). This index provides a single measure to capture three dimensions of human development through a long and healthy life, access to knowledge and a decent standard of living (UNDP, n.d.) The HDI considers a health dimension through expectancy at birth (UNPD, n.d.). The education dimension is measured by two

indicators of a mean year of schooling for adults aged 25 and more and expected years of schooling for children of school entering age (UNPD, n.d.). The standard of living is measured based on the gross national income per capita (UNPD, n.d.). Through the outcomes, the UN ranks the countries as very high human development, high human development, medium human development, and low human development.

The HDI rankings are a useful resource when making comparisons between similar HDI ranking countries by helping to compare similarities or differences for government policy priorities (UNPD, n.d.). This comparison allows for the countries' national policies to be compared with other countries within the same HDI country rankings further to assess the similarities within each of the HDI rankings. For the transnational comparison of this study, the 16 countries were organized by the HDI rankings (See Table 2.4) and used to assess the similarities in core concepts and for the implicit and explicit exclusionary indicators. These transnational comparisons are reviewed in Chapter 4.

In Summary

Through this final section of the literature review, the study's conceptual frameworks were reviewed. For inclusive education, critical discourse policy studies help to provide a better understanding of inequalities within governmental text to identify the inequities and power within text language (Liasidou, 2011). Since critical discourse analysis allows for a wide range of frameworks to be utilized, in answering the first question, the use of Shogren and Turnbull's (2014) disability law core concepts was applied to the UNCRPD as a framework to assess policies. When the core concepts are applied to policy texts, researchers can assess if the core concepts for disability laws have been met within the national level policy text (Shogren & Turnbull, 2014). The four core concepts of (1) antidiscrimination, (2) individualized and

Table 2.4

Table of Countries listed in ranking for HDI

Very High HDI	High Development HDI	Medium HDI	Low HDI
Singapore	South Africa	Kenya	Liberia
New Zealand	T&T	Ghana	Sierra Leone
	Sri Lanka	Pakistan	Nigeria
	Philippines	Namibia	
		Bangladesh	
		India	
		Zimbabwe	

appropriate services, (3) integration, and (4) prevention and amelioration were further reviewed to help set parameters when assessing the 16 selected countries' policies.

For application to questions 2 and 3, a conceptual framework was developed to examine explicit and implicit exclusionary language. Since no existing framework was available, a critical analysis was completed of previous inclusive education policy studies. Initially, the exclusions included concepts of integration over inclusive language, segregated learning environments, rigid and inflexible curriculum, labeling, implicit assumptions within policies, lack of individualized and appropriate supports, use of medical/deficit models, lack of teacher training, and lack of accountability. Later, the concepts were assessed and condensed into the framework of explicit and implicit exclusionary indicators that were applied to this study. The explicit exclusionary indicators included use of integrative over inclusive language, segregated learning environments, rigid and inflexible curriculum, and negative labeling. The implicit exclusionary indicators included lack of individualized supports, medical model/deficit-based assumptions, lack of teacher training, and lack of accountability.

Lastly, the HDI which was developed by the United Nations helps to organize the countries with similar context, allows for comparison between similar ranking countries to assess if there are similarities or differences within the countries' governments priorities concerning exclusions to inclusive education. This ranking system rates countries based on very high human development, high human development, medium human development, and low human development. For a transnational comparison within this study, the application of the HDI provided transnational insights as to what are similar in core concepts and exclusionary indicators within the same ranking county categories.

CHAPTER 3

METHODOLOGY

The purpose of this critical policy analysis was to provide an overview of inclusive education's status and development in countries that have ratified the UNCRPD treaty. The findings of this study provide educational leaders, disability advocates, and future researchers with some guidance for improving equity and equality in educational policies for children with disabilities. However, caution should be taken that these results cannot be generalized for countries outside of this study. First, Shogren and Turnbull's (2014) core concepts of disability law were applied to the selected 16 countries' inclusive education policy. Next, explicit and implicit exclusionary indicators were applied to analyze if each countries' policies held exclusionary language, both through explicit and implicit use. To that end, three research questions guided this study.

RQ1. Which, if any, of the four core concepts in article 24 Education of the UNCRPD are evident in the selected countries' national inclusive education laws and policies?

RQ2. What evidence is there, if any, that explicit policy language that may lead to exclusionary practices is present in the selected country's national education laws and policies and how does it compare across the transnational sample?

RQ3. What evidence is there, if any, that the policy language may lead implicitly to exclusionary practices in the selected country's national education laws and policies and how does it compare across the transnational sample?

Research Design

To explore how each country's inclusive educational policies have incorporated the UNCRPD and the core concepts of disability policy, this study proceeded through two phases of

policy analysis. The first question compared whether each selected country's national inclusive education policy represents Shogren and Turnbull's (2014) four core concepts identified in the UNCRPD article requirements for inclusive education. The core concepts were analyzed through a critical analysis as individual countries and then transnationally.

In answering questions 2 and 3, implicit and explicit exclusionary indicators were derived from past policies through a critical analysis to develop this study's framework. Each set of exclusionary indicators, implicit and explicit, were compared for each country then transnationally across the sample countries. Policies were then rated to be inclusive, needs improvement, or needs much improvement. Finally, HDI was applied to both phases to consider is there were similarities within each of the index rankings for very high, high, medium, and low human development (UNDP, n.d.).

Research Design Rationale

In answering the first of studies' questions, a critical discourse policy analysis through the lens of Shogren and Turnbull's (2014) core concepts was the most viable way to tend to this task. A policy analysis allows for the focus on one or more meanings within the documents through overt and explicit texts, reflects the rhetoric of the policy environment and the policymaker's intentions, and the implicit underpinnings of the policy (Shaw et al., 2004). The critical lens allows for an examination of explicit meanings, along with the implicit message that is being conveyed within the text (Young & Diem, 2018).

Critical Policy Analysis and Critical Discourse Analysis

Critical discourse analysis provides a framework to systematically assess written text to investigate power relationships and helps to uncover inequalities within society (Amoussou &

Allagbe, 2018; Kazamain & Hashemi, 2014; Rogers, 2004). In application to education policy agendas, Liasidou (2008) defines critical discourse analysis with a focus in education as a

> research tool that has the potential to destabilize the authoritarian discourses entrenched in educational policy agendas, thereby facilitating the linguistic and, by implication, conceptual reinstatement of inclusion as a notion that unequivocally advocates the protection of human rights of children with special education needs (p. 483).

This study has aspired to this approach.

Through the application of a critical discourse analysis, education policies can be examined to consider how the overall effects of policies translates practices of inequality and privilege (Diem et al., 2014). Studying critical discourse through implicit policies can be done to focus on issues of power (Perryman, 2012) and provides a pathway for research to expose inconsistencies within what the policy states and what the policy does (Diem et al, 2014).

Justification of Critical Discourse Policy Analysis

To determine the best approach for my study, I examined the 20 studies from the literature review to delineate the most common methodology. Through a critical analysis, 10 of the studies applied a critical lens (See Table 3.1). The standard choice of the critical lens in these studies may have been due to researchers' concern to issues of inequality through education polices. The examined interest of these researchers aligns with goal of this study, which is to aim to unveil the ways policies create and legitimize inequalities (Liasidou, 2011; van Dijk, 2001) through exclusion and missing core concepts of disability law. Therefore, the critical analysis of past policy analysis and the objectives of critical discourse analysis in policies confirmed that a critical analysis study was the most appropriate to apply to my study.

Table 3.1

Critical Analysis of National Inclusive Education Policy Studies Published Since 2010

Author(s)	Country Policy Analyzed	Methodology
Alves (2019)	Portugal	Critical Policy Analysis
Alves (2020)	Portugal	Critical Policy Analysis
Byrne (2019)	Examined UN Concluding remarks on 72 countries	Content and Critical Policy Analysis
Carrington et al. (2015)	China Australia	Critical Discourse Analysis
Chong (2016)	Malaysia	Critical Analysis based on Grounded Theory Approach
Chiu & Turnbull (2014)	Taiwan US	Comparative Policy Analysis
Duke et al. (2016)	Samoa	Critical Analysis of the development and implementation of IE policy
Graham & Jahnukainen (2011)	New South Wales Alberta Finland	Comparative Case Study Analysis
Hameed & Manzoor (2019)	Pakistan India Bangladesh	Descriptive Analytical Study with a Policy Analysis
Hardy & Woodcock (2015)	Canada England Australia US	Critical Policy Analysis
Lamptey et al. (2015)	Ghana	Document Analysis
Lianeri (2013)	Greece	Critical Discourse Analysis
Loper (2010)	Hong Kong	Critical Policy Analysis
Michael & Oboegbulem (2013)	Nigeria	Critical Policy Analysis
Ochoa et al. (2017)	China Kuwait South Korea	Comparative Policy Analysis

Table 3.1 Continued

Author(s)	Country Policy Analyzed	Methodology
Ochoa et al. continued	Turkey United States	
Ree (2015)	Australia Japan	Comparative Policy Analysis
Rimmerman et al. (2015)	Israel	Content Policy Analysis, focuses on the development and implementation of disability policy
Roleska et al. (2018)	United Kingdom France Spain Poland	Path Dependency Framework for Policy Analysis
Zaman et al. (n.d.)	Bangladesh	Strength, Weaknesses, Opportunities, and Threats (SWOT) Analysis; focuses on the development and implementation of disability policy
Zhuang (2016)	Singapore	Content Policy Analysis

Core Concepts Approach

For question 1, Shogren and Turnbull's (2014) four core concepts of article 24 Education that are (1) antidiscrimination (2) individualized and appropriate services, (3) integration, and (4) prevention and amelioration were utilized to analyze each country's policies. These concepts were the most applicable for this study because of the unifying international framework of core concepts that allow researchers to investigate policies by standards of effective disability policy (Shogren & Turnbull, 2014). The success of the application of the core concepts has been found in other studies outcomes by providing insights to the gaps in other national level policies (MacLachlan et al., 2012; Mannan et al., 2011; Mannan et al., 2013; O'Dowd et al., 2013; Shogren & Wehmeyer, 2014). After the countries' policies were examined, a critical analysis was provided for both the individual countries and transnationally.

Exclusionary Indicator Approach

No framework to examine exclusions within policies was found to be available to answer questions 2 and 3. This may be due to the fact that exclusionary policy language and implicit assumptions of exclusion are currently understudied (Beckmann, 2016). Therefore, insight was needed to understand what exclusions have already been found within past policy studies. Through a critical analysis of 20 policy analysis studies since 2010, indicators were derived to create implicit and explicit exclusionary indicators. The explicit indicators included use of integrative over inclusive language, segregated learning environments, rigid and inflexible curriculum, and negative labeling. The implicit indicators included lack of individualized supports, use of medical or deficit-based model assumptions, lack of teacher training, and lack of accountability.

The two conceptual frameworks that illustrate the application of these indicators in my analysis of national inclusive education policies are shown in Figures 3.1 and 3.2. The first box in each figure lists the countries that comprised my sample. The second box in each figure lists the indicators (explicit or implicit) that guided my analysis. The last three boxes in each figure quantify my categorization of the laws and policies as inclusive (no indicators evident), needs improvement (one to two indicators), and needs major improvement (three or more indicators).

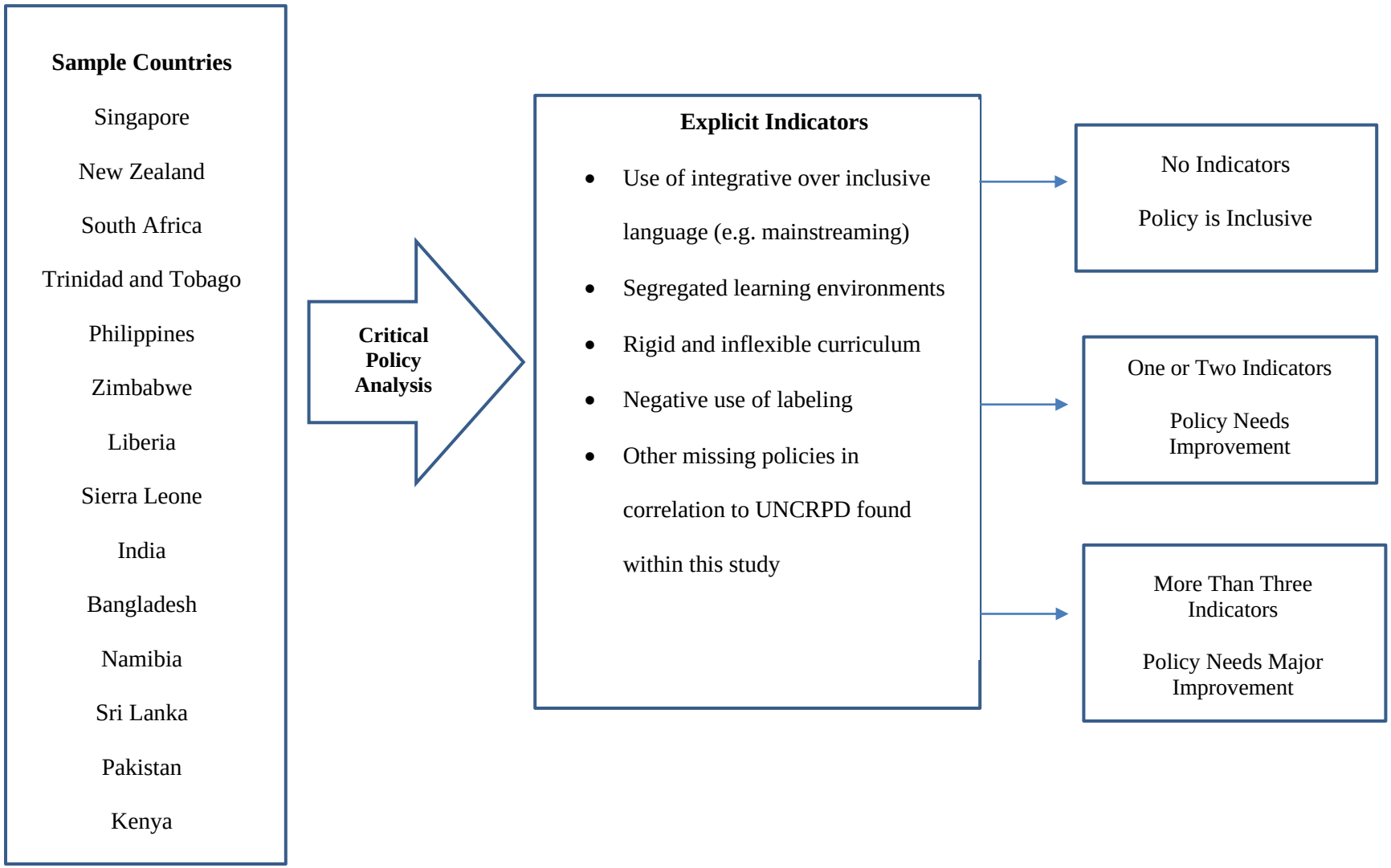

Figure 3.1

Indicators that May Explicitly Authorize or Allow Exclusionary Education Practices

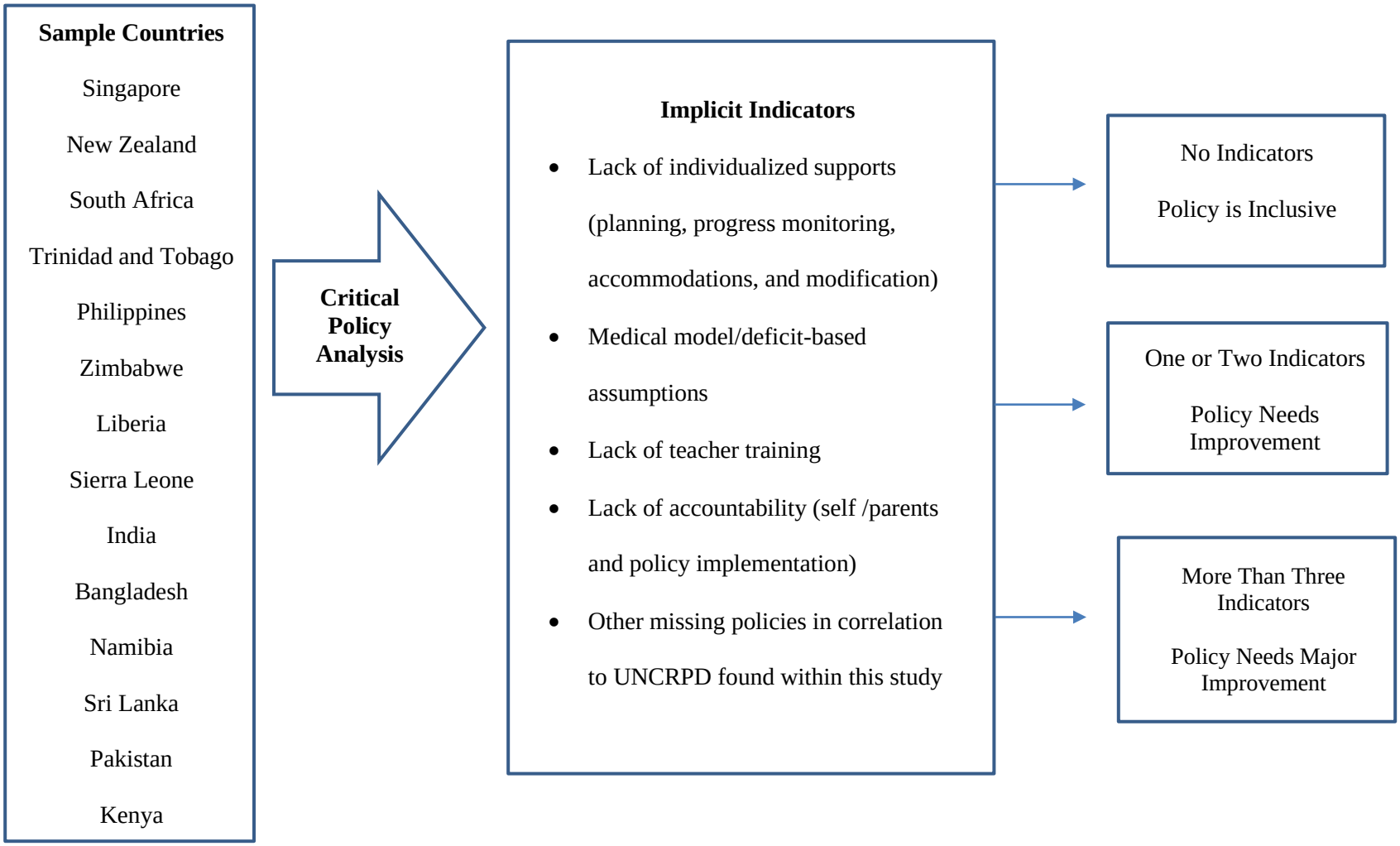

Figure 3.2

Indicators that May Implicitly Authorize or Allow Exclusionary Education Practice

Based on my findings, I compared and contrasted the explicit language and implicit language of exclusions of students with disabilities individually across the transnational sample to identify notable trends; that is, I looked for the most frequent policy language (or the lack thereof) across the sample that could explicitly or implicitly allow for exclusionary educational practices to occur. I reflected on the individual findings and utilized the HDI Approach to synthesis transnational findings in Chapter 4. Recommendations bases on these findings are made in Chapter 5.

HDI Approach

For this study, the HDI was a useful tool to further advance the demographic information (See Appendix E) to further inform me about the countries' culture and context. Second, the outcomes of the countries' national policies are considered a useful tool when countries' policies were compared within the same HDI country rankings which are very high human development, high human development, medium human development, and low human development (UNDP, 2020a). Through the application of the countries' rankings, the countries were compared transnationally for evaluating missing core concepts to answer question 1, to compare explicit policy language to answer question 2, and to compare implicit assumptions which could create exclusions to answer question 3.

Data Collection

Before the data collection occurred, it was necessary for me to clearly define the characteristics of the countries to be selected for this study. First, I chose to focus on the use of laws and policies over other documents. Laws are the set standards, principles, and procedures which society must follow (Prabhat, 2011). Policies outline the administration of laws, what the government will do or does not intend to do as a whole for society (Prabhat, 2011). Other

education documents, such as policy frameworks, were excluded from this study because policy frameworks are considered as governmental roadmaps. Roadmaps are best understood as policy instruments that promote broader and more fundamental goals rather than being policy statements (Cardinal et al., 2015, p.2).

After this, I looked for countries that applied English Common Law and were written in English, as that is my only fluent language. Common Law uses "judicial decisions and consists of unwritten laws formed by previous court decision that govern local customs, accepted behavior, and traditions" (Mwaniki, 2020, para. 1). Common Law is the most commonly used legal system in the world (Mwaniki, 2020).

Next, I excluded any countries which were a part of the European Union (EU). The rationale for this was because in 2017 the EU endorsed the adoption of the European Pillar of Social Rights, which is an agreement that made inclusive education a priority (European Commission, n.d.). Through this agreement, a higher level of accountability and monitoring of inclusive education was implemented. In addition, the EU has the European Agency for Special Needs and Inclusive Education, an independent organization that works closely with 31 countries to ensure inclusive educational goals are met (European Agency for Special Needs and Inclusive Education, 2020). Due to such stringent oversight in the EU as opposed to each county's government, I felt my research focus would be better served by selecting countries that were more likely to be different in their policy implementation.

Another exclusionary factor was the removal of the most Westernized and industrialized countries. This factor was based on the reported high numbers of research studies conducted in cultures, which are Westernized, educated, industrialized, rich, and democratic societies or WEIRD cultures, as Henrich and Norenzayan (2010) refer to them. To help bring insights to

non-Western societies and bring a more even balance in developed and non-developed countries, I removed the most dominant Western and industrialized countries from selection.

For a final selection criterion, I selected countries with populations over 1 million people. Countries with small populations may have struggling economies causing national priorities which could outweigh the needs of people with disabilities, as found by Macanawai (2009) in many Pacific Islands. Limiting countries with higher populations help ensure a more equalized balance to countries with similar national resources. To further clarify the criteria for country selections, a decision tree outlines this process and includes the data criteria (see Figure 3.3).

This systematic selection identified 19 potential countries for my study. However, three countries had to be excluded. Israel's policies were not able to be found in English, although the country uses English as the official language. Papua New Guinea and Jamaica were both removed because primary inclusive education policies were found to be under the governments' current review. These omissions left 16 countries' policies to be examined.

Once I determined the countries used for my study, I gathered policies (see Appendix C) from the internet and systematically organized electronic file folders for each country. For policies which were not accessible, these are noted in Appendix D. I collected a minimum of 5 peer-reviewed articles with additional documents to help ensure that I was using applicable policies and developed an understanding of the country's education systems. Within each folder, I kept a codebook of the policy findings in an excel spreadsheet (see Appendix F for examples).

Trustworthiness

Applying critical discourse analysis required approaches of trustworthiness (Morrow, 2005; Mullet, 2018; van Dijk, 1993), required the using subjectivity (Morrow, 2005; Mullet,

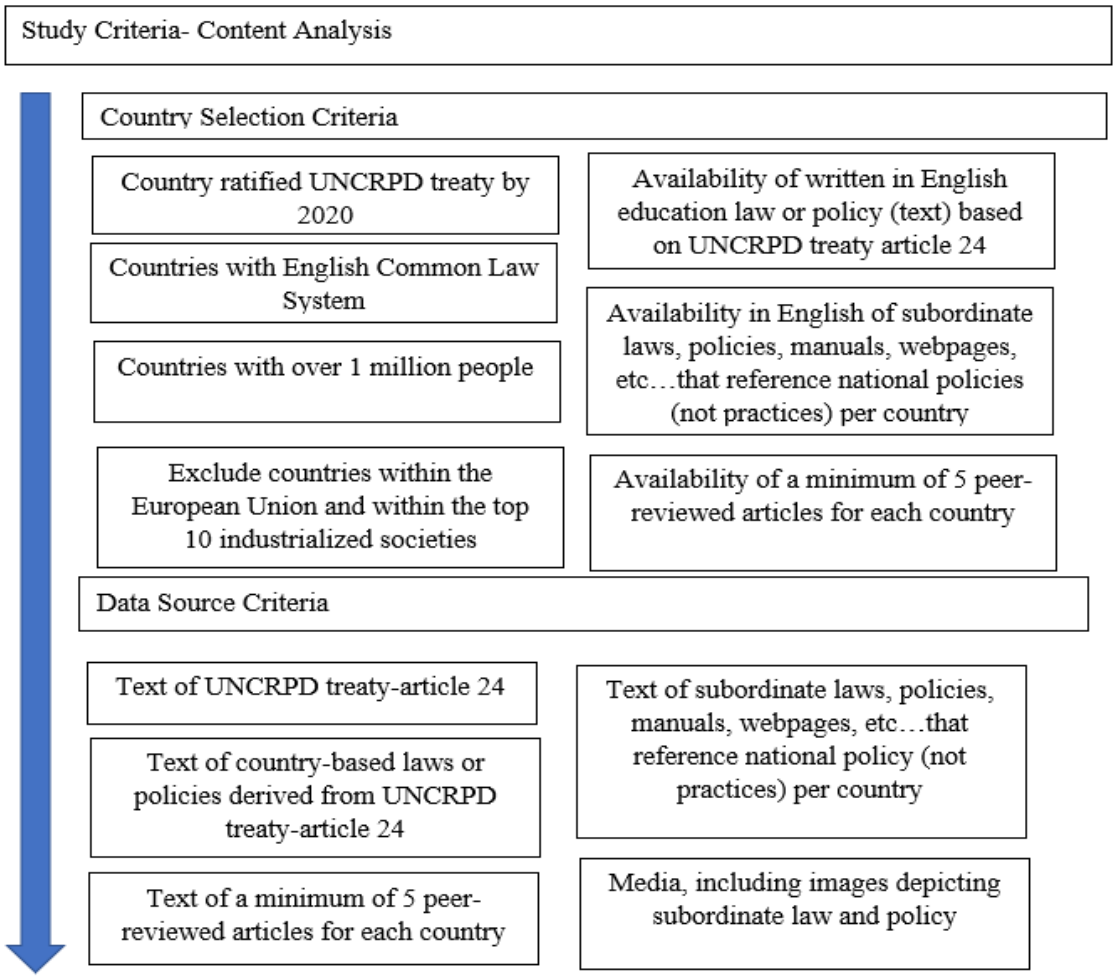

Figure 3.3

Study and Data Criteria Chart

2018; Wodak & Meyer, 2009) and reflexivity (Morrow, 2005: Merriam & Tisdell, 2016). Methodologically, trustworthiness is demonstrated through the triangulation of methodology, theoretical pinnings, and data sources (Mullet, 2018). The more data sources used, the richer, broader in-breath, and more in-depth the triangulation becomes (Morrow, 2005). Subjectivity requires the researcher to recognize the social, political, and economic motives that drive the research (Morrow, 2005; Mullet, 2018; Wodak & Meyer, 2009). All researchers are subject to their biases, and critical analysts tend to be unapologetic for taking a political stance (Morrow, 2005). However, as a researcher, I heeded the advice of Merriam and Tisdell (2016) to be wary of not making the research about me and my stance. Rather I used my researcher's positionality (Merriam & Tisdell, 2016; Mullet, 2018; van Dijk, 1993), reflexivity (Merriam & Tisdell, 2016), and an external peer reviewer (Morrow, 2004) to help balance my biases with the findings.

Triangulation

In critical analysis, the triangulation of information was completed by using other data sources (Morrow, 2004). Critical researchers are required to take note of the complex environments in which policy plays a part and provide the historical and cultural context of the policy (Diem & Young, 2019). In a traditional triangulation, independent data sources would need to be used, such as interviewing policymakers from each country. However, interviewing policymakers was not realistic and instead I used other data sources, including peer-reviewed articles and additional documents.

Due to the complexity of inclusive education for this study, I gathered a minimum of 5 peer-reviewed articles. The articles were used to provide a deeper understanding of past research on children with disabilities, cultural context, educational priorities, and current educational challenges within each country. Other artifacts were collected such as non-governmental agency

reports, archival records, newspaper articles, and websites (Merriam & Tisdell, 2016), when applicable. These documents gave direction into locating current policies, relevant educational statistics, international perspectives from advocacy groups, and current policy implementation events concerning inclusive education. Although these documents were not coded, the documents were used for corroborating the information. I was able to ensure that my implicit biases were minimized when comparing the exclusionary indicators and core concepts to these documents. Use of the HDI provided deeper understandings of the current economy and lifestyles of each countries' populations, which is a required component to critical discourse analysis since culture and context are an important aspect (Mullet, 2018).

Peer Debriefing

Peer debriefing is a review of the data and research process with a person who has expertise with the phenomenon being explored (Creswell & Miller, 2000). In both types of studies, the peer reviewer participates as an external advisor who provides support, plays devil's advocate, challenges the researchers' assumptions, and asks clarifying questions to ensure that the implicit biases of the researcher are rendered transparent, noted, and removed (Lincoln & Guba, 1985; Morrow, 2005). For this study, the peer debriefer is a professor with a Doctor of Philosophy and is an expert in the field of international policy and law research and special education.

Before my research began, I provided my questions and operational definitions of the four core concepts to the expert. After my preliminary development of the exclusionary indicators was complete, the expert reviewed my determined exclusionary indicators and framework drafts. Later, I met with the expert to discuss the framework before starting my research. Throughout the development of my framework and findings, the peer reviewer

challenged my biases and assumptions to ensure that my findings were free of my personal assumptions. After completing my findings, I once again shared the final product results with the peer reviewer.

Audit Trails

Audit trails are beneficial for critical analysis studies (Morrow, 2005). The use of audit trails helps readers determine the rigor's level applied to this study (Creswell & Miller, 2000) and allows the reader to trace and understand the reasons as to why decisions were made (Paltridge, 2006; Sriwimon & Zilli, 2017). An audit trail provides a chronological detail of research activities and data collection and analysis; emerging themes and analytical memos which can later be used to help make the research replicable (Morrow, 2005). To promote rigor for this study, I provided audit trails of my peer reviewers feedback and reflexivity (see Appendix G, H, I).

Reflexivity

Reflexivity is the process of critical self-reflection as a researcher for content analysis (Morrow, 2005). Critical analysis theorist recognize that strong biases can limit the results of the outcomes through personal influence (Merriam & Tisdell, 2016). To help minimize my biases, which are formed from my experiences, perceptions, and opinions to influence my studies (van Dijk, 1995), I attempted to ensure that I did not make the study about me and my experiences (Merriam & Tisdell, 2016).

To balance my perspectives, I considered my positionality and my insider/outsider stance to balance this process (Merriam & Tisdell, 2016). Insider/outsider stance is unveiled through the complexity of the inherit status in terms of one's positionality in concern to race, class, gender, culture, and other factors which help us to understand better the dynamics of researching within

and across one's culture (Merriam et al., 2001). Therefore, I clarified my personal biases in my positionality statement to show how my background may have influenced my interpretations of the data (Merriam & Tisdell, 2016). Additionally, I provided reflections within my audit trail, just as Lincoln and Guba (1985) suggested.

Researcher Positionality

I brought my own biases and perspectives to this study through my varied personal experiences. As a former principal and former executive director of residential schools and homes for children with emotional and behavioral challenges, I have seen the benefits of segregated learning. However, later experiences as a federally funded research associate allowed me to see that children with moderate learning challenges can thrive when modifications and accommodations are provided to the general education learning standards. Currently, I work at a university which has implemented a program for students with intellectual disabilities to participate in gaining a degree. I have seen how the students have grown socially, academically, and in their leadership abilities. In addition, I have witnessed the change in assumptions of people with non-disabilities as to what persons with disabilities can achieve.

Through the doctoral program at the University of Tennessee, I found a new passion for studying education policies and their implications for with students with disabilities. Additionally, I gained an add-on certificate in International Children, Youth, and Family Studies, which increased my knowledge and interest of different cultural perspectives. This education and my international travels to 26 countries have stimulated my curiosity about international education systems.

Although I have a master's degree in special education and was a special education teacher and principal at a school with the majority of students having individual education

programs, I am an outsider to the subgroups of those with disabilities and to those from the countries from which I have selected for this study. To counterbalance my biases from these experiences, I practiced reflectivity throughout the study.

In Summary

This chapter outlines my critical analysis research design, the rationale of the design, data collection, process of implementing the analysis, the application of trustworthiness and credibility, and my positionality as a researcher. The overall process of the study was reviewed to show my process of selecting countries and documents used for the study. Additionally outlined were the processes for implementing the core concepts and exclusionary indicators to apply to organizing and analyzing my findings from the selected countries' national level policies.

CHAPTER 4

FINDINGS AND ANALYSIS

The purpose of this critical policy analysis was to provide a comparative overview of inclusive education's status and development in a selected group of countries that have ratified the UNCRPD. The findings of this study provide educational leaders, disability advocates, and future researchers information which may be useful in improving the equity and equality in educational opportunity for children with disabilities.

There are five major sections in this chapter. First, a brief background is provided for each of the 16 countries selected for this study, the countries are arranged by their ranking level of the HDI. Second, the results from research questions are provided through an analysis of each countries' educational laws and policies pertaining to the extent in which inclusive education met the Shogren and Turnbull's (2014) four concept of disability law. A transnational comparison is later reviewed in Chapter 5.

In the second section, research question 2 is reported. In this analysis each country's policy and law documents are critically analyzed and described for each of the explicit exclusionary indicators. Additional indicators are noted and reviewed. A transnational comparison for question 2 is reported at the end of this section.

In the third section, research question 3 is reported. In this analysis each country's policy and law documents are critically analyzed for each of the implicit exclusionary indicators. Along with the description of the implicit indicators found, additional indicators are noted and reviewed. A transnational comparison of question 3 is reported at the end of this section.

The fourth section of this chapter, ratings are applied for the presence of explicit and implicit exclusionary laws and policies. The policies are critically assessed for core concepts and

exclusionary indicators. In Chapter 5, I transnationally evaluate the inclusivity of the laws and policies based on the number of explicit and implicit exclusionary indicators. The rating system which is used is based on if each countries' policies are rated to be inclusive (no exclusionary indicators), needs improvement (one or two exclusionary indicators), or needs major improvement (three or more exclusionary indicators).

Background of Selected Countries

The geography of the studied countries that have signed the UNCRPD includes eight African countries, six Southeast Asia countries, one Caribbean country, and one country from the Southwest Pacific. The African countries are Ghana, Kenya, Liberia, Namibia, Nigeria, Sierra Leone, South Africa, and Zimbabwe. In Southeast Asia, the studied countries are Bangladesh, India, Pakistan, the Philippines, Singapore, and Sri Lanka. Trinidad and Tobago is the only country in the Caribbean, and New Zealand is located in the Southwest Pacific.

The Human Development Index (HDI) categorization system is used to rank the countries. The HDI provides country rankings through a composite assessment of the health dimension of life expectancy, education, and standard of living (UNDP, n.d.). For this study, the countries' HDI rankings categorized the countries within very high human development, high human development, medium human development, and the low human development. Singapore and New Zealand rank for very high human development (UNDP, 2020b). Trinidad and Tobago, the Philippines, South Africa, and Sri Lanka rank in high human development. The seven countries which rank at medium human development are Kenya, Ghana, Pakistan, Namibia, Bangladesh, India, and Zimbabwe. The lowest human development countries are Liberia, Sierra Leone, and Nigeria.

Countries' Cultures and Educational Challenges

As Stephens (2019) wrote, the "historical, global and hegemonic contexts not only impact upon the development of education policy but also more directly upon the day-to-day lives of teachers, managers, and students" (p. 150). Therefore, context matters in the comparative and international research and needs to be recognized to promote success in educational advancements (Stephens, 2019). Each of the 16 countries in this study have different cultural beliefs and historical events that create a different context for implementing inclusive policies. The following section reviews each of the countries' cultural and educational challenges organized by their degree of human development and provides the countries' context in which the inclusive education policies have been implemented.

Very High Human Development Countries

In both Singapore and New Zealand, public education is considered high quality (Brent, 2018; Catley, n.d.). In the 2018 Program for International Student Assessment (PISA), 15-year-old students were assessed on their reading, mathematics, and science performance in 80 countries. Singapore ranked in the top 3% for all three subjects (National Center for Education Statistics (NCES), 2020). New Zealand had top scores of 16% for reading, 32.5% for mathematics, and 16% for science (NCES, 2020).

Singapore

The Republic of Singapore is a city-state located on the Malay Peninsula and is one of the world's largest and busiest ports (Windstedt et al., 2021). The country has experienced strong economic growth and has one of the most advanced economies in Southeast Asia. During World War II, the Japanese took control from the British until 1945 (Windstedt et al., 2021). In 1959, Singapore became a self-governing country (Windstedt et al., 2021).

According to the HDI (UNDP, 2020b) rankings, Singapore ranks well in all indicators. Singaporeans tend to have long life spans with a mean of 83.6 years and have a gross national income of $88,155 (UNDP, 2020b). The expected years of schooling are 16.4 years, with the mean years of school being 11.6 years (UNDP, 2020b).

As for education, there are high expectations for student achievement. Teaching is based on personal effort, rote learning, and exams (Tan, 2019). As can be seen through the PISA results, this competitive educational system has created an environment for students to excel in national examinations. However, this system structure is concerning due to physically segregate students based on their abilities, with the brightest students being separated into better-funded schools and classes (Barr, 2016; Lixuan, 2016). Standardized testing determines if students are accepted into tertiary education and secondary education creating a high stakes environment (Lixuan, 2016). This testing culture and high achievements could make it challenging for students with disabilities to succeed due to teachers focusing on the curriculum designed for the national examinations (Yeo et al., 2016).

New Zealand

New Zealand is an island in the South Pacific Ocean, approximately 1,000 miles southeast of Australia (Moran et al., 2021). This island was annexed by Great Britain in 1840 and gained full independence in 1947 (Moran et al., 2021). The island's culture has been influenced by the decedents of the British Isles and the indigenous Maori, along with other immigrants from Asia, Africa, and Eastern Europe (Moran et al., 2021). Today, the country ranks very high on the HDI due to a long-life expectancy of 82.3 years and has a gross national income of $52,085 (UNDP, 2020b). The mean years of education are 18.8, with a mean year of schooling at 12.1 years.

New Zealand has two types of public schools that are English-medium and Maori-medium schools. Both schools teach to the national curriculum standards (New Zealand Ministry of Education, 2021). In the Maori-medium school, students are taught most subjects in the Maori language (New Zealand Ministry of Education, 2021). Historically, there have been educational achievement gaps between the Maori and European descendent students. The New Zealand government has attempted to address the achievement gaps for Maori students with some success (New Zealand Ministry of Education, 2021). However, the Secretary of Education recognized in the 2018 Ministry of Education Annual Report that outcomes for Maori, other minority groups, and students with disabilities are disproportionately low compared to their peers.

Other major concerns in New Zealand schools are bullying (Organisation for Economic Co-Operation and Development (OECD), 2018a; Walters, 2020) and teacher shortages (Catley, n.d.). The 2018 PISA assessment stated that it is the second-highest ranked country for bullying worldwide (OECD, 2018a). Also, in recent years many teachers have moved overseas for more lucrative jobs (Catley, n.d.). The lower-performing schools are hard to staff, have low parent engagement, are challenged by school governance issues, and have insufficient funds and resources (Walters, 2020). As New Zealand increases inclusive education efforts, these factors of bullying, teacher shortages, and low-performance rates may create barriers for children with disabilities, especially those of Maori descent.

High Human Development Countries

The challenges in the high human development countries seem to be influenced by the neo-colonization education (Steinbach, 2012, Mohamed, 2020), which requires successful testing to advance to the next educational level. Neo-colonization education refers to how Western paradigms and practices of education influence and shape non-Westernized countries'

educational systems (Nguyen et al., 2009). Historically, educationally deprived students appear to continue to have the same disparities today (k12academics, n.d.-a; Mohamed, 2020). These countries have quality schools yet are challenged by access to proper school buildings and inequalities for some students.

South Africa

South Africa is located on the southern tip of Africa. The British seized the cape area in 1814, later White majority independence occurred in 1910 (Boddy-Evans, 2019). When the National Party gained power in 1948, an all-White government-enforced racial segregation law policies called apartheid (History.com Editors, 2020). The apartheid laws segregated land and classified races. In 1994, the Black majority took power through a non-racial, democratic election (Marks, 2020). Although the legal era of segregation is over, implicit acts of segregation continue to prevail.

The UNDP (2020b) currently rates South Africa with an HDI ranking as a high development country. The current average life span is 64.1 years (UNDP, 2020b). The gross national income is $12,129 (UNDP, 2020b). As for education, the expected school years are 13.8 years and the mean school years are 10.2 years (UNDP, 2020b).

Multiple issues challenge South African schools with accessibility due to few schools, school infrastructure, and teacher shortages (Macha & Kadakia, 2017; Mohamed, 2020). Children in the lowest income areas are more likely to walk to school, walking between 30 minutes to an hour each way (Mohamed, 2020). Within the available schools, there is a lack of proper sanitation and electricity at schools. Thirty-seven schools have no restroom facilities, 4,356 use pit latrines, and 269 buildings have no electricity (Mthethwa, 2020). Additionally, in

2017, there was a significant teacher shortage with a need for nearly 30,000 teachers (Macha & Kadakia, 2017).

Students with disabilities have added challenges, including fees and the use of assessments to gain entrance (Human Rights Watch, 2019). First, accessing the general education schools for students with disabilities can be a tedious task because of the stringent requirements of referrals and assessments which are required to be accepted within the general education school (Human Rights Watch, 2019). Additionally, education for children with disabilities is not always free, as both special schools and general education schools charge fees to students with disabilities that non-disabled students are not required to pay (Human Rights Watch, 2019). Such requirements, tied with the shortage of accessible schools, could be the reason why 600,000 South African students with disabilities are out-of-school (Human Rights Watch, 2019).

Trinidad and Tobago

The Republic of Trinidad and Tobago is an island state made up of two main islands and several smaller ones located in the Caribbean Sea (Watts et al., 2021). The country achieved independence from the United Kingdom in 1962 and became a republic in 1976 (Watts et al., 2021). The People's National Movement held power from 1956-1986, creating stability in the government, but also had economic instability and social unrest (Watts et al., 2021). Since the 21st century, industrial development has proliferated and helped stabilize the economy (Watts et al., 2021).

Today, the UNDP's (2020b) HDI ranks Trinidad and Tobago as a high index country. The mean expected years of schooling is 13 years, with the mean years of schooling being 11

years (UNDP, 2020b). The gross national income is $26,231 (UNDP, 2020b). The average lifespan of Trinbagonians is 73.5 years (UNDP, 2020b).

Due to a 95% literacy rate, Trinidad and Tobago's education system is considered one of the strongest of the Caribbean islands (Spicer, 2017). Yet, the country is challenged by a neo-colonialist education system structure, inadequately trained teachers, and school fees (Steinbach, 2012). The neo-colonialist education system, which is based on Britain's education system, has made high stakes testing the focus of education (George, 2016). This education system promotes learning environments based on rote learning, memorization, and regurgitation to help ensure students pass exams (Steinbach, 2012). Such educational settings may be challenging for students with disabilities to succeed in without the provision of supports and accommodations.

Children with disabilities are stigmatized in Trinidad and Tobago within the general community, the medical field, and the teaching profession (Bratt, 2015). There is a lack of professionals who can diagnose children with disabilities (Bratt, 2015) Due to the lack of access to appropriate diagnosis; at any given time, there are approximately 50,000 children whose educational needs are not met (Bratt, 2015).

Sri Lanka

The Democratic Socialist Republic of Sri Lanka is located southeast of India in the Indian Ocean (Szczepanksi, 2019). For nearly a century, the British ruled Sri Lanka before Sri Lanka claimed full independence in 1948 (Szyzepanski, 2019). In the 1980s, civil unrest escalated due to tension between the Tamils and Sinhalese, which led to civil war in 1983 (Peiris & Arasaratnam, 2021). The war continued until 2009 (Szyzepanski, 2019).

Sri Lanka now holds the HDI ranking of a high human development country (UNDP, 2020b). The average life span is 77 years (UNDP, 2020b). The gross national income is $12,707

(UNDP, 2020b). The expected years of school are 14.1, and the mean number of school years is 10.6 years (UNDP, 2020b).

The 26-year long civil war has impacted Sri Lanka's public education system (D'Souza & Moore, 2017). Thousands of citizens were displaced, and most of the educational infrastructure was destroyed (D'Souza & Moore, 2017). Despite these hardships, Sri Lanka has a high adult literacy rate of 91.7% (UNDP, 2020a). Even with high literacy rates, the school system is still challenged by a lack of adequate teachers and low student enrollment (D'Souza & Moore, 2017). Sri Lanka has a shortage of qualified and experienced teachers (D'Souza & Moore, 2017), mostly due to a substantial lack of training (Boyle, 2016), recruitment, and deployment (Abayasekara & Arunatilake, 2018). Many potential students are not enrolled in school due to not having birth certificates, lack of interest, or indigent households where children must work instead of attending school (Boyle, 2016).

Sri Lanka has three types of government-funded schools: national, providential, and Privan schools. National schools are government-funded schools that were established during colonial times and continue to operate with additional private financial support from alumni (D'Souza & Moore, 2017). Qualified teachers mostly work at these elite schools (Abayasekara & Aruanatilake, 2018). Providential schools are run by local governments and tend to lack teachers and have poor facilities (D'Souza & Moore, 2017). The teachers who work at providential schools tend to be lower qualified, such as new teacher recruits who do not have a degree or pedogeological training (Abayasekara & Arunatilake, 2018). The Pirivan schools are specifically for educating young Buddhist priests (D'Souza & Moore, 2017).

As for students with disabilities, the main challenge is being able to benefit from education due to a lack of teachers, lack of school infrastructure, and access to limited

curriculum, which lead to an overall poor quality of education (United Nations International Children's Emergency Fund (UNICEF), n.d.-a). As for inclusive education, children with disabilities are excluded at rates of 23.5% for ages 5-14, and 55.54% for ages 15-19 (UNICEF, n.d.-a). One of the reasons that may be causing children with disabilities to be excluded or leave school early is due to the shortage of special education teachers. Often, special education teachers are hired to teach in general education settings at national schools which causes teacher shortages seven times higher at providential schools (Abayasekara, 2018).

Philippines

The Social Republic of the Philippines is a 7,100 islands country located in the Pacific Ocean of Southeast Asia (Hernandez et al., 2021). The country is the only one that was subjected to Western colonization before developing a centralized government (Hernandez et al., 2021). After being under Spanish rule for 333 years, the Philippines became a US colony for 48 years (Hernandez et al., 2021). The Treaty of Manila established the Philippines' independence in 1946 (Hernandez et al., 2021).

Today, the HDI index ranks the Philippines in high human development (UNDP, 2020b). The average lifespan is 71.2 years (UNDP, 2020b). The gross national income is $9,778 (UNDP, 2020b). The expected years of schooling are 13.1, with the mean years of school at 9.4 years (UNDP, 2020b).

Due to the US influence, the Filipino public education system is based on the US educational system (Teodoro, 2020). Since World War II, the Philippines' education system has historically been a model for other Southeast Asian countries (K12academics, n.d.-b, US International Cooperation, 1960). However, the education quality is reported to have deteriorated during the beginning of the 21st century (Macha et al., 2018; Teodoro, 2020). For example, the

Programme for International Student Assessment (PISA) indicated the Philippines had some of the lowest scores (OECD, 2018b).

Challenges to the Filipino education system are due to a low education budget (K12academics, n.d.-b, Pennington, 2017) and government corruption (Pennington, 2017). Over the past few years, the Philippines has experienced much violence. In the government's quest to irradicate illegal drug sales, 12,000 people have been killed, including many innocent people (Macha et al., 2018). Due to this, martial law has been initiated due to Islamist terrorist groups and heavy military fighting (Macha et al., 2018). In addition to the violence, extreme poverty affects a fourth of the country (Pennington, 2017), with 25 million Filipinos living on less than $2 (USD) a day (Macha et al., 2018).

Adding to the hardships of Filipino children in gaining a quality education, schools are short on classrooms, school furniture, teachers, and curriculum (K12academics, n.d.-b). Many students are not enrolled in school, with only 90 percent of children being in primary school and 75 percent in secondary school (Albert, 2016; K12academics.com, n.d.-b). Socioeconomically disadvantaged students, about a quarter of the population (Pennington, 2017), have a more significant drop-out rate in elementary school (K12academics, n.d.-b). Additionally, national test scores suffer with less than 50% of students passing the grade 6 and grade 10 achievement tests (Ager, 2019).

There are approximately 2.2 million children and youth with disabilities, and only 2% of this population goes to school (Quilao, 2018a). Although this number is an estimate, as parents with children with disabilities are often hesitant to admit that they have a family member with a disability (Buenaobra, 2011). For the children with disabilities who attend school, there are

barriers due to a lack of special education teachers, a lack of accessible schools and materials, and stigmas due to beliefs that children with disabilities are cursed (Quilao, 2018b).

Medium Human Development Countries

The countries rated within the medium human development have recently and consistently been impacted by political instability, natural disasters, and epidemics. These situations have kept the countries from being able to gain economic stability and possible created hardships for countries to maintain quality education despite any efforts to develop improved educational policies.

Kenya

In 1963, Kenya gained independence from Britain. The last 10 years of British control were violent and launched the country into a state of emergency (History.com Editors, 2019). After some political stability, the economy flourished (World Bank, 2020). However, a series of natural disasters with severe flooding, epidemics of malaria and cholera, and ethnic clashes occurred (Infoplease, n.d.), creating economic instability. A high level of poverty, at 35.5%, continues to strike Kenya (Merchant, 2018). Additionally, Kenya has half a million registered refugees and asylum seekers (The UN Refugee Agency, 2020), who must be financially and educationally supported.

Kenya is currently ranked as a medium human development country for the HDI (UNDP, 2020b). The average life expectancy is 66.7 years (UNDP, 2020b). The expected years of school are 11.3, and the mean school of years is 6.6 (UNDP, 2020b). The gross national income is $4,244 (UNDP, 2020b).

In the early 2000s, Kenya increased access to education by building more primary schools (Kamau, 2018). This increased access to education may have improved the literacy rate

by nearly 11% (Merchant, 2018), but since that time the population increased with the majority (63.5%) of the population being under 19-years-old (Ndungu, 2020). Teacher shortages add to the pressures of over-filled classrooms, despite the country's efforts to hire approximately 10,000 new teachers per year (Waihenya & Nyamia, 2019). The lack of school buildings and teachers has increased the average teacher-pupil ratio to 1:60 (Waihenya & Naimia, 2019), even with 1.3 million students out-of-school (Zaman, 2019).

Students with disabilities are affected by the lack of school buildings and teachers, which may be why only 19% of students with disabilities receive a secondary education (Global Disability Rights, n.d.). There is a lack of qualified teachers to teach diverse learners for special education and general education (Elder, 2015). Overcrowded schools create physical inaccessibility for students who use wheelchairs (Wanjohi, 2010). Furthermore, cultural stigmas cause people to ridicule students with disabilities (Wanjohi, 2010). Many believe that students with disabilities bring bad luck because they have been cursed through witchcraft (Wanjohi, 2010). These barriers may be the reason why only 19% of students with disabilities receive a secondary education (Global Disability Rights, n.d.).

Ghana

Ghana had 40 years of political instability after its independence from the British Commonwealth in 1957 (Lambert, 2020; Thompsell, 2019). The country has suffered from the perils of flooding, earthquakes, droughts, and infestations of armyworms (Kusimi, 2018). Furthermore, there have been epidemics of African swine flu, anthrax, cholera (Kusimi, 2018), and HIV/AIDS (US Agency for International Development, 2005) which have contributed to the financial instability in Ghana.

Ghana is currently ranked with the HDI to be a medium development country (UNDP, 2020b). The current average lifespan is 60.2 years (UNDP, 2020b). The expected years of school are 11.8, and the mean school of years is 6.9 (UNDP, 2020b). The gross national income is $7,919 (UNDP, 2020b).

In the early 21st century, the economy grew rapidly, yet Ghana is still a financially emerging country (Lambert, 2020), causing constraints to the education budget (Kamran et al., 2019). Additionally, Ghana has a large youth population, with 57% of the population under 25 years old (Central Intelligence Agency, 2020). The increase in the youth has necessitated more teachers (Kamran et al., 2019). Schools lack adequate supplies for equipment and personnel (Kamran et al., 2019). Classrooms are often overcrowded, with upwards of 60 students in spaces designed for half the class size (News Ghana, 2015). Many schools are not equipped with scientific lab equipment (Ghana News, 2015) or appropriate sanitation and water access (UNICEF, n.d.-b). Due to these poor working conditions, qualified teachers often leave for other types of employment (News Ghana, 2015).

Barriers found to hinder children with disabilities from accessing inclusive education include stigma and discrimination, structural inaccessibility, and inadequate skilled personnel and learning materials (Odoom, 2020, para. 2). These barriers may lead to the challenge of Ghanaian children with disabilities having irregular attendance and long periods of absences, often leading to the students eventually dropping out (UNICEF, n.d.-b). It is unclear how many students with disabilities are impacted by these barriers. This population is often deemed as being invisible in the data, as they are not accounted for as either attending or out-of-school students (UNICEF, n.d.-b).

Pakistan

In Southern Asia, the Islamic Republic of Pakistan struggles with political instability (Burki et al., 2021). In 1857, Pakistan was part of the British Indian Empire until the All India Muslim League advocated for a separate and independent nation for India's Muslims. Since gaining independence in 1947, tensions ran high between India and Pakistan in disputes over the Kashmir region, resulting in four wars, the last one in 1999 (Burki et al., 2021). Today, the northern part of the country continues to be in upheaval due to the number of Islamic extremist groups (Burki et al., 2021).

The HDI currently ranks Pakistan as having a medium human development (UNDP, 2020b). The average lifespan is 67.3 years (UNDP, 2020b). The gross national income is $5,005 (UNDP, 2020b). The expected years of school are 8.3, and the mean school of years is 5.2 (UNDP, 2020b).

Pakistan has the second-largest number of out-of-school children, with 40% of children ages 5-14 not attending school due to disparities in gender, socio-economic status, and geographical reasons (UNICEF, n.d.-c). Along with the high failure rate in primary school, Pakistan's low school enrollment is influenced by differing education standards across the regions, political interference, and low-quality curriculum and textbooks (Naveed, 2019). Within schools, there is a teacher shortage, teacher absenteeism, and a lack of resources (Islamabad Policy Research Institute (IPRI) Administrator, 2015). School facilities lack technology, having uniform curriculum standards, and have no quality assurance monitoring system (IPRI Administrator, 2015). Community challenges include lack of schools, long distances for students to reach schools without provided transportation, and the lack of safety for females traveling alone for such distances (IPRI Administrator, 2015).

In Pakistan, inclusive education and special education are more accessible to children with disabilities in cities and are reported to be nearly non-existent for children in rural areas (Ahmad, 2020; Naqvi, 2013). This lack of access may only provide 4% of the approximately 700,000 students with disabilities access to any type of educational setting (Naqvi, 2013). Parents who have access to send their children with disabilities to schools are often not willing to do so out of fear that their child will be stigmatized or that their child will not keep up in the classroom (Ahmad, 2020). The parents may have concerns for their child because, in Pakistani schools, students are expected to obey the teacher, and corporal punishment can be used when students do not obey (Ahmad, 2020).

Namibia

In Southwestern Africa, Namibia declared independence from South Africa in 1990 (Haihambo & Lighfoot, 2010). As a German colony, Namibia was filled with violence, and little freedom was had by Namibians (Namibia Vision 2030, 2004). The 106 years of colonialization left an "indelible mark on the face of the country-socially, economically, and environmentally" (Namibia Vision 2030, 2004, p. 29). To add to the challenges, the HIV/AIDS epidemic has negatively impacted Namibia's economy and education (Namibia Vision 2030, 2004), mostly due to a high number of orphans (Ministry of Women Affairs and Children Welfare, 2004).

The UNDP (2020b) HDI ranks Namibia as a medium human development country. The gross national income is $9,357 and has an average life span of 63.7 years (UNDP, 2020b). As for education, the expected number of years in school is 12.6, with the mean school years at 7.0 (UNDP, 2020b).

The Namibian government provides the seventh-highest education budget to the gross domestic ratio in the world (Staff Report 2, 2017), but Namibia continues to have poor-quality

education. Issues of high poverty rates (Namibia Vision 2030, 2004), additional education fees, and a lack of transportation keep students out of school (UNESCO, 2011). Educational standards remain low due to many untrained teachers (UNESCO, 2011). In addition, English is the primary language of instruction (UNESCO 2011), which is a second language for most students, possibly causing further challenges.

Concerning disabilities, Namibians have strong cultural beliefs towards people with disabilities. Namibians believe that the disabilities of a child occur because of the parents' improper relationships, generally caused by the mother (Haihambo & Lightfoot, 2010). Haihambo and Lightfoot's (2010) research reported that parents of children with disabilities believed they birthed a child with a disability because of witchcraft or a generational curse. These beliefs may hinder the inclusion of children with disabilities within schools, as discrimination has been a significant barrier (Zero Project, 2020).

Bangladesh

The People's Republic of Bangladesh, one of the most densely populated countries, declared independence from India in 1971 (Husain et al., 2021). There were 20 years of unrest due to the liberation war, natural disasters, famine, political turmoil, and military coups (Husain et al., 2021). Natural disasters with flooding and riverbank erosion have caused many families to move to city slums with a lack of food, education, adequate health services, sanitation, and safe water (UNICEF, 2019). Bangladesh is one of the more unified Asian countries due to the majority of the population using Bangali language, practicing Islamic religion, and having rural characteristics (Husain et al., 2021).

Bangladesh's HDI ranking is within the medium human development (UNDP, 2020b). The expected number of years is 11.6 to be in school, and the mean school years is 6.2 (UNDP,

2020b). The average lifespan is 67.3 years (UNDP, 2020b). The gross national income is $4,976 (UNDP, 2020b).

Challenges in education include a lack of schools and quality teachers (Hossain et al., 2017). Due to a lack of school buildings, students attend school for half days and double shifts, causing students to receive only a few hours of schooling each day (Hossain et al., 2017). Teachers are often not qualified (Directorate of Primary Education, 2016). In some cases, teachers do not have a secondary education (Directorate of Primary Education, 2016). Additionally, it is common for teachers to arrive late, leave early, not show up for work, or use class time for other activities (Hossain et al., 2017). These factors may lead to high dropout rates, with nearly 20% of students not completing primary schools, impact low literacy rates with nearly 30% of 15-year-olds unable to read or write, and have low national assessment scores (Wessel, 2017).

Currently, inclusive education is provided through two ministries, the Ministry of Social Affairs and the Ministry of Education, and various non-governmental organizations, which has caused a lack of oversight and inconsistency with services (Begum et al., 2019; Kawser, 2016). Other barriers include physical access to schools for children with disabilities due to inaccessibility to buildings due to a lack of accessibility ramps, disability-friendly toilets, wide doorways, and ample classroom space (Kawser, 2016). Additionally, the curriculum has not been adapted to accommodate diverse learners (Kawser, 2016).

India

As the largest landmass in South Asia, India has a large and diverse culture, with varying lifestyles in every community (Wolpert et al., 2021). India's culture has been influenced by the British, who ruled the country during the last quarter of the 18th century (Cultural India, n.d.).

Since their independence, the Hindu caste system was abolished but is still practiced in rural areas (Jones, 2017). Today, the government refers to economically and socially disadvantaged citizens as Other Backwards Class (Sudrania, 2012; Szczepanski, 2020). The government sets education quotas for those from the Other Backward Class to attend better schools and universities (Szczepanski, 2020). However, these positions are highly competitive (Szczepanski, 2020) because this group of citizens makes up 40% of the Indian population (Statista, 2020).

India has a status ranking of medium human development under the HDI (UNDP, 2020b). The gross national income is $6,681 (UNDP, 2020b). The expected school years are 12.2 years to the mean school of years is 6.5 (UNDP, 2020b). The lifespan in India averages 72.6 years (UNDP, 2020b).

There are several significant challenges in the Indian education system (Njoroge, 2019; Samagra Shiksha, 2018). Gaps in educational participation often occur in lower castes, minorities, and rural regions (Njoroge, 2019). One in every 40 primary schools operates out of tents or in open areas (Njoroge, 2019). Teachers are often unqualified and have few to no school supplies (Njoroge, 2019). In rural areas, children must travel far distances, often too far to walk, and have unsafe travel conditions (Samagra Shiksha, 2018).

There are roughly 78 million children with disabilities, or 1.7% of the total child population, who need an education (UNESCO, 2019b). Twenty-five percent of those children are out-of-school (UNESCO, 2019b). Additionally, 12% of students with disabilities drop out of school (UNESCO, 2019b). These numbers for dropouts and out-of-school children may be influenced by a scarcity of trained teachers in special education, large class sizes, and negative attitudes from teachers and parents (Singh, 2016). Students with disabilities continue to be excluded from general education despite current laws that support equal access (Singh, 2016).

Zimbabwe

Formerly known as Rhodesia, the Republic of Zimbabwe is a South African country colonized by the British in 1888 (Marks, 2020). After thirty years of turmoil between the black opposition to the colonial rule, the country attempted to gain independence in 1964 (Kanyongo, 2005). A guerrilla uprising resulted when the British government did not consent (Kanyongo, 2005). In 1980, sanctions from the United Nations finally led to independence (Kanyongo, 2005). Today, Zimbabwe continues to struggle through corrupt leadership and the HIV/AIDs epidemic causing economic instability (AfricaW., 2019).

As an HDI medium human development ranked country, Zimbabwe currently has a gross national income of $2,666 (UNDP, 2020b). The average lifespan is 61.5 years (UNDP, 2020b). The expected years of school are 11.0 years, with the mean years of school is 5.5 years (UNDP, 2020b).

Currently, Zimbabwean schools have teacher shortages and a lack of trained teachers in secondary school, causing some schools to have zero percent national test pass rates (Machamire, 2019). The low teacher salary may cause teacher shortages. Until recently, teachers made approximately $1 (USD) per day. In November 2020, teacher strikes led the government to raise teacher salaries by approximately 41% (Reuters, 2020).

Despite Zimbabwe providing free and universal education, many schools require tuition for building fees, transportation, exams, and uniforms (Mapako & Mareva, 2013). Some school buildings still consist of tobacco barns and grass-thatched classrooms and often do not have technology and libraries (Machamire, 2019). Due to these learning environments, many students with disabilities are de facto excluded (Mutephfa et al., 2007). Those students who can attend often drop out by the third grade (Mutephfa et al., 2007).

Inclusive education in Zimbabwe is reported to lack legislative guidance (Chireshe, 2013; Sibanda, 2018). There is a lack of clarity about inclusive education practices since there are no Zimbabwean laws on this practice (Chireshe, 2013). Additionally, Adebayo and Ngwenya (2015) found several barriers for children with disabilities concerning inclusive education. The barriers included teacher competency and friendliness; a lack of material, human, and financial resources; a lack of spacious classrooms; classroom environments; and school administrators' efficacy (Adebayo & Ngwenya, 2015).

Low Human Development Countries

All three of the low human development countries are in West Africa. Independence has not protected these countries from civil unrest. These times of unrest have had a lasting impact on these countries' economies and educational systems.

Liberia

Liberia gained freedom from the United States in 1847 (Longley, 2020). Despite being considered free, the former African American slaves controlled the country, while the indigenous Liberians had little economic or political power which has created a cultural divide (Longley, 2020). In 1989, a former Americo-Liberian official invaded Liberia, which later caused further division, allowing warlords to control the country (Longley, 2020). Liberia continued to experience intermittent civil wars between 1989 and 2003 (Longley, 2020). Today, the country faces other factors that have created instability, such as AIDS/HIV and Ebola epidemics (AfricaW.com, n.d.-a).

Today, Liberia is one of the world's poorest countries (Agenda for Transformation: Steps Towards Liberia Rising 2030 (Agenda for Transformation), n.d.). The UNDP (2020b) ranks Liberia to be a low human development country. Life expectancy averages 64.1 years old

(UNDP, 2020b). The gross national income is $1,996 (UNDP, 2020b). The expected school years are 9.6, with 4.8 as the mean school years.

Liberian education has many students who have not succeeded in the school system due to various barriers (Getting to the Best Education Sector Plan 2017-2021 (G2B-ESP 2017-2021), 2016). Most teachers have no certifications (G2B-ESP 2017-2021, 2016). Due to the high poverty level, school fees and indirect school costs are significant barriers to accessing an education (G2B-ESP 2017-21, 2016). It is common for students to age out, drop out, or never attend, particularly students with disabilities (G2B-ESP 2017-21, 2016). These occurrences may be because 80% of primary and secondary learners are older than the typical age for their grade level (Darvis & Namit, 2016). For those students in school, learning outcomes are low (G2B-ESP 2017-21, 2016).

Within the Liberian Inclusive Education Policy (2018), the government is unable to provide recent statistics about the number of children with disabilities. However, information provided indicate that the majority of children with "disabilities do not attend school are left out or excluded from schools, leave school prematurely and do not obtain opportunities to work" (Inclusive Education Policy, 2018, p. 15). Therefore, little is known by the government about how many students with disabilities who are not currently receiving an education.

Sierra Leone

In 1971, Sierra Leone became a republic within the British Commonwealth (Nicol et al., 2020). The 1979 adoption of the Constitution created a one-party system which later created mounting political pressures (Nicol et al., 2020). Later, in 1991, a new multiparty system and a new Constitution were implemented (Nicol et al., 2020). Shortly after, a civil war broke out and lasted for the next 11 years (Davidson et al., 2019).

As ranked by the UNDP (2020b), Sierra Leone is a low human development country (UNDP, 2020b) and ties with Nigeria for the lowest average lifespan of 54.7 years. The gross national income is $1,668 (UNDP, 2020b). The expected school years are 10.2, with 3.7 as the mean school years of attendance (UNDP, 2020b).

The education system in Sierra Leone has been impacted by the years of civil unrest (Davidson et al., 2019). Most of the schools were destroyed during the civil war. In addition, the Ebola epidemic (2014-16) was one of the most significant global outbreaks and claimed over 4,000 lives (Center for Disease Control, 2019). These factors created a lack of qualified teachers, causing many untrained teachers to be hired (Sesay, 2020). A high youth population exacerbates the teacher shortage, with 40 percent of the population being under 15-years-old (National Education Policy, 2010). Nearly 30% of those youth are out-of-school (Teachers Group Education Trust, 2016).

Sierra Leone is another country with strong cultural beliefs that stigmatize people with disabilities. Witchcraft is a common practice throughout the country, and many people believe that children with disabilities are related to the spirit world (Richett, 2019). Children with down syndrome and other noticeable disabilities are often referred to as “demon children” or “devil children” (Richett, 2019, p.7). This strong cultural belief may negatively influence teachers’ perceptions and attitudes that children with disabilities do not benefit from education (Sesay, 2018). Other barriers to accessing education for children with disabilities include inappropriate curriculum and a lack of teacher training programs (Tunkara, 2015).

Nigeria

Nigeria is a former British colony that gained independence in the early 1960s (Kirk-Greene et al., 2020). Regional hostilities quickly began with the country’s independence

(Gascoigne, 2001). The Nigerian civil war occurred in the late 1960s and lasted for ten years (Gascoigne, 2001). In 2000, religious riots broke out (Omipidan, 2020). Due to the complexity of ethnic makeup, regional division, and access to natural resources, Nigeria continues to have conflicts (Kirk-Greene et al., 2020).

Under the ranking of low human development on the HDI index, Nigeria has one of the lowest average lifespans at 54.7 years. (UNDP, 2020b) The expected school years are 10, with 6.7 as the mean school years (UNDP, 2020b). The gross national income is $4,910 (UNDP, 2020b).

Nigeria remains one of the most corrupt political systems in Africa (AfricaW, n.d.-b). The misappropriation of government funds, political instability, and poor governance leave 55% of Nigerians below the international poverty level (AfricaW, n.d.-b). Furthermore, there is a reported lack of government responsibility in the education sector (Yetunde, n.d). The federal, state, and local governments all control the education system (Yetunde, n.d). Still, it is reported that there is no level of government attempting to solve the challenges within the education system (Yetunde, n.d.).

This lack of attention has created dilapidated buildings and schools lacking essential equipment (Yetunde, n.d.). Teachers do not have the necessary teaching supplies (Yetunde, 2020). Textbooks are scarce and expensive, making it hard for both teachers and students to access them (Yetunde, n.d.). In Northern Nigeria, it is unsafe to attend schools due to terrorist attacks and the kidnapping of hundreds of teachers and schoolchildren (Olufemi, 2020). Most qualified teachers tend to look for other careers due to low salaries and unstable working conditions (Yetunde, n.d.).

Students with disabilities have a high out-of-school rate, with approximately 67.5% enrolled in primary school and 6.2% enrolled in secondary school (Humanity & Inclusion, n.d.). These high out-of-school rates could be due to the multiple issues students with disabilities can face within inclusive education settings. Teachers are reported to have negative attitudes toward children with disabilities causing parents to fear their children will be rejected (Obi & Ashi, 2016). Additionally, a lack of educational funding may hinder inclusive education by not providing schools that are accessible or have the special equipment needed to support some children with disabilities within the general education setting (Obi & Ashi, 2016).

In Summary

All of the countries in this study are unique in history and culture. Within each countries' context, educational systems are challenged to meet the needs of the students. Every country's educational system is under pressure to improve the students' educational outcomes. However, the needs of students with disabilities cannot be minimized or dismissed as they too deserve an equal education and become contributing members to society.

Inclusive education is a valuable aspect of education policy. This is because inclusive education "encompasses a transformation in culture, policy and practice…to accommodate the differing requirements and identifies of individual students, together with a commitment to remove the barriers that impede that possibility" (United Nations, 2016, p. 3). The exploration of the national policy alignment provides insights as to how these students are supported within each of these unique educational systems.

Research Question 1—Core Concepts

The first research question of this study examined each of the 16 countries' national inclusive education laws and policies contained Shogren and Turnbull's (2014) four core

concepts. The research question asked—which, if any, of the four core concepts in article 24 Education of the UNCRPD are evident in the selected countries' national inclusive educational policies? To answer this question, each country's laws and policies were analyzed to see if the core concepts were held within the inclusive education policies. A full list of the laws and policies which were reviewed can be found in Appendix B, but only the policies which held the core concepts were reviewed in this section.

Singapore

Inclusive education in Singapore has been defined by two 21st century events (Poon et al., 2013). The first event occurred during Prime Minister Lee Hsien Loong's inauguration speech when he acknowledged the government's vision to create an inclusive education (Poon et al., 2013; Zhuang, 2016). This acknowledgment was considered to open opportunities to better support of students with disabilities, increase funding, and introduce supports and training within mainstream schools for those with mild disabilities (Poon et al., 2013). The second event was the development of the 1st Enabling Masterplan 2007-2011, in which a steering committee designed a roadmap to develop services and programs for people with disabilities (Poon et al., 2013). To date, three Enabling Masterplans have helped provide a pathway for better services and supports for those with disabilities.

Even though the Enabling Masterplans have primarily driven government initiatives to improve the lives of those with disabilities (Zhuang, 2016), such documents are not policies, rather they are roadmaps. Roadmaps are policy instruments that promote broader and more fundamental goals rather than policy statements (Cardinal et al., 2015, p.2). As for the laws and policies which apply to inclusive education, only one policy was found to hold the piece of the core concept of integration (see Figure 4.1). The core concepts of antidiscrimination,

individualized and appropriate services, and prevention and amelioration were absent from the documents analyzed.

Antidiscrimination

As Zhuang (2016) noted, the rights of people with disabilities were not found within Singapore laws and policies. My study found antidiscrimination as a missing core concept within the education laws and policies that could protect students with disabilities. The Constitution of the Republic of Singapore (1963, last amended 2016) states that there are rights in respect to education with "no discrimination against any citizen of Singapore on the grounds only of religion, race, decent or place of birth" (p. 19), omitting those with disabilities. The policymaking practice of omitting a select group of people is known as expressio unius est exclusio alterius which may indicate that the legislature intended to exclude others by omitting them from the statute to imply exclusion (Sullivan & Driegger, 1994).

The Compulsory Education Act (2001) indicates that primary school attendance is compulsory for citizens between 6- and 15-years-old. This law appears to enhance the rights to access education for those with disabilities. However, under Singapore's Compulsory Education Act (2001), the Minister has the authority to "exempt any child of compulsory school age or class of children of compulsory school age" (Exemption 4(2), n.p.). This lack of rights and governmental authority to exempt children with disabilities from education leaves Singapore's laws missing the core concept of antidiscrimination.

Integration

Under the Second Enabling Masterplan, efforts were focused on improving access to public buildings through the principles of universal design (3rd Enabling Masterplan 2017-2022, 2016). Through this initiative, the Singapore's Code of Accessibility in the Building

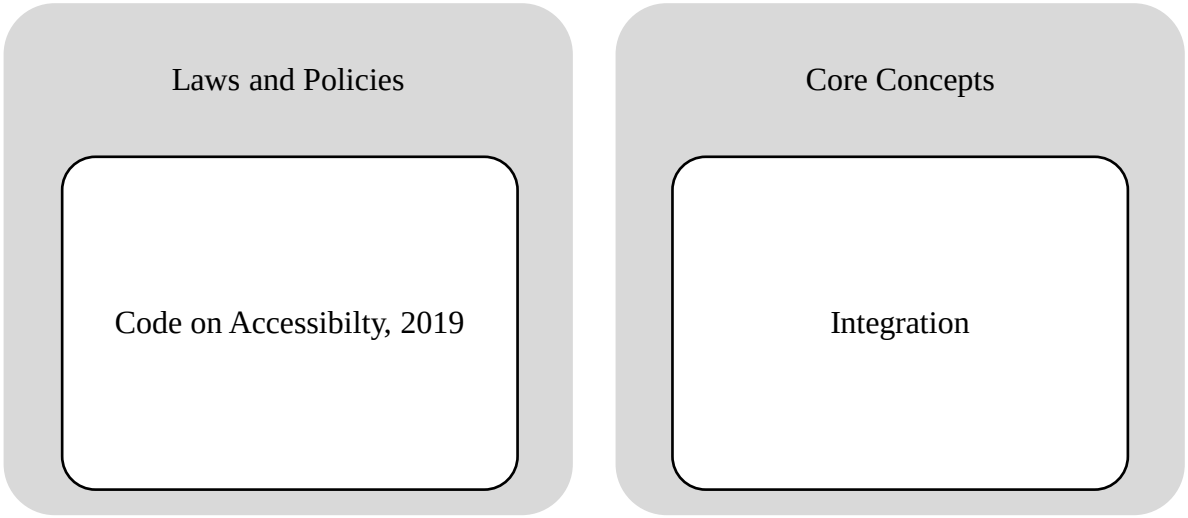

Figure 4.1

Core Concept Policy Analysis of Singapore's Inclusive Education Laws and Policies

Environment (2019) was revised to promote such accessibility in schools and other public settings (3rd Enabling Masterplan, 2016). The Code of Accessibility (2019) implements universal design through examples such as hearing enhancement systems for emergencies, seating spaces, drinking fountains, children's reach range, elevators, and libraries. The policy purports assurances that all areas of the schools are to be accessible to the students with disabilities. This access is to be provided through universal design and meets the UNCRPD (2006) implementation requirements of universal design. Therefore, these policy efforts promote the core concept of integration due to students with disabilities having physically access to their community (general) schools (Umbarger et al., 2005).

New Zealand

New Zealand's inception of inclusive policy through the Education Act of 1989 has been wrought with tension (Selvaraj, 2015). Since that time, policymakers have created better practices through inclusive educational policies (Selvaraj, 2015). Yet, Selvaraj (2015) stated, the intentions and expectations within the inclusive policies are still not clear.

Three of the four core concepts were found within the national policies (see Figure 4.2). However, just as Salvaraj (2015) indicated, New Zealand's educational policies were found not to hold expectations, as policies had conflicting stances, lacked in training teachers to carry out expected practices, and used language which condoned that making attempts were the standard rather than fulfilling obligations. Individualized and appropriate services were not addressed within any laws and policies analyzed.

Antidiscrimination

Antidiscrimination was a core concept within four of New Zealand's laws which aims to promote ideas of inclusive education (Education and Training Act, 2020; Human Rights Act of

1993). The Education Act (1989) states that every person, except for international students, between 6- and 19-years-old has a right to a free primary and secondary education. Additionally, students served under special education have a right to an education until the age of 21-years-old (Education Act, 1989).

Under both New Zealand's Constitution (1852, amended 2014) and the Human Rights Act of 1993, it is unlawful for educational establishments to refuse to admit a student or deny access to any benefits and services provided by the school. Additionally, the Education and Training Act (2020) provides rights for students with disabilities to an inclusive education by stating "students with special education needs have same rights to education at state schools as others" (p. 62), which includes enrollment, attending, and receiving an education. The exception is that students are only provided assess to the school when "the educational establishment could, without unreasonable disruption, take reasonable measures to reduce the risk to a normal level" (New Zealand Constitution, 1852, amended 2014, p. 469; Human Rights Act of 1993, p. 51). With this conflict in legislation, students with disabilities could be deemed disruptive and be denied access to the general education setting.

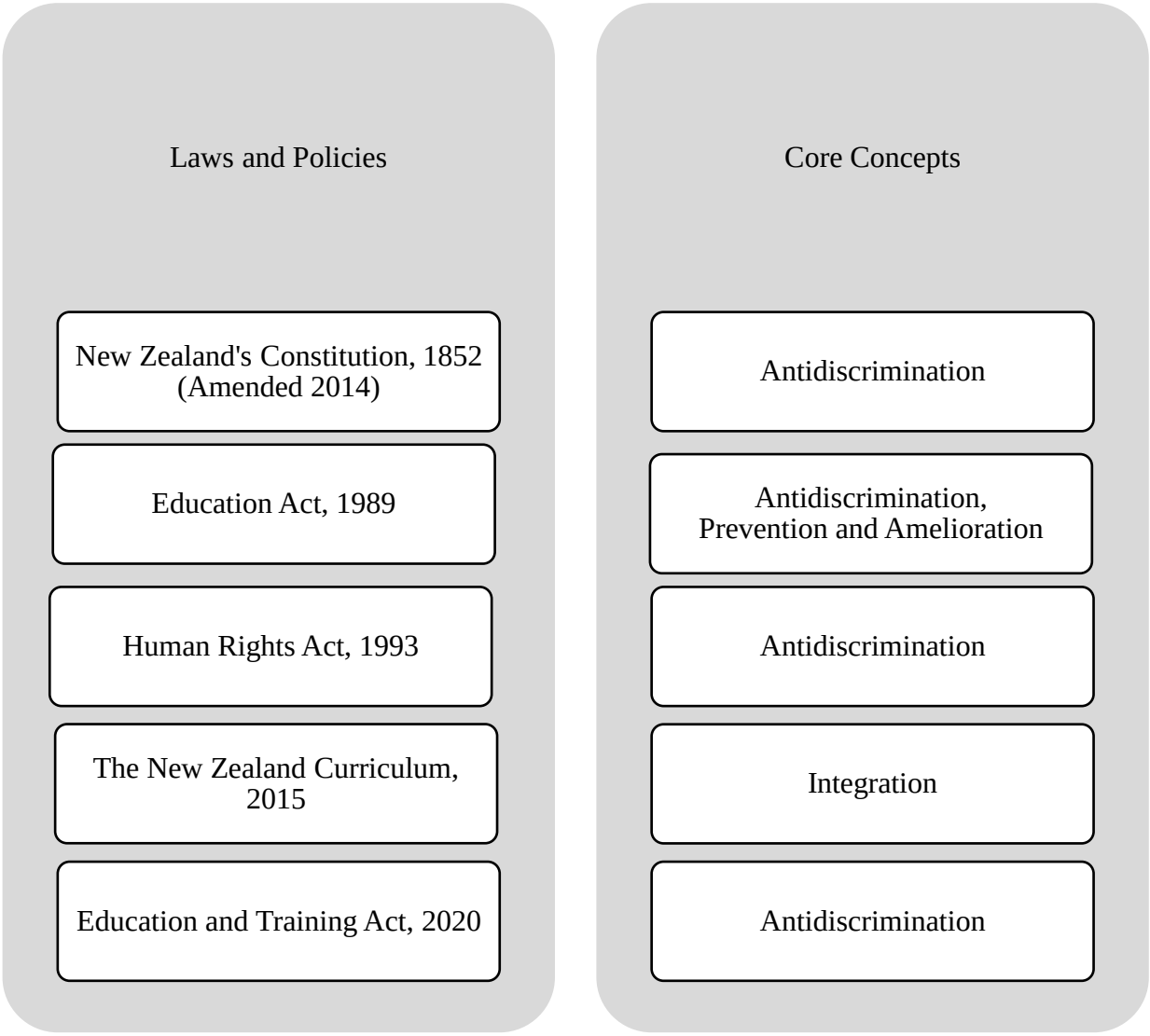

Figure 4.2

Core Concept Policy Analysis of New Zealand's Inclusive Education Laws and Policies

Note. Education Act of 1989 was reprinted in April 2020 due to sections being replaced by the Educational Amendment Act 2000 and 2017.

Integration

Access to inclusive schools promotes the core concept of integration in typical activities and within their community (Turnbull et al., 2001). According to the New Zealand's Education and Training Act (2020), one of the government's broad objects is to ensure that schools are inclusive and cater to the needs of those with differing abilities. No other guidance is provided within any legislation regarding how these governing boards will carry out this assurance which could create a lack of accountability to follow through with inclusion.

The policy language in The New Zealand's Curriculum (2015) appears to support an inclusive learning environment. The curriculum is cited as being written in non-discriminatory terms and ensures that students are recognized for their abilities and talents and address any learning needs (New Zealand Curriculum, 2015). Classroom teachers are stated to be effective when they foster positive relationships that "are caring, inclusive, non-discriminatory, and cohesive" (New Zealand Curriculum, 2015, p. 34). Both of these ideas promote inclusive practices.

Within the general education classroom, practices of Universal Design of Learning (UDL) appear to be promoted through The New Zealand Curriculum (2015). Flexibility in the curriculum is expected to be carried out as "school curriculum must be clearly aligned with the intent of this document; schools have considerable flexibility when determining the detail. In implementing a flexible curriculum, teachers can draw on a wide range of ideas, resources, and models" by using different approaches, resources, and varied goals (New Zealand Curriculum, 2015, p. 37). Teachers are to promote high student expectations and students are provided with sufficient and individual learning opportunities based on appropriate assessments (New Zealand Curriculum, 2015, p. 34). Additionally, the policy focuses on meeting the needs of deaf students

and promoting the use of sign language within the schools (New Zealand Curriculum, 2015). This policy does well in implementing UDL methods which promote the integration and participation of diverse learners.

The challenge with the implementation of UDL comes with a lack of teacher training to build teacher capacity (Powell, 2012), as no national level policies promote teacher training. Teacher training is important because national level policies need to be communicated to the subordinate level to those who oversee putting the policies into practice (Jie, 2016). Without such standards, there are no assurances that teachers can carry out UDL practices and help to ensure that students' diverse needs of learning are being met.

Prevention and Amelioration

Within New Zealand's policies, the Minister of Education is required to attempt to involve children, young people, and national bodies representing the interest of the disability community in concert with the national education learning priorities (Education and Training Act, 2020, p. 85). The UNCRPD (2006) requires that persons with disabilities and their families "must be recognized as partners and not mere recipients of education" (United Nations, 2016, p. 3). As already mentioned, involving people with disabilities at the policymaking level meets the core concept requirements of prevention and amelioration due to creating more inclusive and integrative programs (Turnbull et al., 2001). However, attempts alone are not considered a strong enough action to fulfill the obligation of partnerships required by the UNCRPD (2006).

South Africa

South Africa's government has attempted to promote "a just and equal society by addressing groups who have been historically disadvantaged" (Engelbrecht et al., 2015, p. 13), including those with disabilities. In 2001, South Africa implemented White Paper No. 6 to

establish an inclusive educational framework (White Paper No. 6, 2001). With 20 years of national initiatives to promote the inclusive education movement, South Africa's laws and policies have addressed the four core concepts (see Figure 4.3).

Antidiscrimination

Students with disabilities have educational rights and protections of discrimination under the Constitution of the Republic of South Africa (1996) and is supported through other education laws and policies. The South African Constitution (1996) provides the rights to basic education for all. The National Education Policy Act (1996) states that "every person must be protected against unfair discrimination within or by an education department, or education institution on any ground whatsoever" (p. 6) and "every person to basic education and equal access to educational institutions" (p. 6). Therefore, requiring public schools to admit learners and serve their educational requirements without unfairly discriminating in any way (South African Schools Act, 1996, amended 2013).

Laws and policies have been adopted to prevent unfair discrimination under the South African Constitution (Policy on Screening, Identification, Assessment, and Supports (SIAS), 2014; Promotion of Equality and Prevention of Unfair Discrimination Act (Promotion of Equality Act), 2002; Education White Paper No. 6, 2001). In 2001, Education White Paper No. 6 began the inclusive education movement by transforming the educational system to carry out the "fundamental rights of basic education" despite the challenges that occurred to ensure all children's education (p. 11). The Promotion of Equality Act (2002) helps prevent discrimination from occurring in schools for students with disabilities and provides reasonable accommodations. To further minimize the discriminatory practice of educational barriers, the

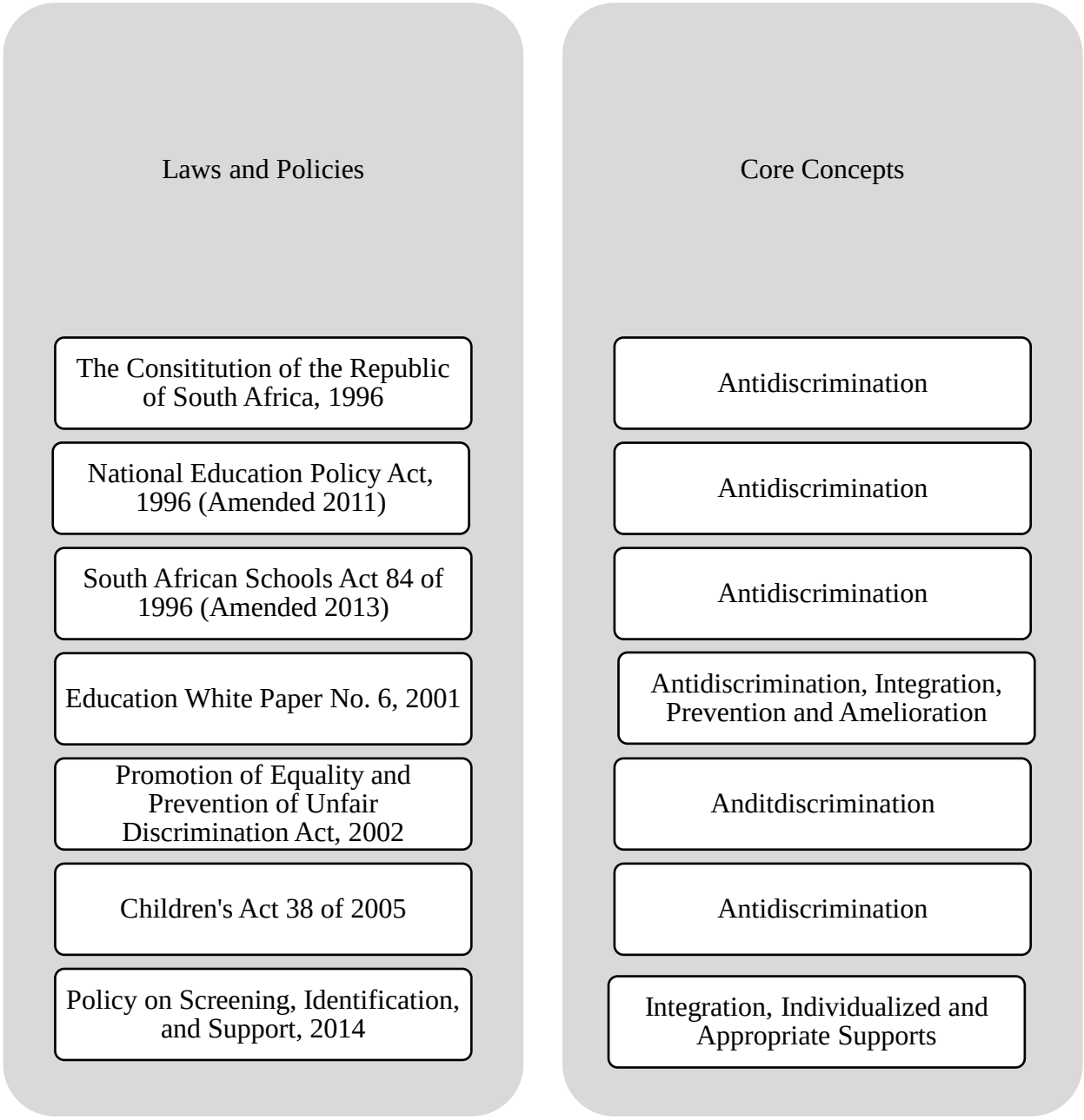

Figure 4.3

Core Concept Policy Analysis of South Africa's Inclusive Education Laws and Policies

SAIS (2014) was created to provide a consistent procedural process to provide access to individualized services and supports.

Integration

Initially, the concept of integration was outlined in the National Education Policy Act (1996). Integrating children with disabilities into the general education schools started through a few select schools (Education White Paper No. 6, 2001). These select schools are referred to as full-service and inclusive schools. Through White Paper No. 6 (2001), each full-service school is to have government provisions through "physical, material and human resources and professional development of staff so that they can accommodate the diverse range of learning needs" (p. 48). Policies were set with a goal to have one full-service school within all 92 districts (Action Plan to 2014, 2010; White Paper No. 6, 2001). Yet, the Action Plan to 2014 (2010) cites that there are approximately 20 schools in 20 districts which provide educational supports and access to students with disabilities within neighborhood schools.

According to White Paper No. 6, different learning styles needs are to be supported, rather than excluded from the education system through three educational settings. Special schools, seen as an integral part of the inclusion process, shifted roles to provide care for the students or specialized programs with a high support level (White Papers No. 6, 2001). Some schools were specifically designated to become full-service schools to provide a full range of learning needs and address barriers through teacher training, capacity building, and supports for students (White Paper No. 6, 2001). Ordinary, or general schools, provide mainstreaming services for students who require low intensity of supports (White Paper No. 6, 2001). However, the SAIS (2014) indicates that decisions are not based on disability types, as support needs are not restricted to a particular school. Additionally, special schools are to be considered as a last

resort for placements, and reintegration into a general school should be continuously reviewed (SAIS, 2014).

White Paper No. 6 (2001) requires adaptations to the educational system to promote access to less restrictive learning environments. Initially, the South African Schools Act (1996, amended 2013) supported inclusion by stating that public schools must admit students and serve their educational needs without discrimination. Yet, school administrators appear to have authority to deny students with disabilities, as the administrator must consider what is in the learner's best interest in making admission decisions (South African Schools Act, 1996, amended 2013). Through White Paper No. 6 (2001), admissions policies were expected to be changed to accommodate those students within the full-service or other schools (White Paper No. 6, 2001). Yet, no admission policy revisions have been made since this time.

To add to the uncertainty of if and when students with disabilities may be admitted to general schools, the SAIS (2014) details the types of school supports by the level of the rated (low-, moderate-, or high-rated) disability the student qualifies for through an assessment. For example, the process as to how a student who is rated with high needs would be given the opportunity to attend another school outside of their designated rating is not provided in the policies. Furthermore, general school administrators appear to hold power in denying school admission to children with disabilities, as the administrators must consider what is in the learner's best interest in making those decisions (South African Schools Act, 1996, amended 2013). The lack of policy procedures leaves administrative discretion as to how and when a student with disabilities may access a general school; thus, creating opportunities for exclusion for children with disabilities for being admitted into general schools.

White Paper No. 6 (2001) prompted an urgent need for physical environments to become barrier-free. The government carried this out this solution within the South African Schools Act (1996, amended 2013). The updated Act details the basic universal design requirements of school buildings. Within the policy, schools are now required to be fully assessable using ramps, handrails, and maneuverable spaces, along with signage and other services within both new and existing schools. This implementation of universal design promotes access to the classroom and encourages diversity and inclusiveness (Burgstahler, 2021). However, the process for this implementation is based on practicality for such modifications to occur over an extended period of time (years) which creates physical barriers for current students with disabilities.

Individualized and Appropriate Services

With all students having the right to receive reasonable accommodations, a detailed policy was developed for students with disabilities to receive individualized and appropriate services (SAIS, 2014). The SAIS provides a standardized process to determine the supports need to optimize learners' classroom participation (SAIS, 2014). The first step in the process is for the student to complete an individualized assessment to determine the barriers of learning, the level of functioning, and the level of participation which help identify the supports needed (SAIS, 2014). Multiple resources, such as education, medical, social, psychological, and therapeutic assessments are used to determine the learner's needs (SAIS, 2014).

Once the assessment is completed and the teacher has identified the student as at-risk, the teacher must collaborate with the support team members, the parent, and child, when 12 years old or older (SAIS, 2014). During this collaboration, the teacher completes a form that addresses the areas of concern, strengths, and needs of the learner to form the individual support plan (SAIS, 2014). A support plan is to be developed to provide direction as the accommodations,

additional strategies, programs, and services (SAIS, 2014). The plan is to be evaluated every term, and team members are added if the plan appears to be ineffective (SAIS, 2014).

Through this process, the student is classified to receive low-, moderate-, or high-rated support levels (SAIS, 2014). Low-rated supports are mainly preventative and proactive supports that can be accommodated within general schools and with specific provisions (SAIS, 2014). These supports include consultations for the teacher from a specialist, accommodations to the curriculum, staff training, or use of assistive devices. Moderate-rated supports are short-term or intermittent accommodations within the general education settings or full-service schools (SAIS, 2014). The accommodations are intensified through increased communications with consultants, specialized devices, and more long-term training for teachers. Often, these students are referred to specialists outside of the school due to not having such personnel supports within the school (SAIS, 2014). High-level supports require high-frequency and high-intensity and often require special schools but are not restricted to special schools (SAIS, 2014). Students with high-level supports require assistance from multiple specialists, need low teacher-to-learner ratios, modified curriculum, or teachers with master competencies or significant training (SAIS, 2014).

Prevention and Amelioration

Promotion of prevention and amelioration core concepts are found within the White Paper No. 6 (2001) through use of advocacy and community trainings. Advocacy trainings are mainly targeted for parents since they are the primary source of support for their children with disabilities (White Paper No. 6, 2001). Partnerships are expected to be established with parents at the school level so that the parents are

> Armed with information, counselling and skills, participate more effectively in the planning and implementation of inclusion activities, and so that they can plan a more

> active role in the learning and teaching of their children, despite limitations due to disabilities or chronic illness". (White Paper No. 6, 2001, p. 50)

These activities can promote opportunities for awareness that are important for the future prevention of disabilities (Turnbull et al., 2001).

Trinidad and Tobago

Trinidad and Tobago's Ministry of Education is required to ensure inclusive education in all schools for all students (National School Code of Conduct, 2018). The two predominant policies, Education Policy Paper 2017-2022 (n.d.) and National Policy on Persons with Disabilities (NPPD) (2018), outline broad goals meant to promote inclusive education. Two of the core concepts (integration, prevention and amelioration) were found within policies (see Figure 4.4). The core concepts of antidiscrimination, along with individualized and appropriate supports were absent from the documents analyzed.

Antidiscrimination

Currently, there is limited legislation which provides protections for persons with disabilities (NPPD, 2018). The NPPD (2018) is the only policy to recognize the marginalization and discrimination for persons with disabilities and promote the elimination of discrimination within legislation related to various issues, including education. However, the NPPD (2018) does not explicitly give rights to people with disabilities. Other laws and policies that held antidiscrimination rights listed groups of people protected from discrimination but omits those with disabilities (The Constitution of the Republic of Trinidad and Tobago, 1976, amended 2007; Education Policy Paper 2017-2022, n.d.). For example, the Education Policy Paper 2017-2022 (n.d.) states, "every child has an inherent right to education regardless of gender, ethic,

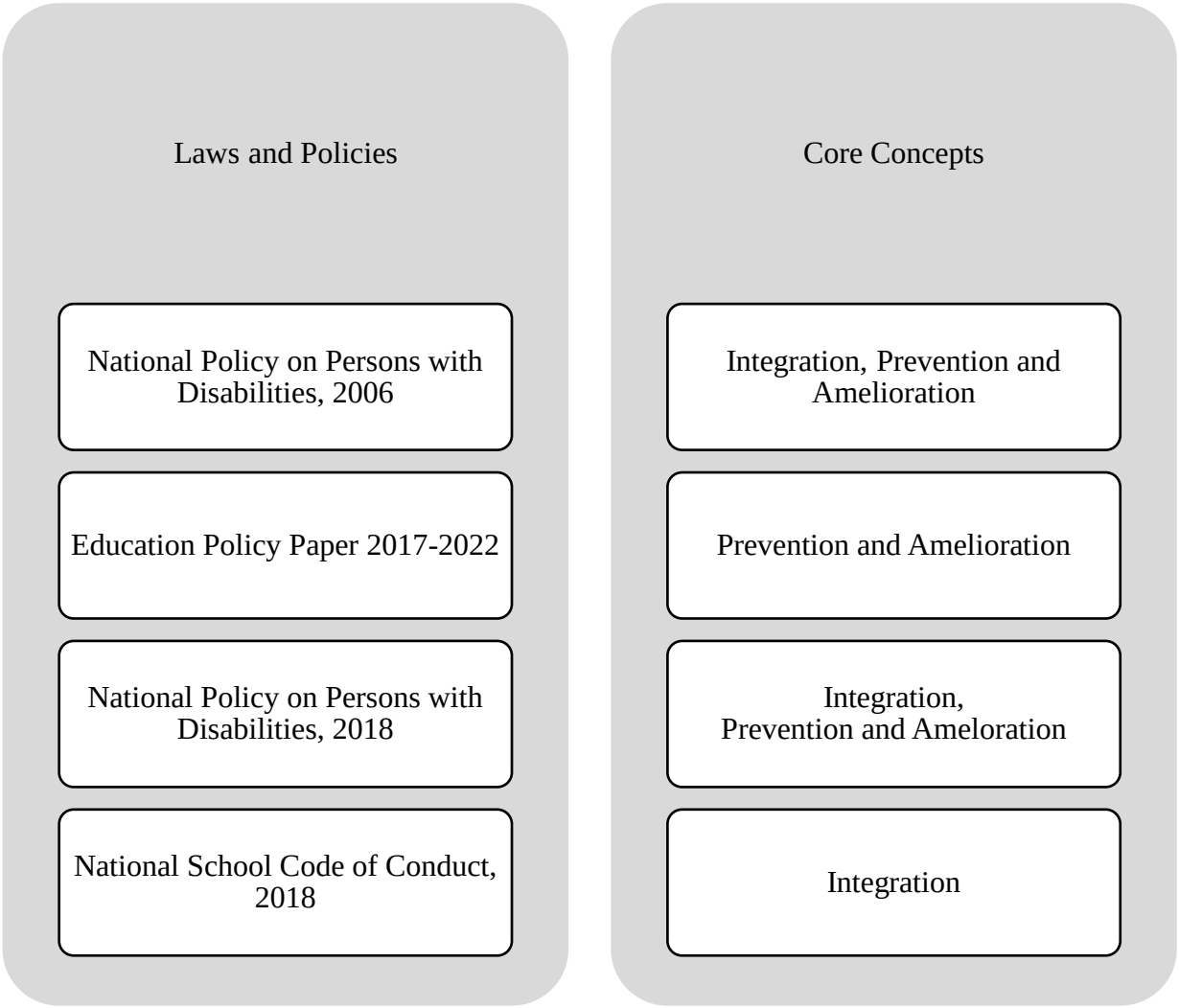

Figure 4.4

Core Concept Policy Analysis of Trinidad and Tobago's Inclusive Education Laws and Policies

social, economic or religious background" (p. 18); thus, using the omission of students with disabilities through expressio unius est exclusio alterius. Therefore, creating lesser rights for those with disabilities, if the courts were to determine that the exclusion within the legislative documents was intentional (Sullivan & Driegger,1994). The NPPD (2018) recognized that the Trinidad and Tobago Constitution (1976, amended 2007) needs to align with other policies to provide human rights and fundamental freedoms to those with disabilities. However, no newer laws and policies were found to provide such rights or freedoms.

The Equal Opportunity Act (2000) expressly points to antidiscrimination educational rights concerning people with disabilities. Yet, within the same policy, there is a legal loophole[3] stating that denial of school admissions is possible. The Equal Opportunity Act (2000) states that it

> Does not render it unlawful to refuse or fail to accept a person's application for admission as a student at an educational establishment where the person, if admissible as a student, would require services or facilities that are not required by the students who do not have a disability and the provision of which would impose unjustifiable hardship on the educational establishment. (p. 16)

Therefore, two factors can be used to deny students. First, if the school is not providing such services to students who do not have disabilities, then the school is not required to provide those for students who have disabilities. Secondly, if the services create a hardship for the school system, then the student can be denied. Both of which can possibly create exclusions for students with disabilities for attending general school. This exclusion goes against the UNCRPD

[3] Legal loophole is defined by the legal definition, please see definition under Chapter 1 Definitions.

requirements to “receive the support required, within the general education system” (UNCRPD, 2006, article 24(2)(d), Education, p. 285).

Integration

The Ministry of Education shall support the delivery of inclusive education in all schools for all students, which explicitly includes those with a diverse range of learning difficulties and challenges (National School Code of Conduct, 2018). Under the NPPD (2018), the definition of inclusive education is “persons with and without disabilities learning together in pre-school provision, schools, colleges, and universities, with the appropriate networks of support” (p. ix). The Ministry of Education appears to be in the early development stage for inclusive education based upon the findings within the NPPD (2006), NPPD (2018), and the Education Policy Paper 2017-2022 (n.d.).

Within the NPPD (2006), one of the general principles focuses on the national commitment to provide an inclusive education system for students with disabilities. The policy outlines provisional measures which are “adequate and appropriate support services for all children with disabilities in an inclusive education system” (NPPD, 2006, n.p.). Other required provisions which are noted in the policies are appropriate teaching aids and supports, curriculum modules for students to learn about the acceptance of people who are different, sign language interpreters and programs, special education teachers, guidance and counseling programs, and training programs for teachers and staff (NPPD, 2006); thus, promoting the use of reasonable accommodations within the general education setting which supports integration.

The Education Policy Paper 2017-2022 (n.d.) has immediate and short-term goals for special and inclusive education. The goals focus on various educational settings for students with disabilities. First, goals mostly focus on special schools and the provision of accommodations

within special schools (Education Policy Paper 2017-2022, n.d.) for students who are “deaf, mute, blind, retarded or otherwise handicapped” (Education Act, 2016, p. 13). The use of segregated learning environments for those with specific disabilities goes against the UNCRPD (2006) requirements using separate teaching environments which are designated for particular types of students (United Nations, 2016).

No policy goals specifically outline the integration of students with disabilities with explicit terms used for inclusive education. Yet, some inclusive education ideologies were identified through use of applying alternative teaching methods for diverse learners, ensuring access to curriculum for all, promoting student-centered learning, training teachers to work with adapting curriculum and identifying, and meeting the needs of students with physical and intellectual disabilities (Education Policy Paper 2017-2022, n.d.). As for general schools, resource rooms are to be provided within every three to five primary schools (Education Policy Paper 2017-2022, n.d.). However, the policies are unclear as to how students are deemed to gain access to these inclusive education supports and reasonable accommodations.

Through the new version of the NPPD (2018), antidiscrimination is supported in a broader sense by making schools more inclusive by promoting better alignment with the UNCRPD (2006). Yet, the newer version of the policy is less specific than the NPPD (2006) version. The NPPD (2018) has goals to ensure appropriate access and participation without discrimination, ensure resources are allocated to promote inclusive education, review the national curriculum, and providing appropriate staff (NPPD, 2018). However, it appears that the government plans to continue to support the use of segregated special schools, as the NPPD (2018) goals focus on supporting students in special schools with appropriate staff, trained personnel, and equipment. Overall, the Trinidad and Tobago government’s current focus appears

to be on improving legislation to help ensure antidiscrimination, access, and participation for students with disabilities, yet falls short by continuing to support segregated schooling for students with disabilities.

One other important measure of the NPPD (2018) is to implement legislation for access to physical buildings. Additionally, access to physical environments is supported within both the NPPD (2006) and the Education Policy Paper 2017-2022 (n.d.). The objective of the NPPD (2006) is to adopt barrier-free environments, but with no specifications to schools. School buildings are a priority in the Education Policy Paper 2017-2022 (n.d.) through building and upgrading disability-friendly educational facilities. Yet, there is a lack of clarity about if the implementation of universal design to buildings is required. The NPPD (2018) states that a national standards guideline, Accessible and Usable Buildings and Facilities (International Code Council, 2010), has been initiated on a voluntary basis because the official launch of the guidelines were presented as "can be" used (Trinidad and Tobago Bureau of Standards, n.d., para. 1) which imply these are recommendations rather than requirements.

Individualized and Appropriate Services

Trinbagonian laws and policies provide no guidance as to the use and implementation of individualized and appropriate services. However, often the first step to determining the individual student's need for supports is through an assessment process. The Education Policy Paper 2017-2022 (n.d.) does cite a goal to develop and implement an evaluation and assessment process for students with disabilities. As a short-term goal, the NDDP (2018) states that IEPs will be implemented at all levels of education. Until further guidance is provided, it is unclear as to how the evaluation and assessment process will be applied and if it will be utilized to the student through individualized and appropriate services.

Prevention and Amelioration

The priorities of prevention and amelioration for Trinidad and Tobago's policies are parent support, disability involvement in government-level decision making, and research (Education Policy Paper 2017-2022, n.d.; NPPD, 2006). The NPPD (2006) outlines initiatives to the prevention and rehabilitation of people with disabilities. Specific to educational settings, the policy plans to develop guidance and create counseling programs for parents and students (NPPD, 2006). Such use of counseling programs could be beneficial to train parents in ways to better work with their child with disabilities. Additionally, the NPPD (2006) aims for people with disabilities assist in decision-making on issues that impact their lives.

Within the Education Policy Paper 2017-2022 (n.d.), immediate and short-term goals focus on research initiatives. Two areas of research focus on special education. The first focus is on research through the identification, evaluation, and implementation of evidence-based practices (Education Policy Paper 2017-2022, n.d.). The other goal is to increase parent engagement and empowerment to help minimize the impact of disabilities in concern to student achievement, development, and well-being (Education Policy Paper 2017-2022, n.d.). All of which can provide students with better outcomes concerning their disabilities.

Sri Lanka

The Sri Lankan government recognizes that educational laws and policies are obsolete and not applicable (New Education Act for General Education in Sri Lanka (New Education Act), 2017). The current principal legislation for Sri Lanka is the Education Ordinance No. 31 of 1939 (New Education Act, 2017). Despite Sri Lanka's ratification of the UNCRPD (2006) and six other international declarations (New Education Act, 2017), the educational policies for inclusive education are non-existent. One act was found to meet the requirement for

antidiscrimination (see Figure 4.5). The core concepts of integration individualized and appropriate services, and prevention and amelioration were absent from the documents analyzed.

Antidiscrimination

The protections of antidiscrimination are limited for Sri Lankans (Sri Lanka Constitution, 2015; Protection of the Rights of Persons with Disabilities, 1996). Constitutionally, the law is murky by first citing "all persons are equal before the law and are entitled to equal protection of the law" (Sri Lanka Constitution, 2015, p. 4). Part 2 of the same section follows with "no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place or birth or any one such grounds" (Sri Lanka Constitution, 2015, p. 4). Through expressio unius est exclusio alterius, the omission of a specific group leaves presumptions that this group was intentionally omitted (Sullivan & Driegger, 1994), possibly giving lesser protections to those with disabilities. The Protection of the Rights of Persons with Disabilities (1996) does give students some protections if denied admissions to any educational institution when the decision is solely based on the disability. However, there are no other law or policies that are clear in providing discrimination rights for students with disabilities.

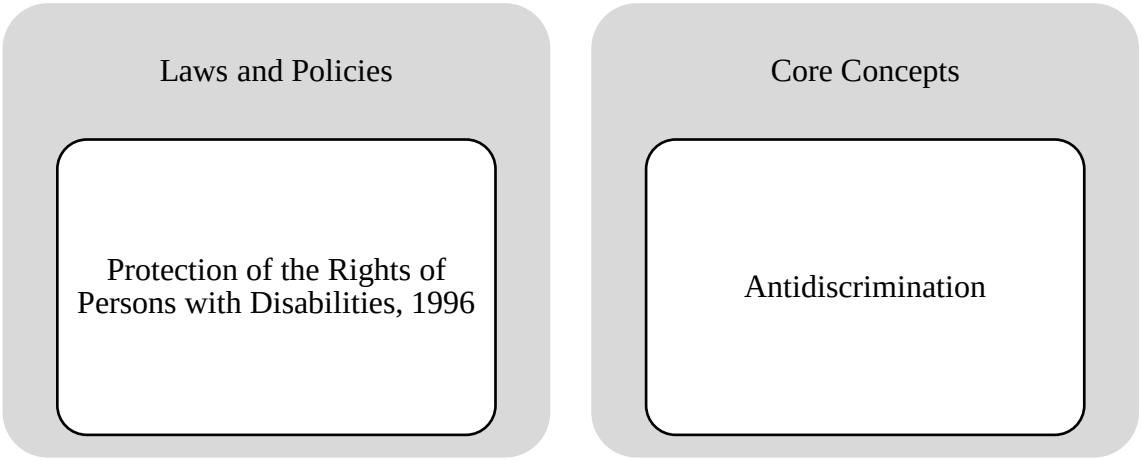

Figure 4.5

Core Concept Policy Analysis of Sri Lanka's Inclusive Education Laws and Policies

Philippines

Historically, the Filipino government has recognized the importance of inclusive education by attempting to reduce inequalities (Albert, 2016). Inclusive education appears to be at the forefront of education policy as new policies have emerged within the past several years. The country's policies were found to cover all four of the core concepts (see Figure 4.6).

Antidiscrimination

Filipinos with disabilities are supported as equal citizens by having the same rights as others in society (Magna Carta for Disabled Persons, 1992). The Constitution of the Republic of the Philippines (2016) requires Congress to give the highest priority to protecting and enhancing the rights of all people "to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities" (n.p.). Furthermore, the Philippines' Constitution (2016) is committed to "creat[ing] economic opportunities based on freedom of initiate and self-reliance" (n.p.).

The Philippines' Constitution (2016) provides a free and compulsory education for all children and encourages formal and non-formal learning and vocational skills training. Other policies help to ensure that all citizens have the right to a quality basic education (Governance of Basic Education Act of 2001; Magna Carta for Disabled Persons, 1992) and helps assure that no child is refused admission in public education (Presidential Decree No. 603: Children and Youth Welfare Code (Children and Youth Welfare Code), 1974; Magna Carta for Disabled Persons, 1992). In 2018, the government passed the Inclusive Education Children and Youth with Special Needs Act (IECYSNA) to ensure that all children are educated without discrimination or inclusive and conducive learning environment.

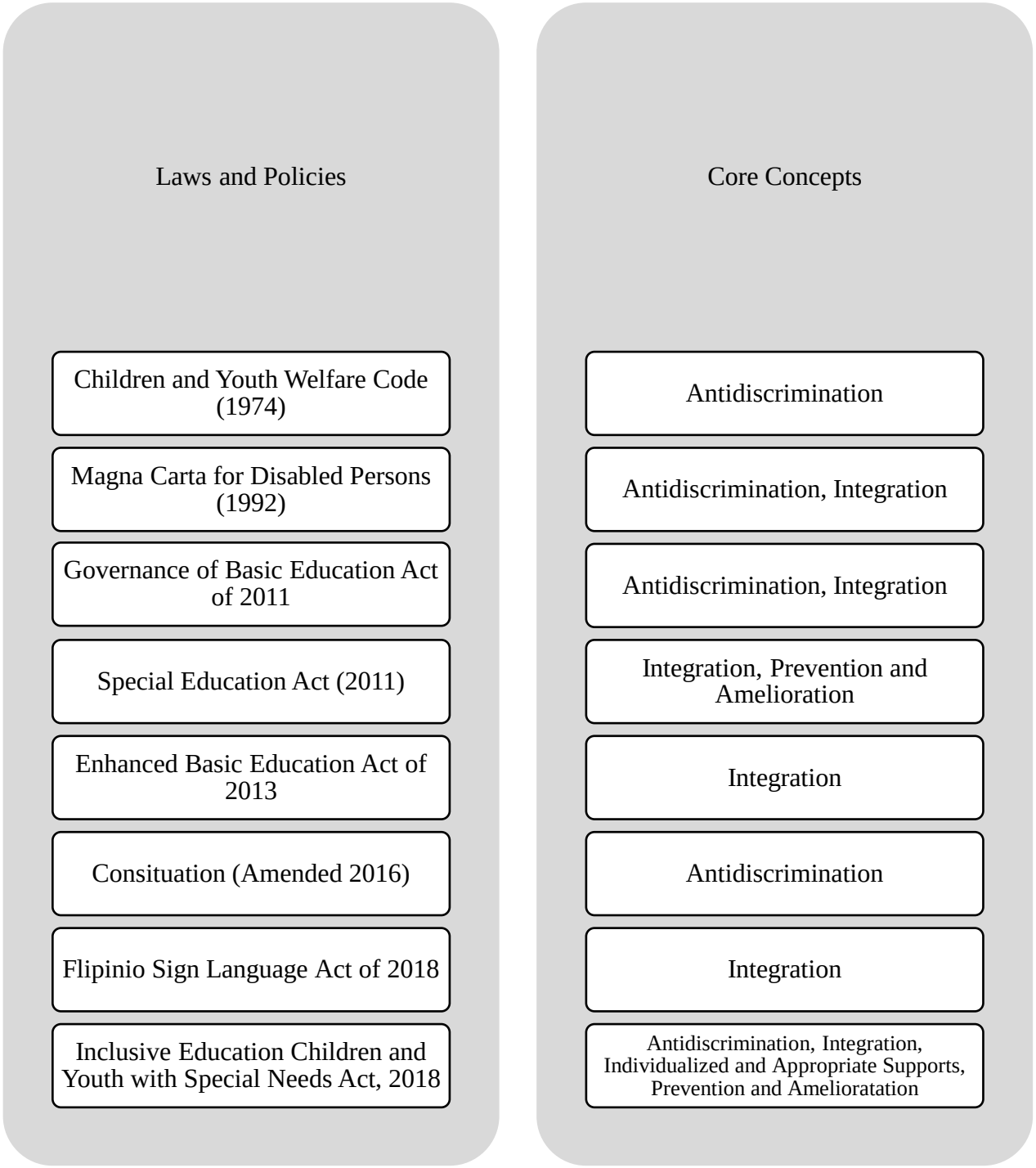

Figure 4.6

Core Concept Policy Analysis of the Philippines' Inclusive Education Laws and Policies

Integration

Until recently, the Filipino school system was an integrated system for students with disabilities (Enhanced Basic Education Act, 2013). Filipino integrated schools are defined as schools that offer a "basic education in one school site and ha[ve] unified instructional programs" (Governance of Basic Education Act of 2001, n.p.). Initially, the Magna Carta for Disabled People (1992) focused on the integrated system within the public schools through special education for those with visual impairments, hearing impairments, and mentally retarded persons (n.p.). However, with the implementation of the IECYSNA (2018), the focus shifted towards inclusive education.

In support of inclusive education, the Filipino government has secured a process which outlined inclusive education through the IECYSNA (2018). The Act defined inclusive education as a

> Process of addressing and responding to the diversity of needs of all students and learners by increasing participation…and reducing exclusion from and within education. It involves changes and modification in content, approaches, structures and strategies, with a common vision, which covers all children of the appropriate age range and a conviction that it is the responsibility of the state to educate all children (IECYSNA, 2018, p. 3)

Within the inclusive educational setting, UDL is implemented to ensure information is presented in multiple methods, provide alternative ways for students to demonstrate learning, and apply various levels of engagement to promote student interest (IECYSNA, 2018).

Schools have been expected to provide access to auxiliary services since the implementation of the Magna Carta for Disabled People (1992). Additionally, the Special Education Act (2011) states that auxiliary aids and services are non-educational but recognizes

that without such aids that the students with disabilities educational needs would not be properly addressed. Auxiliary services are defined as equipment or devices, qualified interpreters and interpreters or other effective delivery of materials, and similar aids and services that facilitate the learning process (IECYSNA, 2018; Magna Carta for Disabled People, 1992; Special Education Act, 2011).

Since 2011, a minimum of one special education center is expected to be established within each school district and is overseen by the general school principal (Special Education Act, 2011). Today, these centers are referred to as Inclusive Education Learning Resource Centers for Children and Youth with Special Needs (IECYSNA, 2018). The centers function as a support for students with disabilities by integrating the students within the general school by providing school-based trainings, providing appropriate training materials, and administering assessments (IECYSNA, 2018; Special Education Act, 2011). This system has been designed to better assist students attending community (general) schools so they can be integrated with peers who are non-disabled (Special Education Act, 2011).

Specific acknowledgment for students who are deaf has been noted within The Filipino Sign Language Act (2018). Through this act, the Department of Education is required to develop guidelines for the distribution of appropriate curriculum to all public schools and through measures of universal design and the use of Filipino sign language (FSL). The FSL is to be taught during teacher preparation courses, so that FSL can be used as medium of instruction and as a separate course for students who are deaf and hard of hearing (Filipino Sign Language Act, 2018); thus, the inclusion of this specific group of learners is provided through legislation.

Teachers will be not only be trained in sign language and should participate in other trainings which promote inclusive education (IECYSNA, 2018). The National Educators'

Academy of the Philippines is required to provide appropriate and necessary trainings, seminars, and other opportunities for improving teachers' performance concerning inclusive education (IECYSNA, 2018). Basic and advanced seminars are to be offered on disability awareness and inclusive education (IECYSNA, 2018).

Parents are expected to be actively involved in placement decisions to help make more informed choices and decisions concerning the student (IECYSNA, 2018). Not only are parents to participate in such decision making, but parents are to be appraised of the procedural safeguards and processes to resolve disputes or complaints (IECYSNA, 2018). Such parental support helps to ensure parents can support their child by participating in decision making and have a way to voice their concerns when the child is not receiving the appropriate placement or supports. However, the national policies lack information as to how this process is to be carried out and monitored.

Individualized and Appropriate Services

Individual Educational Plans (IEPs) are provided, implemented, and reviewed through the Inclusive Education Learning Resource Centers (IECYSNA, 2018). The IECYSNA (2018) is the only national-level policy to mention the use of IEPs. No other information is provided concerning the process and procedures other than citing that IEPs are an objective and that the resource centers are responsible (IECYSNA, 2018). Through the Special Education Act (2011), equipment such as wheelchairs, crutches, special toilets, and glasses are to be given to the students for free or at a reduced cost. The IECYSNA (2018) states that therapies such as language and speech, occupational, physical and physiotherapy, and other modes will be provided, along with classroom modifications. Monitoring of these services occur through the

Student Inclusion Division (IECYSNA, 2018). Therefore, the policies appear to do well in providing reasonable accommodations which are needed to meet the learner's individual needs.

Prevention and Amelioration

The Special Education Act (2011) and the IECYSNA (2018) outline provisions for special education research. Research is required to support the special education centers to improve instructional techniques and student skills for independent living, vocational training, and competitive development. Therapeutic and recreational programming is to be researched to provide the center to increase community participation (Special Education Act, 2011). Formal trainings and counseling for parents, siblings, and caregivers are provided to maximize the child's support system by promoting information on child psychology of students with special needs and the roles of special education teachers (IECYSNA, 2018; Special Education Act, 2011). Furthermore, the act focuses on the student's support system and nationally promotes the dissemination of early identification and intervention services. While the trainings can help with prevention and amelioration, little information is provided within the policies to ensure that quality training is provided equally throughout the nation.

Kenya

Special education in Kenya has been a focus of the government since the country gained independence (National Special Needs Education Policy Framework 4 (NSNEPF), 2009). First, the Kenya Institute of Special Education was developed to build the capacity of the Special Needs Education service providers through educating teachers and providing research (NSNEPF,

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[4] As stated earlier, Policy Frameworks are not considered to have the legal bindings that a policy holds. However, within this framework is noted to be a policy. The Permanent Secretary of Education states, "the purpose of this policy is to provide guidance to the Ministry of Education staff and other stakeholders in the provision of education to these learners." (NSNEPF, 2009, p. 9). Therefore, the Policy Frameworks has been treated as a policy.

2009). Since that time, the Kenyan government has implemented educational laws and policies to support inclusive, equitable, quality, relevant education and training and research that promote lifelong learning and opportunities for all (Sessional Paper No. 1 of 2019). The Kenyan government has outlined three of the four core concepts within its education laws and policies (see Figure 4.7). The core concept of individualized and appropriate services was absent from the documents analyzed.

Antidiscrimination

Every person in Kenya is afforded the full extent of rights and fundamental freedoms and specifically addresses antidiscrimination for those with disabilities (The Constitution of Kenya, 2010). The government indicates a duty to address the needs of vulnerable groups, such as those with disabilities (Kenya Constitution, 2010). In reference to education, every person has a right to a free and compulsory basic education (Basic Education Act, 2013; The Children Act, 2007; Kenya Constitution, 2010).

The NSNEPF (2009) and the Basic Education Act (2013) support antidiscrimination rights for students with disabilities. The NSNEPF (2009) focuses on enrollment and retention of students within any learning institution and helps ensure equal opportunities for all students with disabilities. The Basic Education Act (2013) and Sector Policy (Sector Policy) for Learners and Trainees with Disabilities (Sector Policy, 2018) support non-discrimination by providing access to education and training for students with disabilities in all learning institutes. However, the Kenya Constitution (2010) could restrict access to general education settings for people with disabilities. As students with disabilities are entitled to “access educational institutions and

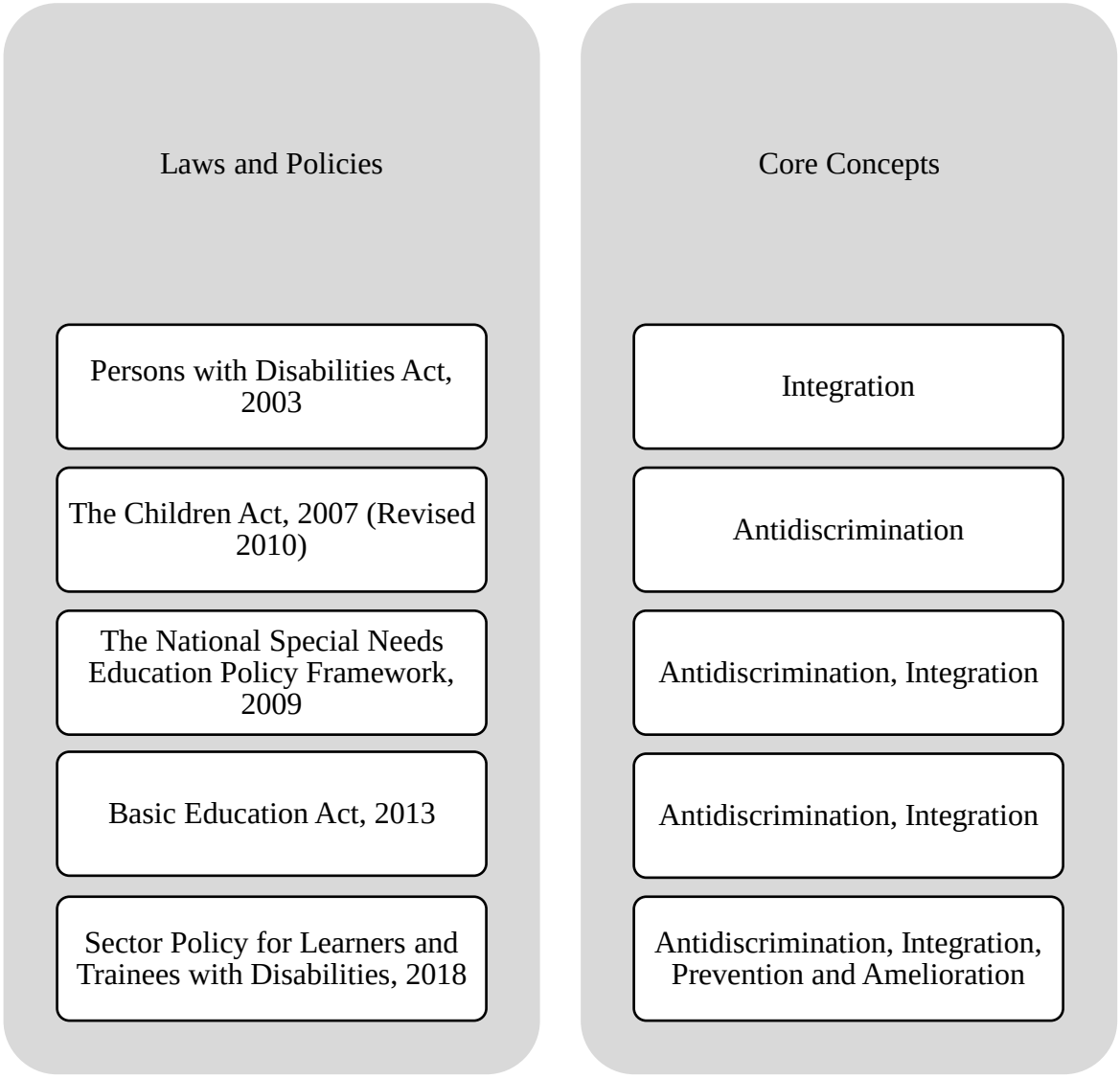

Figure 4.7

Core Concept Policy Analysis of Kenya's Inclusive Education Laws and Policies

facilities for persons with disabilities" (Kenya Constitution, 2010, p. 37), which may void rights to accessing schools which are not specifically designated for students with disabilities.

Integration

The NSENPF (2009) was the primary policy that provided the legal framework for special needs (National Education Strategic Sector Plan (NESSP) 2013-2018, n.d.) and initiated inclusive education. Per the recommendations of the NESSP 2013-2018 (n.d.), the committee revised the NSENPF (2009), which culminated into the Sector Policy, 2018 (Sector Policy, 2018). The Sector Policy (2018) provides more straightforward policies and addresses existing policy gaps to better align special needs education to the Constitution of Kenya 2010, Vision 2030 (2007), and the Basic Education Act of 2013 (Sector Policy, 2018).

Kenya's education system is reported to have become inclusive and advocates for the rights of students to be within the general classroom with peers without disabilities (Basic Education Act, 2013; Sector Policy, 2018). The educational system is structured to provide students with access "at the pace that may be commensurate with the individual learner's physical, mental and intellectual abilities and the resources available" (Basic Education Act, 2013, p. B4A-24). Although this policy seemingly is supportive of inclusive education, a concern does arise with the legal loophole of "resources available" (Basic Education Act, 2013, p. B4A-24), as this may be used as a reason not to support students with disabilities. However, the United Nations (2016) states that "using the lack of resources and financial crises as justification for failure to make progress towards inclusive education violates article 24" (p. 10).

The Basic Education Act (2013) and Sector Policy (2018) indicate that special education is provided within general schools, special education schools, special classrooms in general education schools, or home-based services when students have severe disabilities and other

vulnerable situations. Home-based services are provided by local teachers and prepare students to transition to a school (Basic Education Act, 2013). However, there is no indication within the policies as to how placement decisions are made. This lack of clarity leaves questions about if the educational settings are to be used on a continuum of services where students can gain access to the general education setting after being placed within a special school or placed within another designated setting. Therefore, it appears a segregated system is used which is not consistent with article 24 Education, which states that individual supports are to be added to promote the goal of full inclusion (UNCRPD, 2006).

Students with disabilities are supported through policies to gain access to the physical building, curriculum (Sector Policy, 2018), and reasonable accommodations (Persons with Disabilities Act, 2003). Physical access is promoted within the Sector Policy (2018) as the policy has objectives to create barrier-free learning environments and provisions of assistive technologies to promote mobility, social inclusion, and life-long learning. Within the classroom, equal opportunities are accessible for learners with needs by adapting the general curriculum for students with visual, hearing, and physical impairments (Sector Policy, 2018). Additionally, the Persons with Disability Act (2003) requires core services of sign language, oral interpretive services, technology, textbooks in various forms, adaptive equipment, and access to instructor-made lesson materials. Unfortunately, the Sector Policy (2018) indicates that adapted curriculum is neither existing nor adequate; therefore, the policy was written to help ensure that such curriculum is accessible for the teachers and staff to use for curriculum differentiation (Sector Policy, 2018).

Individualized and Appropriate Services

Individualized and appropriate services are provided through Educational Assessment and Resource Centers (EARC), where an interdisciplinary team provides identification, assessment, and student placement (Sector Policy, 2018). Regarding individualized and appropriate services, the EARCs staff provides appropriate teaching methods, assists with needs for identified students, and advises county boards about students' needs (Basic Education Act, 2013). However, no information is provided as to how the individual's support needs, or placement decisions are made. The lack of information may prevent students with disabilities from gaining the appropriate placement, supports, and continuous monitoring to ensure the needs are being re-assessed as the student develops. Another goal of the Sector Policy (2018) is to enhance parent participation. Still, little information is provided about if and how the parents are expected to participate and if they have any rights when they are not in agreement with decisions made concerning their child. This lack of information within the policy leaves gaps that need to be further detailed to align with the UNCRPD (2006) requirements.

Prevention and Amelioration

The UNCRPD (2006) recognizes the freedom of persons with disabilities to be involved in decision-making within policy (Thuo, 2016). Kenya's policies align with the UNCRPD (2006) by involving students with disabilities in decision-making activities. The Kenya Constitution (2010) and the Basic Education Act (2013) require county governments to hold special seats within the assembly for persons with disabilities and youth. In addition, the Basic Education Act (2013) requires one representative from the National Council for Persons with Disabilities to be on the National Education Board.

Within the Kenyan educational system, students with disabilities are provided opportunities that increase participation and involvement (Sector Policy, 2018). Students with disabilities and their families are encouraged to be self-advocates to make decisions about their own education (Sector Policy, 2018). In addition, student councils, clubs, and other associations are to ensure the representation of children with disabilities and their families (Sector Policy, 2018).

Students with disabilities are acknowledged within policy to be challenged by making life choices such as choosing a career path and being influenced by negative peer pressure, such as drug use (Sector Policy, 2018). Therefore, mentoring programs have been developed to help with psychosocial matters and to help encourage appropriate life choices (Sector Policy, 2018). Strategies implemented by the Sector Policy (2018) promote this mentorship programming for all grades by fostering life skills, career pathways, social integration, leisure and recreational activities, and sensitizing schools to create harmony through inclusivity. These actions support students with disabilities to be more successful in integrating as successful members of society later in life and helping students to overcome the barriers that their disabilities can create.

Lastly, the Sector Policy (2018) promotes awareness of the rights to education, training, and related services for students with disabilities. The Kenyan government reports an inadequate understanding by service providers, policymakers, and community members, which has created a lack of advocacy for students with disabilities (Sector Policy, 2018, p. 24). Campaigns and continuous advocacy are to be provided with oversight with the goal to help improve understandings about disabilities and better ensure accountability for such activities (Sector Policy, 2018).

Ghana

According to the Inclusive Education Policy (2013), the Ghanaian government has emphasized an all-inclusive approach to education throughout various policies. The first of the three education plans, Education Strategic Plan 2003-2015 (n.d.-d), adopted inclusive education as the main policy priority (Mantey, 2017). In 2003, inclusive education was piloted within several districts. Since that time, the Persons with Disability Act (2006), the Education Act (2008), and the Inclusive Education Policy (2013) have been passed to support students with disabilities within the general education setting. In accordance with the core concepts, individualized and appropriate services are missing from Ghana's inclusive education policies (see Figure 4.8).

Antidiscrimination

As the Constitution of the Fourth Republic of Ghana Law (1992, amended 1996) states "every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental freedoms…" (p. 19). Although people with disabilities are excluded from the list of fundamental freedoms, through unius est exclusio alterius, both the Ghana Constitution (1996) and the Persons with Disabilities Act (2006) provide antidiscrimination rights for people with disabilities. Both legislative documents state that people with disabilities "shall be protected against all exploitation, all regulations and all treatment of discriminatory, abusive or degrading nature" (Ghana Constitution, 1996, p. 28; Persons with Disabilities Act, 2006). Furthermore, antidiscrimination protections are afforded to children with disabilities within The Children's Act (1998).

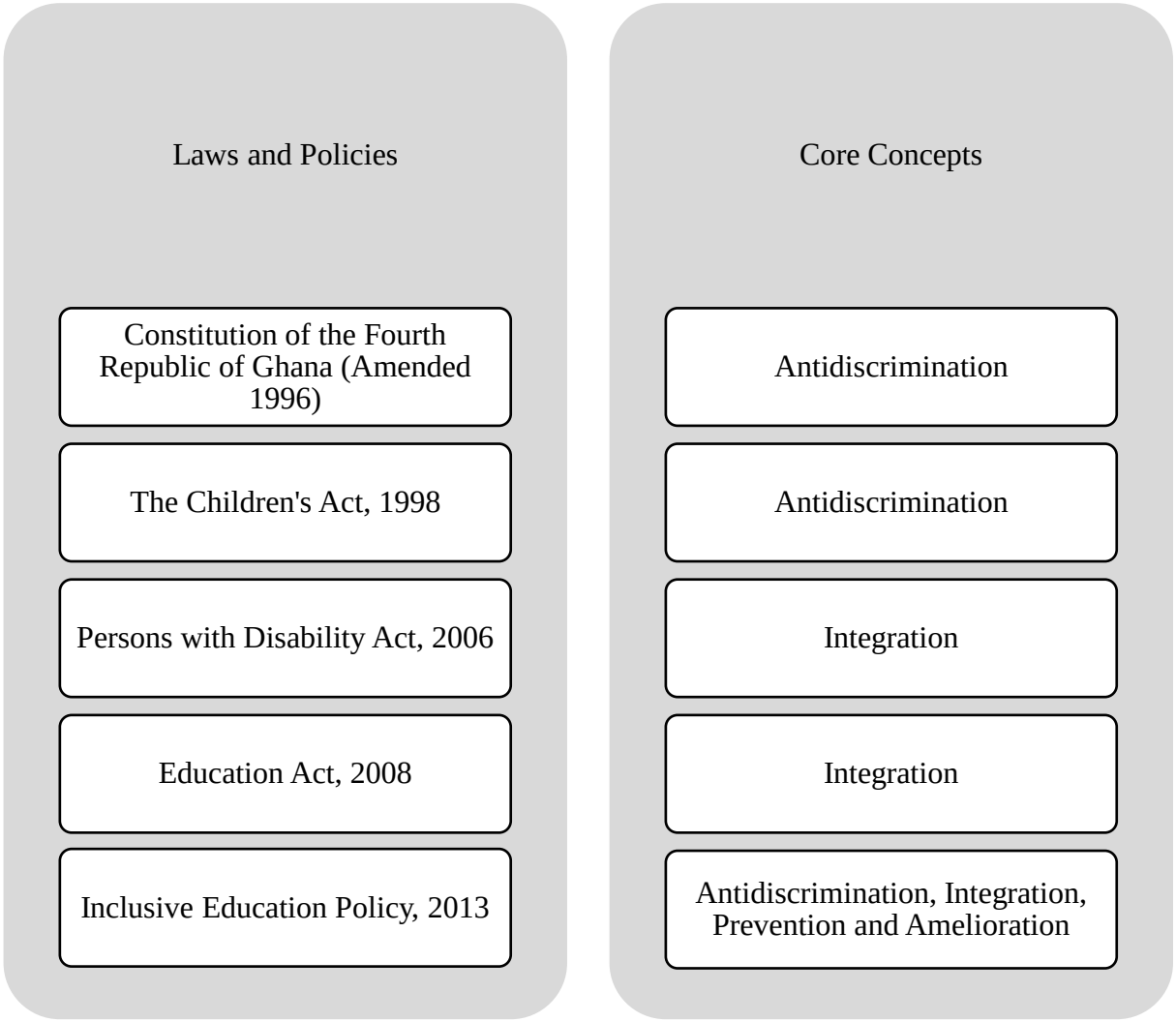

Figure 4.8

Core Concept Policy Analysis of Ghana's Inclusive Education Laws and Policies

Regarding education, two policies help ensure that children with disabilities are not discriminated against but do not guarantee access to a general education setting. Students with disabilities are not refused admission into a general school, unless the child is deemed to require a special school (Persons with Disabilities Act, 2006). However, the Inclusive Education Policy (2013) states that no child should be excluded from education or be discriminated against based on disability. However, the Inclusive Education Policy (2013) states that if "proven through assessment that the child is incapable of benefitting from regular classroom attendance or graduated classroom attendance, the child shall be placed in the special unit within the regular schools" (p. 12). Therefore, students with disabilities may be denied access to the general education classroom if they do not pass the assessment required for entry into the general school.

Integration

In 2008, the Education Act defined inclusive education as the

> Value system which holds that all persons who attend an educational institution are entitled to equal access to learning, achievement and the pursuit of excellence in all aspects of their education, and which transcends the idea of physical location but incorporates the basic values that promote participation, friendship and interaction. (p. 5)

The implementation of the Inclusive Education Policy (2013) shifted the meaning of inclusive education to a broader definition that ensures access and learning for all children. The goals are to create learning environments that are responsive to all students' needs and create successful outcomes and equitable society (Inclusive Education Policy, 2013).

The Inclusive Education Policy (2013) focuses on objectives to delivery and management of education through universal design for physical building and curriculum, increase knowledge of inclusive concepts and practices for teachers and other school staff, and implement monitoring

and quality of inclusion. All objectives are broadly defined and have strategic goals to implement to support each objective. To ensure that inclusive education is maintained, the Inclusive Education Policy (2013) states that further guidelines will be developed.

In Ghana, special schools and general schools continue to play a role in inclusive education (Inclusive Education Policy, 2013). General schools must provide education for all students, regardless of their disability (Inclusive Education Policy, 2013). However, students who are assessed and found to be "incapable of benefiting from regular classroom attendance" must be placed in a special school (Inclusive Education Policy, 2013, p. 14). National policies do not provide guidance on the process of these assessments or how students qualify for a specific school over another. Therefore, the national policies for students with disabilities does not appear to fully support all students with disabilities to have access to an inclusive education.

Individualized and Appropriate Services

The Inclusive Education Policy (2013) broadly discusses the use of individualized services. A glossary term defines individualized supports as

> Persons with disabilities receive the support required, within the general education system, to facilitate their effective education both academic and social. Effective individualized support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion. (Inclusive Education Policy, 2013, Annex 1: Glossary of Terms, p. 25)

No other information is specifically outlined about the process of IEPs to ensure consistency and the rights of students with disabilities. Therefore, it is unclear if and how IEPs are implemented, what is determined through the process, and who is involved in the process.

Prevention and Amelioration

Woven within the Inclusive Education Policy (2013) is the promotion of interventions for students with disabilities. Strategies include providing access to facilities and assessments for medical, psychological, occupational, and educational needs to promote coordinated guidance (Inclusive Education Policy, 2013). Parents are provided with the results of the assessments and provided support services to help circumvent barriers (Inclusive Education Policy, 2013). These activities are good for promoting a better quality of life for the child with disabilities, but it is unclear as to how these activities will be implemented.

Pakistan

Pakistan's government reports making significant progress in special education since the 1980s (National Policy for Persons with Disabilities, 2002). Now, the goals for special education are working towards the integration of children with disabilities into the "normal" system of education (National Policy for Persons with Disabilities, 2002, p. 7). Three (integration, antidiscrimination, and prevention and amelioration) of the four core concepts were found with individualized and appropriate services missing from the documents analyzed (see Figure 4.9).

Antidiscrimination

Pakistan citizens are all equal before the law, protected by the law, and provided a free and compulsory education (The Constitution of the Islamic Republic of Pakistan, 1973, amended 2018). Although stated as equal before the law, discrimination rights for those with disabilities appear to be limited (Pakistan Constitution, 1973, amended 2018). The Pakistan Constitution (1973, amended 2018) outlines two non-discrimination rights regarding public places and in the provision of services for all citizens. The Pakistan Constitution (1973, amended 2018) provides antidiscrimination in these two areas "on the ground only of race, religion, caste, sex, residence

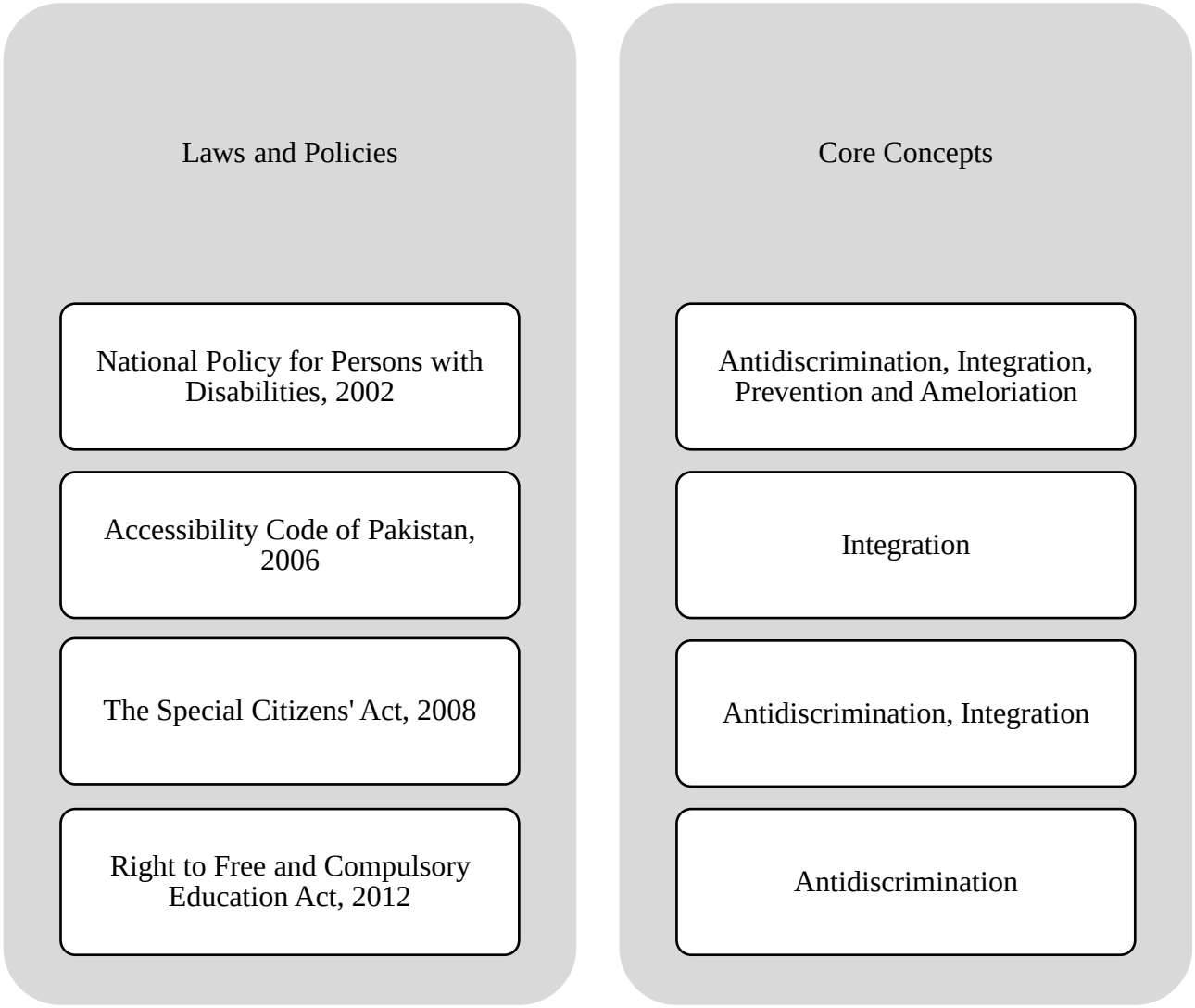

Figure 4.9

Core Concept Policy Analysis of Pakistan's Inclusive Education Laws and Policies

or place of birth" (Pakistan Constitution, 1973, amended 2018, p. 15). Those with disabilities are not included on the protection lists through expressio unius est exclusio alterius. However, the National Policy of Persons with Disabilities (2002) indicate that "non-discrimination and gender equality at all levels" (p. 5). Additionally, the Special Citizens' Act (2008) provides rights concerning accessibility to places that are accessible to "normal" citizens (Section 2 (b), n.p.). These laws are conflicting, indicating that people with disabilities may have lesser rights than others in accessing places that are accessible to everyone.

The National Policy for Persons with Disabilities (2002) objective was to provide equal opportunities to access education without discrimination. Yet, the clarity of rights for students with disabilities is seemingly conflicted. The National Education Policy (2017) states "free and compulsory primary education is the fundamental rights of all the boys and girls, respective of gender (including neutral sex), religion, sect, creed or any other denomination" (p. 45) which omits students with disabilities through the use of expressio unius est exclusio alterius. Although, the Right to Free and Compulsory Education Act (2012) affords the right to free and compulsory education for all students. Additionally, as stated earlier, The Special Citizens' Act (2008) gives rights to physically accessing schools. Again, the laws are conflicting regarding the rights of students with disabilities regarding educational rights.

While it may be that students with disabilities have rights to an education, the right for students to be admitted into general education schools is unclear. Admissions to public educational institutions are not to be denied "on the ground only of race, religion, caste, or place of birth." (Pakistan Constitution, 1973, amended 2018, p. 13). Accessing neighborhood schools is a fundamental right to those "regardless of their sex, nationality, or race" (Right to Free and Compulsory Education Act, 2012, n.p.). Once again, the use of expressio unius est exclusio

alterius appears to make these policies exclusionary and minimize the rights of students with disabilities from participating in the general education setting.

Integration

The Pakistani government reports an attempt to shift from an exclusive to an inclusive education system to help maximize the number of students in the general education setting (National Policy for Persons with Disabilities, 2002). However, the National Education Policy (2017) aims to increase the number of special education schools, despite stating the goal is to transform all schools to be inclusive to those with disabilities. Later, the policy contradicts itself by stating that the goal is to create inclusive education learning environments in 50% of all schools (National Education Policy, 2017). To support these initiatives, the integration of students with disabilities has been primarily outlined in the National Policy for Persons with Disabilities (2002) and the National Education Policy (2017). The National Policy for Persons with Disabilities (2002) gives three broad supports through special aids and equipment; progressing the alignment of policies at the federal, provincial, and district levels; and recognizing the need for curriculum changes. More recently, the National Education Policy (2017) focuses on inclusive education practices to provide access to the physical building, build teachers' abilities to work in inclusive settings, and help accessing curriculum.

Teacher competency focuses on the overall primary education system (National Education Policy, 2017), which influences inclusive education. In preparation for inclusive education, the National Policy for Persons with Disabilities (2002) required post-graduate courses to prepare teachers through disability awareness and educator role responsibilities (National Policy for Persons with Disabilities, 2002). Pakistan's former National Education Policy (2009) introduced the country's first teacher certification program. The National

Education Policy (2017) indicates that the certification program was never implemented, which exacerbated the growing number of underqualified teachers and staff. In attempts to rectify this concern, the National Education Policy (2017) once again initiated the certificate program with fewer restrictions, particularly for less developed and rural areas.

In addition to the teacher certification, in-service trainings are to enhance general education teachers' capability (National Education Policy, 2017). General education teachers will have sensitization training (National Education Policy, 2017). In addition, general education teachers "should" have pre-service training and other trainings to learn about effective teaching techniques, inclusive approaches, and methodologies (National Education Policy, 2017, p. 121). Without the requirement of trainings, there is a lesser chance that teachers are able to support students with disabilities effectively.

Concepts of UDL concerning curriculum have been noted within the National Education Policy (2017), although little information is provided. Textbooks should be prepared or adapted for students with disabilities (National Education Policy, 2017). Additionally, national testing materials are to be adapted for alternative assessments (National Education Policy, 2017). Although, the term should indicate a recommendation rather than a requirement; therefore, this policy provides little accountability for actual implementation.

Policy development for access to public buildings, including schools, was required to go into effect through the National Policy on Persons with Disabilities (2002). In 2006, the Accessibility Code of Pakistan was adopted to help ensure that new schools were constructed without physical barriers and existing buildings were modified as much as possible (Accessibility Code, 2006). The Accessibility Code (2006) and the National Education Policy (2017) provide schools with universal design concepts through disability-friendly designs in new

and existing schools to promote access. This reiteration in policy may be due to the many schools that continue to struggle with even the most basic school building accommodations. For example, approximately half of primary schools have electricity, 67% have drinking water, and 68% have latrines (National Education Policy, 2017).

Prevention and Amelioration

Pakistan's policies focus on raising public acceptance and social environments by creating a more socially supportive environment for people with disabilities in all aspects of their lives (National Plan of Action, 2006). Awareness is raised through advocacy campaigns to address policymakers, opinion leaders, youth, and adolescents (National Policy for Persons with Disabilities, 2002). Mass media will launch advocacy drives to promote inclusion in all aspects of life, including education (National Education Policy, 2017); thus, creating awareness of disabilities may help create more acceptance of those with disabilities.

Namibia

Access to education for all Namibian children has substantially increased since the independence of the country in 1990 (Ministry of Basic Education, Sport and Culture, 2002). The Ministry of Education (Sector Policy on Inclusive Education, 2013) recognizes that all children need educational supports, and such supports should be integrated into the entire educational system. With that in mind, national legislation was implemented to expand access and provisions of effective inclusive education (Ministry of Education, Arts and Culture, 2018). Since the 2013 implementation of the primary inclusive education policy, Sector Policy for Inclusive Education (2013), considerable progress has been reported to support inclusion within the general education settings (Chitiyo et al., 2016). For this study, the four core concepts were found within the policy documents analyzed (see Figure 4.10).

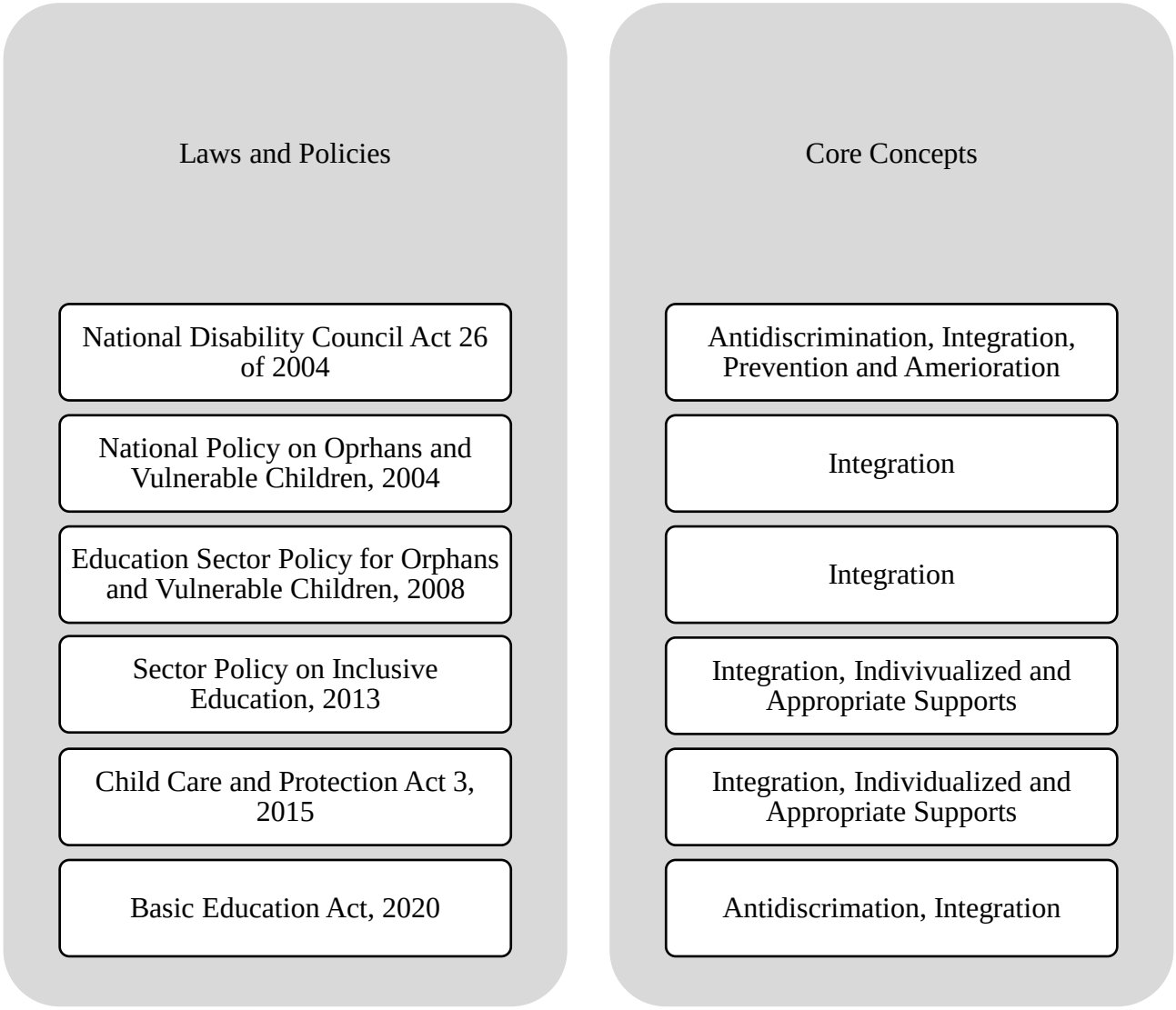

Figure 4.10

Core Concept Policy Analysis of Namibia's Inclusive Education Laws and Policies

Antidiscrimination

In Namibia, all persons are equal before the law and have the rights to a free and compulsory education (Namibian Constitution, 1990). However, discrimination rights of those with disabilities are omitted through expressio unius est exclusio alterius. As discrimination rights are cited on the grounds of "sex, race, colour, ethnic origin, religion, creed or social or economic status" (p. 14). Furthermore, the Namibian Constitution (1990) states that international law and agreements are binding in Namibia unless otherwise provided by the Namibian Constitution (1990). This statement seems to indicate that by signing an international treaty, such as the UNCRPD, the treaty becomes Namibian law without further action. Therefore, people with disabilities could be protected under the UNCRPD (2006), which states, "discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human" (p. 268).

The Namibian government recognizes that the state shall ensure children with disabilities have equal opportunities and equal access to school (Child Care and Protection Act, 2015; National Disability Council Act, 2004). To further promote this, the National Disability Council Act (2004) states that the needs of disabilities should be incorporated into new education legislation (National Disability Council Act, 2004). This educational policy gap was fulfilled through the Child Care and Protection Act (2015) and the Basic Education Act (2020). The Child Care and Protection Act (2015) states that children with disabilities are entitled to appropriate care, when reasonably possible and in the child's best interest, to inclusive and non-discriminatory education. The Basic Education Act (2020) states that "a child may not be deprived of the right to education because (c) of a disability" (p. 13). Additionally, the National Disability Council Act (2004) helps to ensure that students with disabilities have equal

opportunity and equal access to education.

Integration

The goal for the Namibian Ministry of Education is for all mainstream schools to become inclusive schools (Sector Policy on Inclusive Education, 2013). Students with disabilities have accommodations through mainstream settings, resource rooms with mainstream settings, and specialized resource schools for those with severe or multiple disabilities (Basic Education Act, 2020). A minimum of one resource school in every region is required to serve the needs of students with severe disabilities (Sector Policy on Inclusive Education, 2013).

All students are educated in the least restrictive settings and neighborhood schools whenever possible (Sector Policy on Inclusive Education, 2013). Learners with disabilities have equal access to mainstream schools (Basic Education Act, 2020). Therefore, when determining the appropriate placement of a student with disabilities, the principal must consider the rights and wishes of the student and parents, as state schools must admit students without discrimination (Basic Education Act, 2020). If a child with disabilities is denied, the parents can appeal within 14 days after denial (Basic Education Act, 2020). Regional Inclusive Education Units have been established to support severe needs when parents opt for inclusion (Sector Policy on Inclusive Education, 2013). Therefore, children with severe disabilities can attend inclusive settings (Sector Policy on Inclusive Education, 2013). Yet, the children whom the principal denies are excluded from accessing the general education classroom, which then violates the requirements of the United Nations (2016).

The Namibian government is to ensure that inclusive schools support the diverse learning needs by accommodating different learning styles and rates of learning (National Disability Council Act, 2004). To promote access to the facilities, schools are gradually becoming fully

accessible in infrastructure, technology, learning materials, and disability-friendly (Basic Education Act, 2020). To gain access to the curriculum, suitable teaching methods are to used (National Disability Council Act, 2004), along with modifications and adaptations to the curriculum, examinations, and assessments (National Disability Council Act, 2004; Sector Policy on Inclusive Education, 2013). Other services will be provided through support services and counseling, which include rehabilitation and treatment, after-school programs, and school feeding programs (National Policy on Orphans and other Vulnerable Children, 2004). The Basic Education Act (2020) helps to ensure that there are available resources, tools, and facilities to carry out the inclusive policy requirements.

Teacher training already addressed special education needs in the general classrooms (National Disability Council Act, 2004). However, the Ministry of Education acknowledged a significant need to provide teachers with professional development (ESOOVC, 2008). Pre-and in-service trainings have been incorporated and 'should' provide sensitization training, identification of disabilities, life skills, and learner supports (ESOOVC, 2008). In addition, university-level teacher preparation programs are required to ensure competencies for child-centered learning and differentiated instruction with infused values and beliefs of inclusion (ESOOVC, 2008). Sensitization training is provided not only to teachers but to school personnel, other employees, and school board members (ESOOVC, 2008; National Policy on Orphans and other Vulnerable Children, 2004).

Individualized and Appropriate Services

The widening and development of educational support services is one policy strategy implemented to support students with disabilities' individual needs (Sector Policy on Inclusive Education, 2013). Learner Support Teams are to be established in each school to develop IEPs

for learners in need of intensified educational supports (Sector Policy on Inclusive Education, 2013). The Learner Support Team develops the IEPs in collaboration with the teacher(s) and parent(s) to identify educational and psychosocial support provisions, specifying the duration of the plan and involved support staff (Sector Policy on Inclusive Education, 2013). Parents must be communicated with when challenges arise or when progress is made (Sector Policy on Inclusive Education, 2013). Progress is monitored, documented, and shared with the parents (Sector Policy on Inclusive Education, 2013). Although parents are kept apprised of their child's learning development, there is no policy which indicates a method for parents to file a complaint if services are inadequate or null. Such complaint mechanisms are required by the United Nations (UNCRPD, 2006).

Prevention and Amelioration

Community efforts and parental involvement are notable ways to help improve supports for students with disabilities within the policies (ESOOVC, 2008). Involving the community is a priority, and practical ways to implement the local community programs should be developed (ESOOVC, 2008). Parent partnerships are considered valuable in supporting the needs of children with disabilities at all education levels (National Disability Council Act, 2004). School personnel are to provide information to parents on prevention and mitigation, parenting skills, counseling, and other activities (ESOOVC, 2008), and concerning available services so that parents can make informed decisions to meet the needs of their children (National Disability Council Act, 2004).

Bangladesh

Education policies were not a part of Bangladesh's education system for the first forty years of its independence (National Education Policy, 2010). Although several education policies

were approved between 1988 to 2010 (Chandan, 2016), the National Education Policy (2010) was the first education policy and officially initiated integrated education for students with disabilities. Integration at the primary level was expected to start at the district level for students who were "blind, deaf and dumb and mentally and physically handicapped children" (National Education Policy, 2010, p. 43). No other policies have been developed to advance inclusive education. Yet, the policies analyzed for Bangladesh were found to have three (antidiscrimination, integration, and prevention and amelioration) of the core concepts noted within the policies analyzed (see Figure 4.11). The core concept of individualized and appropriate supports was absent from the documents analyzed.

Antidiscrimination

With respect for the dignity and worth of Bangladeshis, the fundamental human rights and freedoms are guaranteed with all citizens being equals and have equal protection under the law (The Constitution of the People's Republic of Bangladesh, 1972, amended 2018). However, the Bangladesh Constitution (1972, amended 2018) states that no citizen shall be discriminated on the grounds only of "religion, race, caste, sex or place of birth" (n.p.). Therefore, constitutional protections from discrimination appears to be lesser for those with disabilities through expressio unius est exclusio alterius.

Other policies were found to give protection to those with disabilities (National Education Policy, 2010; Persons with Disabilities Rights and Protection Act (PDRPA), 2013; The Protection of Persons with Neuro-developmental Act (Neuro-developmental Act), 2013). The National Education Policy (2010) states that all human beings, irrespective of their physical or mental conditions, are eligible for equal human rights. Additionally, there are some protections to discrimination provided under the PDRPA (2013), which allows persons with

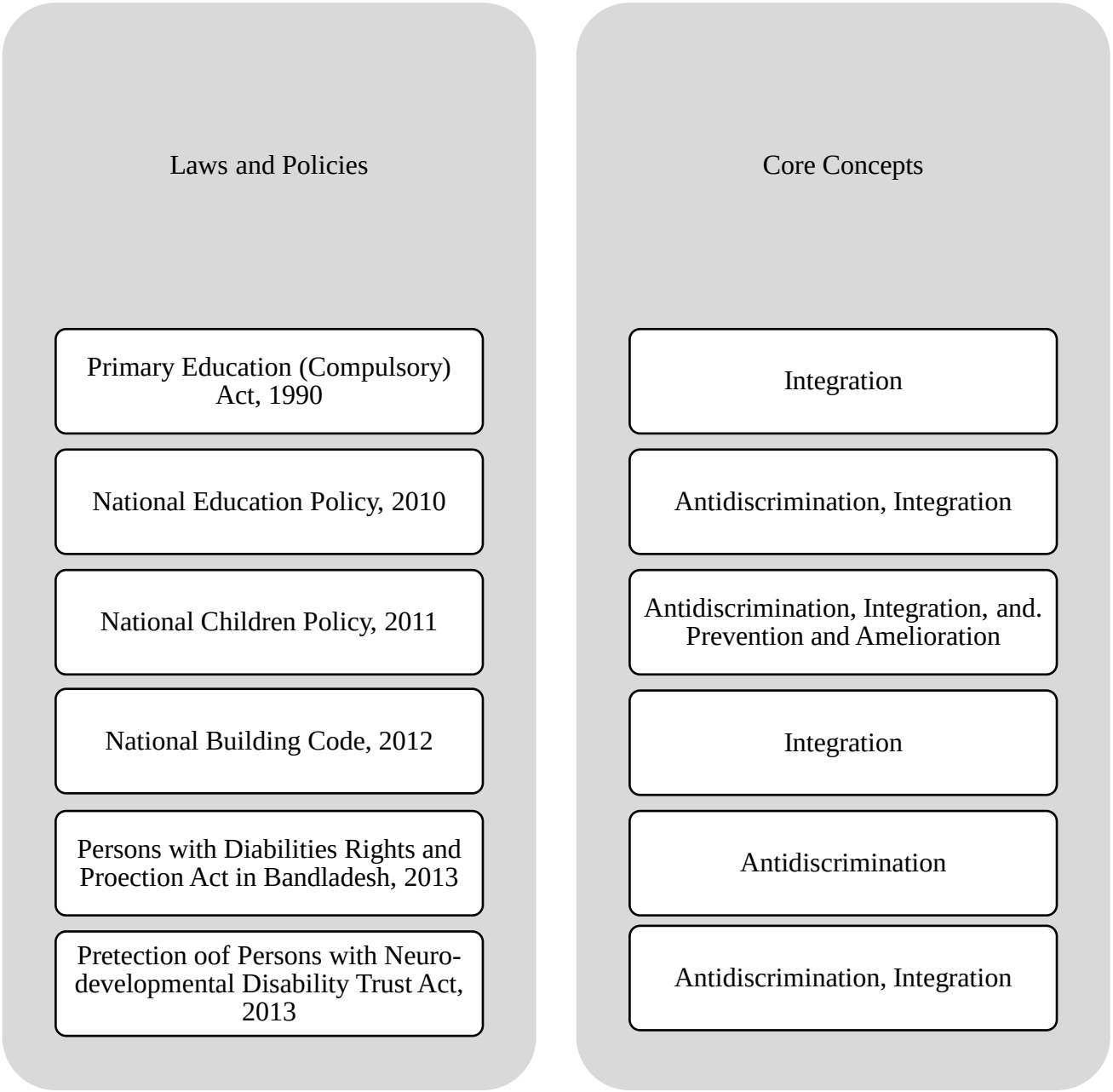

Figure 4.11

Core Concept Policy Analysis of Bangladesh's Inclusive Education Laws and Policies

disabilities the right to submit a complaint (Women with Disabilities Development Foundation, n.d.). Specific rights to those with neuro-developmental disabilities are outlined under The Neuro-developmental Act of 2013 to "ensure their rights, and their full, effective and equal participation in the social activities with others" (n.p.).

Education is to be free and compulsory to all children to the level that is determined by the law (Bangladesh Constitution, 1972, amended 2018). Through the National Education Policy (2010), rights to primary education are ensured, no matter the physical or mental condition of the student. Later, the National Education Policy (2010) provided secondary education. However, an assessment is required for entrance to a secondary education (National Education Policy, 2010). Yet, the policy is conflicting as it states that "appropriate facilities similar to the steps noted in the primary education section will be provided to ensure equal opportunities for the students who suffer from some limitations. Regional discriminations will be dealt with accordingly" (National Education Policy, 2010, p.14). These conflicting policy statements makes it unclear if students with disabilities are excluded. If such exclusions occur, this goes against the UNCRPD (2006) which requires that children with disabilities are not excluded based on disabilities at the secondary level.

Under the National Education Policy (2010) admissions cannot be restricted from accessing any educational institution based on "religion, race caste, sex or place of birth" (p. 72), which omits those with disabilities. Yet, the PDRPA (2013) has updated the fundamental rights for those with disabilities include accessibility to all education settings (PDRPA, 2013). Therefore, the fundamental rights appear to be strengthened for students with disabilities.

Integration

Education settings for students with disabilities depend on the types and degrees of the disability, with some of the students being integrated into the mainstream setting (National Children Policy, 2011; National Education Policy, 2010). Students with acute disabilities are enrolled in special education, remedial systems, special care, or nursing care (National Education Policy, 2010, p. 43). Initially, children who were labeled as mentally retarded could be denied access to primary education (Primary Education (Compulsory) Act, 1990, n.p.). Later, the National Education Policy (2010) provided better assurance to equal opportunities to primary education irrespective of a child's physical or mental challenges and gives those with challenges preferential treatment to their needs. Conflictingly, the Neuro-developmental Act (2013) appears to encourage organizations to establish schools for students with neurodevelopmental disabilities for those who are not considered able to receive mainstream education. Again, the laws are unclear as to which students with disabilities can access the general education classroom.

According to the National Education Policy (2010), teacher preparation training will help children with disabilities. Teacher certification programs are a one-year training which prepares teachers to efficiently deliver education and respond to the needs of diverse learners (National Education Policy, 2010). In-service training will be increased, as trainers will be recruited to teach special teaching methods and meet the learners' needs (National Education Policy, 2010). While the policy language appears to promote positive change, the outlined trainings omit disabilities. For one example, teachers will be trained on how to create equal opportunities. Yet, these equal opportunities trainings are based on religion, race, and social-economic conditions but do not indicate disabilities (National Education Policy, 2010). Without providing teachers with skills to work with students with disabilities, there is a lack of assurance that students with

disabilities will have the modifications needed to be active participants in their educational setting.

The PDRPA (2013) and the National Education Policy (2010) outlines the provisions of reasonable accommodations. Modifications to the curriculum are flexible for students with disabilities who can cope with one or more subjects (National Education Policy, 2010). Interactive group work, individual exercises, and interactive teaching methods will be used to develop students' skill sets (National Education Policy, 2010). For better access to the National Curriculum textbooks and other types of books, steps will be taken to create an e-learning platform (PDRPA, 2013). Other materials will be provided either free or at a low cost to students with disabilities (National Education Policy, 2010). However, if teachers are not adequately trained to implement these processes, these policy measures are seemingly futile.

All schools and services must be physically accessible to ensure that no child is deprived of services (National Children Policy, 2011). Bangladesh policies mention the requirements of disability-friendly restrooms (National Education Policy, 2010). In addition, the National Children's Policy (2011) mentions restrooms and the ability for students with physical challenges to access and move freely around the schools (National Children Policy, 2011). Therefore, universal design appears to be supported.

Prevention and Amelioration

Families are to be given special assistance to help provide a better upbringing for their child with disabilities (National Children Policy, 2011). Such training can help prepare parents how to prevent and assess their child's needs (National Children Policy, 2011). More specifically, parents of children with autism will be trained to promote social development when

needed (National Children Policy, 2011). Such trainings can help parents to better support the needs of their child.

India

The Indian government has been noted to make major advancements in universalizing primary education; however, major challenges prevent the implementation of inclusive education (Bhowmick, 2018). The various attitudes and resource allocation towards students with disabilities have been noted to slow the establishment of an inclusive education system (Bhowmick, 2018). Policies remained sparse until the recent implementation of the National Education Policy (2020) and The Rights of Persons with Disabilities (2016). The laws and policies that outline inclusive education policies and practices cover all the four core concepts, even if briefly (see Figure 4.12).

Antidiscrimination

According to India's Constitution (1948, amended 2015), every person is equal before the law with equal protections and freedoms. Constitutionally, antidiscrimination against any citizen is based on the grounds of "religion, race, caste, sex, place of birth or any of them" (India Constitution, 1948, amended 2015, p. 25), which omits discrimination against disabilities through expressio unius est exclusio alterius. However, the Rights of Persons with Disabilities Act (2016) does afford antidiscrimination rights to those with disabilities.

The right to education provides every child between the ages of 6- and 14-year-olds to have a free and compulsory education (India Constitution, 1948). The Right of Children to Free and Compulsory Act (2009) aligns with the Persons with Disabilities Act (1996) to provide children with disabilities the right to free education. In 2016, the Persons with Disabilities Act was updated to provide 6- to 18-year-old children with benchmark disabilities a right to free

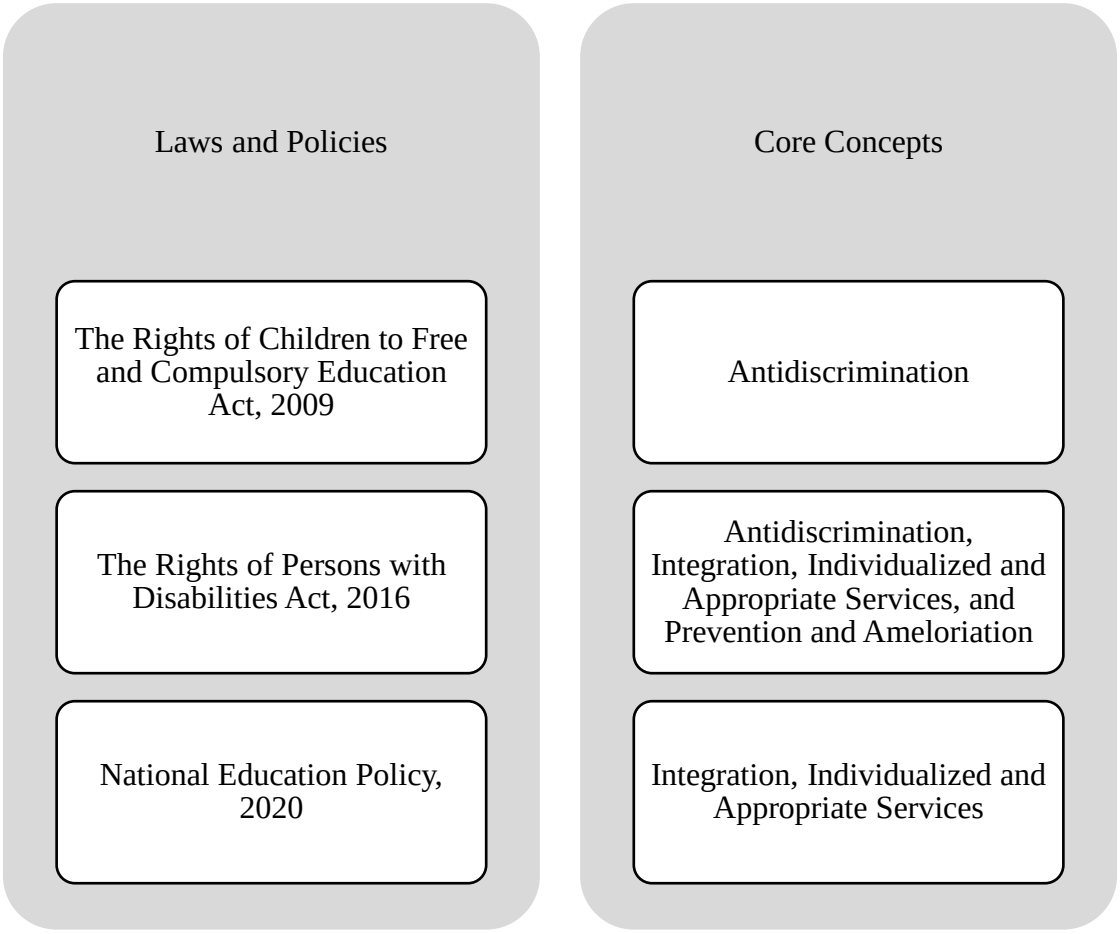

Figure 4.12

Core Concept Policy Analysis of India's Inclusive Education Laws and Policies

education in neighborhood schools, special schools, or schools of choice, and provides admissions to any school without discrimination. Benchmark disabilities are referred to as "a person with not less than forty percent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in immeasurable terms" (Persons with Disabilities Act, 2016, p. 3). However, other types of disabilities were not mentioned concerning access to community (general) schools.

Integration

According to the National Education Policy (2020), inclusion and equal participation are some of the highest priorities for the Indian schooling system. As stated earlier, the Persons with Disabilities Act (2016) gives protection to students with benchmark disabilities to be admitted into general schools. However, resource centers have been established for children with severe and multiple disabilities and prepare parents to teach home-based education (National Education Policy, 2020). Through the policy, home-based education is reported to be a choice for those students with severe and profound disabilities "who are unable to go to school" (National Education Policy, 2020, p. 27). However, that statement is contradictory since a child who is deemed as unable to go to school would not seemingly have a choice. The Persons with Disabilities Act (2016) affords only those with benchmark disabilities rights to the general education classroom. Therefore, these policies seemingly keep children who could benefit from the inclusive setting from possibly accessing the general education setting.

According to the Persons with Disabilities Act (2016), school buildings are to be accessible to those with disabilities. Through this act, all public buildings are to be made accessible under the government rules within five years of the action plan being established (Persons with Disabilities Act, 2016). Yet, there was no indication as to when the action plan

will be established. Additionally, the National Education Policy (2020) indicates that physical infrastructure will not be a required change which does not assure access through this conflicting legislation.

Reasonable accommodations and individualized supports are required to be provided in the inclusive setting (Persons with Disabilities Act, 2016). The Persons with Disabilities Act (2016) does give some curriculum supports for students with disabilities, which may be beneficial. Modifications and reasonable accommodations for curriculum and examinations include extra time, the use of scribes or dictation, and exemption from learning a second or third language (Persons with Disabilities Act, 2016). Books, materials, and assistive devices are provided for free until the age of 18 (Person with Disabilities Act, 2016). Additionally, specific references to those students who are blind and deaf were made to ensure that those students are provided with the most appropriate means and modes of communication (Persons with Disabilities Act, 2016).

Training for teachers and professional staff to support inclusive education for all grades is addressed in the Rights of Persons with Disabilities (2016) and the National Education Plan (2020). Specific measures to promote inclusive education include training and employing qualified teachers in sign language, Braille, and other alternative communication needs, along with teachers trained to teach students with intellectual disabilities (Rights of Persons with Disabilities, 2016). Teachers are to be taught awareness and how to teach children with specific disabilities (National Education Plan, 2020). In addition, all school members, from the principal to the students, are to participate in sensitized training to create quality, respect, and dignity (National Education Policy, 2020).

Individualized and Appropriate Services

School-based assessment reports are provided to the parents in progress card form to includes information concerning cognitive, affective, and psychomotor (National Education Policy, 2020). This progress report is considered a keyway to actively involve parents on how the student is to be supported inside and outside of the classroom (National Education Policy, 2020). Parents, students, and teachers are provided with questionnaires throughout the school year to gather information about the student's interests, strengths, and needs (National Education Policy, 2020). The policy indicates that this information will be used for parent-teacher conferences (National Education Policy, 2020). However, this process is not specifically for students with disabilities but could be a helpful tool in developing reasonable accommodations and individualized support.

Individualized necessary supports and environments are to be provided to maximize academic and social development to ensure consistency with the goals of full inclusion (Persons with Disabilities, 1996). Examples of individualized accommodations include technology-based tools and language-appropriate learning materials, and high-quality modules to teach Indian sign language (National Education Policy, 2020). No specific information is provided in the policies about the processes for individualized educational planning, and perhaps this occurs through the parent-teacher conferences referenced earlier. What is known through the National Education Policy (2020) is that school personnel are required to provide accommodations tailored to meet the needs of students with disabilities to support full participation (National Education Policy, 2020). In addition, monitoring of the student's participation and progress is required (Persons with Disabilities Act, 2016).

In order to support students with disabilities within the general classroom, teachers will be trained and are expected to help identify learning disabilities (National Education Policy, 2020). Supports are provided through individualized planning and includes appropriate technology and flexible curriculum based on student's strengths, and appropriate assessments and certifications (National Education Policy, 2020). With an urgent need for special education teachers, teacher training is to provide relevant skills for understanding content and teaching to the special requirements of students with disabilities (National Education Policy, 2020). Certification courses are to be offered, along with blended courses of pre-and in-service trainings (National Education Policy, 2020). By 2030, teacher preparation programs will become a four-year bachelor's program that includes teaching children with disabilities. Therefore, teachers appear to be better prepared to support the needs of students with disabilities.

Prevention and Amelioration

Negative attitudes about people with disabilities have been the most debilitating barriers to inclusion in India (UNESCO, 2019a). To help promote a better understanding of disabilities, the government will conduct, support, and promote awareness campaigns and support the rights of children with disabilities (Persons with Disabilities Act, 2016). In concern to education, the awareness campaigns are to provide information about orientation and sensitization at school and professional training on the conditions of disabilities and the rights of persons with disabilities (Persons with Disabilities Act, 2016). Such awareness campaigns can help change people's attitudes towards those with disabilities, which could create more opportunities for people with disabilities in the future.

Zimbabwe

Inclusive education has not been fully put into policy in Zimbabwe, and inclusive education laws and policies remain unclear (Magumise & Sefotho, 2020; Mpofu, 2004 & 2007). Due to this lack of policy, little explanation exists as to how inclusive education works in Zimbabwe. With the lack of inclusive education policies, only two of the core concepts (integration, antidiscrimination) were evident in the analyzed documents (see Figure 4.13).

People with disabilities are afforded antidiscrimination rights under Zimbabwe's Constitution (2013), and measures must be taken to redress unfair discrimination through legislation (Zimbabwe Constitution, 2013). All Zimbabweans citizens are equally entitled to the rights, privileges, and benefits of citizenship, and every institution is to respect, protect, promote, and fulfill those rights and freedoms (Zimbabwe Constitution, 2013). Specifically, the Zimbabwe's Constitution (2013) mentions that people with physical and mental disabilities are to be treated with dignity and respect. Furthermore, the Constitution (2013) requires institutions and agencies to assist to reach their fullest potential and minimize "the disadvantages suffered by them" (p. 22) within the limits of available resources. But policies using restrictions of available resources misaligns with the requirement of the United Nations (2016) which does not allow for limited resources to avoid promoting inclusive education.

Constitutionally, policies and measures must be made to promote children's best interest for access to an appropriate education (Zimbabwe Constitution, 2013). Free and compulsory education is provided to all students (Zimbabwe Constitution, 2013; Education Amendment Act, 2020). Zimbabwe's Constitution (2013) helps gives assurances to a state-funded education and trainings to achieve for people with disabilities to help reach their fullest potential and to be provided with special facilities for their education. More recently, the Education Amendment Act

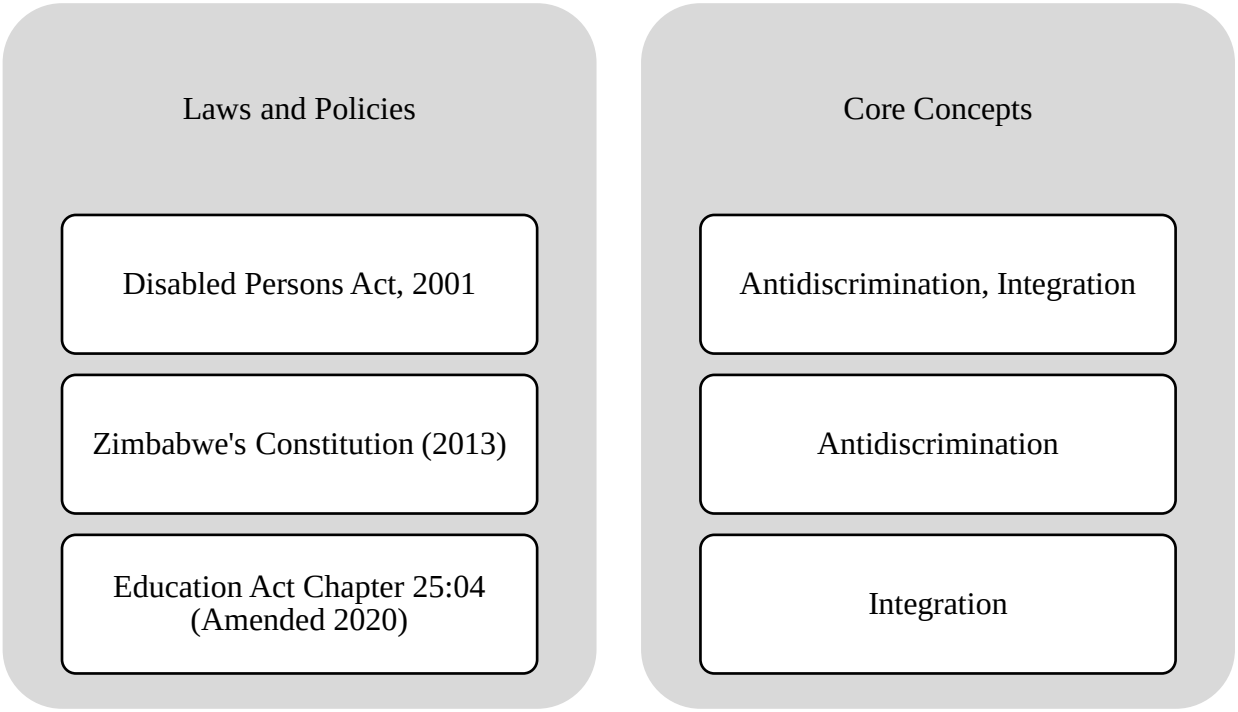

Figure 4.13

Core Concept Policy Analysis of Zimbabwe's Inclusive Education Laws and Policies

(2020) states that no child shall be denied admissions on the grounds of "race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender" (p. 620). This omission of protected groups gives lesser rights to students with disabilities, allowing students with disabilities to be denied access to schools based on their disabilities.

Every child is entitled to a basic state funded education where students shall not be required to pay fees or levies and learning materials are to be free (Education Amendment Act, 2020, p. 621). Yet, within the same policy, minimum tuition fees can occur to maintain high standards of education (Education Act, 2020). In prescribing the fees, the Minister should consider the location and status of the school (Education Act, 2020). Therefore, it seems that children with disabilities could be required to pay fees, which may not align with the UNCRPD's (2006) right to a free education.

Integration

As noted earlier, policies are broad and vague in providing information about integrating students with disabilities within the Zimbabwean policies. The Disabled Persons Act (2001) and the Education Amendment Act (2020) give basic guidance. The Disabled Persons Act (2001) has a governing board with functions to achieve equal opportunities through education. After consulting with the board, the Minister has the right to make obligatory regulations required under any international treaty or agreement concerning those with disabilities and for any school or educational institute (Disabled Persons Act, 2001). To help achieve equality, the Education Amendment Act (2020) requires every school to show a plan of support for advancing the rights of students with disabilities, provide appropriate infrastructure when resources allow, and monitor that the rights of students are considered during teaching and learning. In addition, public buildings and amenities are to be accessible to those with disabilities (Zimbabwe

Constitution, 2013). These requirements indicate that students with disabilities may be integrated into the general education setting. Yet, the policy indication of available resources allows for a legal loophole to possibly avoid fulfilling these obligations.

Individualized and Appropriate Services

Zimbabwe's Constitution (2013) possibly references individualized services, yet this is unclear. The government is required at all levels to

> Consider the specific requirements of person with all forms of disability as one of the priorities in development plans; encourage the use and development of forms of communication suitable for persons with physical and mental disabilities. (Zimbabwe Constitution, 2013, p. 23)

There is an assumption that the term all levels refers to government agencies, including education, although this is not defined. Therefore, students with disabilities can have their specific needs considered through planning (Zimbabwe Constitution, 2013). Additionally, those with disabilities are encouraged to use the communication most suitable to their needs (Zimbabwe Constitution, 2013). These two statements are vague in defining the setting and process. Therefore, it is hard to determine if this reference concerns individualized and appropriate services provided within the education system.

Liberia

The Ministry of Education has reported significant improvements for special and inclusive education (Inclusive Education Policy, 2018). Since 2011, three critical events have occurred-the development of the Division of Special and Inclusive Education, six pilot schools and 12 cluster schools were established as inclusive schools, and the development of an inclusive education teaching manual (Inclusive Education Policy, 2018). In 2018, the Inclusive Education

Policy was adopted to continue to "enhance the educational management and delivery services needed to respond to the continual diverse educational needs" (p. 3). However, the policy acknowledges that inclusive education has only begun to be addresses and that other procedures need to be put into place (Inclusive Education Policy, 2018). All four core concepts have been established within Liberia's education policies (see Figure 4.14).

Antidiscrimination

Consistent with individual freedom and social justice principles, the Liberian government shall ensure that citizens have maximum participation through equality (Constitution of the Republic of Liberia, 1986). The Liberian Constitution (1986) states that policies are to ensure all citizens are protected from discrimination, as they are equal and have equal protection under the law (Liberian Constitution, 1986). Yet, people with disabilities may have lesser rights, as the Liberian Constitution provides fundamental freedoms irrespective of "ethnic background, race, sex, creed, place of origin or political opinion" (Liberian Constitution, 1986, p. 17). By use of expressio unius est exclusio alterius the rights of those with disabilities may be lessened. Additionally, no other policies were found to specifically support the rights of people with disabilities.

All citizens have equal access to educational opportunities and facilities to the extent of resources available (Liberian Constitution, 1986). Every child has the right to an education (An Act to Establish the Children's Law of Liberia, 2011; Education Reform Act, 2011). Free and compulsory education is to be provided through primary school (An Act to Establish the Children's Law of Liberia (Children's Law), 2011; Education Reform Act, 2011) and junior secondary education, which lasts until the 9th grade (Education Reform Act, 2011). Every student has a right to access and participate in quality education and should not be excluded or

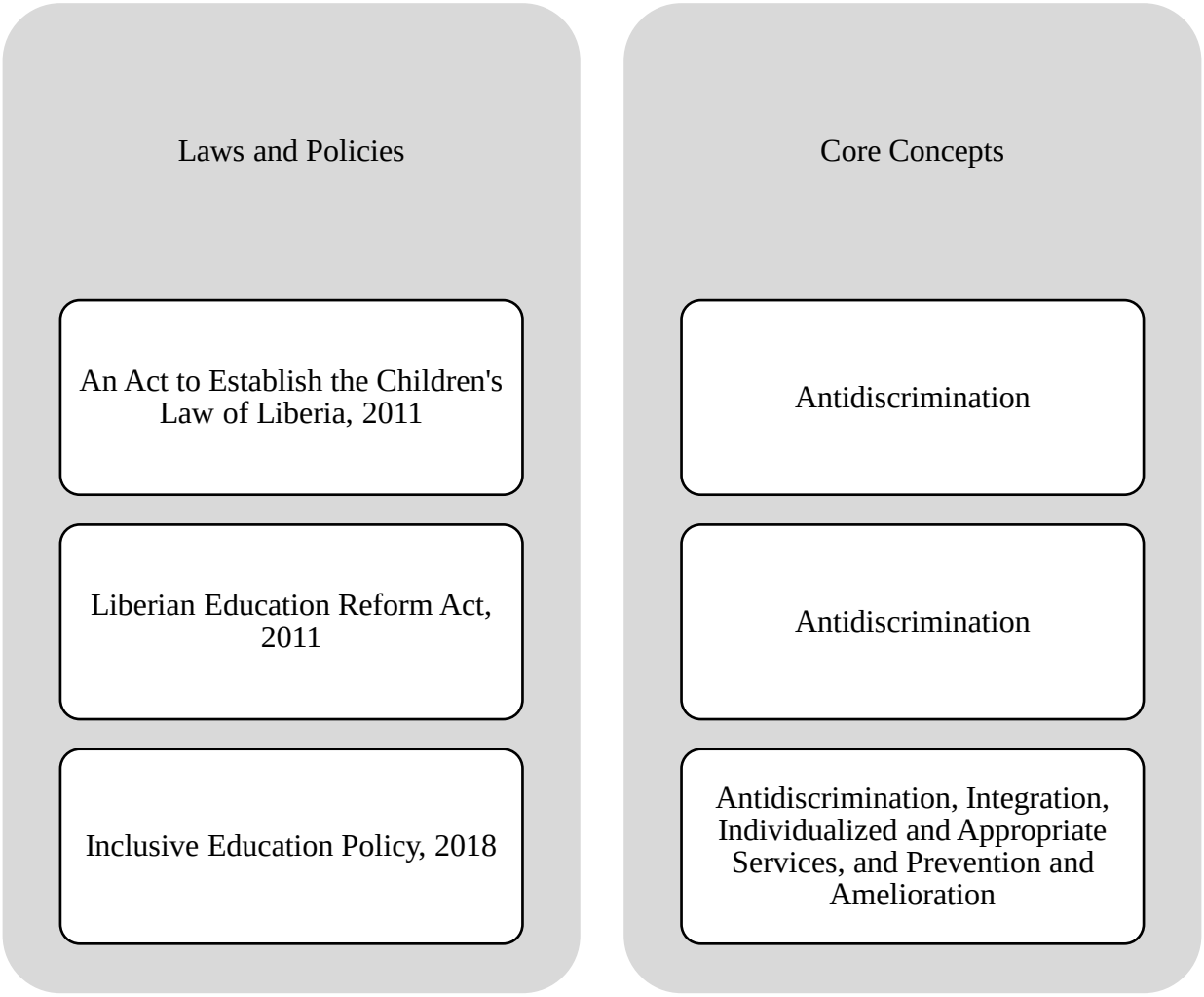

Figure 4.14

Core Concept Policy Analysis of Liberia's Inclusive Education Laws and Policies

discriminated against based on disability either within the educational system or within the general classroom setting (Education Reform Act, 2011; Inclusive Education Policy, 2018). The Inclusive Education Policy (2018) gives protection through antidiscrimination rights in education by stating that disability cannot be a reason for exclusion. Therefore, students with disabilities seemingly have some protections within the educational system.

Integration

According to the Inclusive Education Policy (2018), children who could have participated in general classrooms were instead placed into special education settings. The former education system caused children with severe impairments not to access general schools and miss out on school since special schools were not established in every community (Inclusive Education Policy, 2018). Therefore, systematic changes are promoted through the Inclusive Education Policy (2018) to eliminate barriers so that children with disabilities can access their local schools with peers. With the implementation of mainstream schools, special schools are to become resource centers to support inclusive schools while still retaining the capacity and resources (Inclusive Education Policy, 2018). Under the Inclusive Education Policy (2018), mainstream schools are defined as schools that "accommodate both disabled and non-disabled students learning in the same classroom" (p. 5).

Quality standards are to be implemented to promote the accessibility of schools with particular attention to the "physical infrastructure, personnel, educational and classroom resources and make modification to facilitate accommodation and learning of all students as needed" (p. 18). First, the promotion of universal design is to be applied to all changes in the educational system (Inclusive Education Policy, 2018). New schools are to be built using universal design (Inclusive Education Policy, 2018). Curriculum and assessments are to be

flexible and adapted to the learner's needs (Inclusive Education Policy, 2018). Equipment and assistive devices are available to the school to increase the access and participation of students with disabilities (Inclusive Education Policy, 2018).

Another focus of the Inclusive Education Policy (2018) is to develop a cadre of school professionals with the right attitude, practical skills, and theoretical knowledge for quality inclusive education. Compulsory pre-service trainings are used to prepare teachers to meet the diverse learning needs through child-centered approaches (Inclusive Education Policy, 2018). In-service modules will focus on inclusive practices to create diverse learner-friendly settings and promote antidiscrimination, tolerance, and respect (Inclusive Education Policy, 2018). Teacher training institutes are to collaboratively work with school systems to support all school professionals through various aspects of inclusive education programming (Inclusive Education Policy, 2018). Furthermore, the Inclusive Education Policy (2018) indicates that further guidelines will be developed at all levels of government to support school personnel (Inclusive Education Policy, 2018).

Individualized and Appropriate Supports

Classroom objectives within the Inclusive Education Policy (2018) is to increase active participation for children with disabilities. To help promote participation, the IEP process has been implemented within the Inclusive Education Policy (2018). First, the student is assessed by a multidisciplinary team to ensure effective supports for education and community living (Inclusive Education Policy, 2018). After the assessment, benchmarks and accommodations are created to meet the individual's needs to promote equity (Inclusive Education Policy, 2018). Examples of such accommodations for exams include extra time and special assistance such as sign language, scribes, and readers (Inclusive Education Policy, 2018). The IEPs are evaluated

on an annual basis (Inclusive Education Policy, 2018). Although the policies are well-defined, missing is the United Nations (2016) requirement of transitional planning and involving the child as a participant in the collaboration to develop the plan.

Increased active participation of parents is expected for the improvement of social and academic learning outcomes and to support access to inclusive learning (Inclusive Education Policy, 2018). The national policy states that the government expects parents to hold local education authorities accountable and advocate for all students' rights to access and participate in inclusive education (Inclusive Education Policy, 2018). However, through the IEP process, parents are not mentioned as participants. Furthermore, there are no mechanisms to file a complaint, making it unclear how parents are expected to hold the educational authorities responsible. This lack of parent input does not align with the UNCRPD's (2006) requirements (United Nations, 2016).

Prevention and Amelioration

To better support parents and the child's needs, the coordination of services will be carried out through newly established resource centers (Inclusive Education Policy, 2018). First, an inter-sectionally approach of other service providers in the health, social, and community-based rehabilitation services will be used (Inclusive Education Policy, 2018). A multidisciplinary team will provide medical, educational, and psychological assessments (Inclusive Education Policy, 2018). Services offered will include occupational therapy, physiotherapy, sign language, braille, and speech/language therapy (Inclusive Education Policy, 2018). Such coordination of services helps promote trainings, staff development, implementation of education and training strategies.

Ensuring parents and the community are encouraged and supported in changing attitudes is detrimental to the well-being of marginalized learners (Inclusive Education Policy, 2018). Parents and caregivers are to be empowered to become advocates, know their child's rights to access and participation in education, and hold their local authority accountable (Inclusive Education Policy, 2018). Additionally, parents and community members will be trained with strategies to circumvent barriers caused by the child's disabilities (Inclusive Education Policy, 2018).

Inclusive education practices require ongoing data collection and analysis (Inclusive Education Policy, 2018). Research and data collection will help ensure that learners have access to support services and quality education. In addition, the research findings will be used to formulate and implement future strategies (Inclusive Education Policy, 2018). Such research and other activities outlined in this section will be beneficial in promoting a higher quality of life for the child with disabilities and better practices for future students.

Sierra Leone

Historically, Sierra Leone's educational system has been riddled with stigma, discrimination, and marginalization for children with disabilities due to traditional beliefs that children with disabilities are possessed or a punishment to the parents for past sins (Rose et al., 2019). Today, these challenges continue and is further exacerbated by limited resources available (Education Sector Plan 2018-2020, n.d.). To help mitigate these challenges, the government has developed two policies since becoming a signatory country to the UNCRPD in 2010 (United Nations, 2021). Those two policies are the National Education Policy (2010) and the Persons with Disabilities Act (2011). With no specific inclusive education policies, these policies were found to support two core concepts of antidiscrimination rights and the integration of students

with disabilities (see Figure 4.15). The core concepts of individualized and appropriate supports, and prevention and amelioration were absent from the documents analyzed.

Antidiscrimination

The Constitution of Sierra Leone (1991) states that every citizen shall have equality of rights, obligations, and opportunities before the law. The State shall ensure every citizen has an equal right and access to all opportunities and benefits based on merit (Sierra Leone Constitution, 1991). The county shall promote national integration and unity by discouraging discrimination based on "origin, circumstance of birth, sex, religion, status, ethnic or linguistic association or ties" (Sierra Leone Constitution, 1991, p. 8). Discrimination means affording different treatment to different persons wholly or mainly on their respective descriptions by "race, tribe, sex, place of origin, political opinions, colour or creed" (Sierra Leone Constitution, 1991, p. 17). However, due to expressio unius est exclusio alterius, the fundamental freedoms appear to be limited for those with disabilities, as the Sierra Leone Constitution (1991) states that a person has the right, whatever his "race, tribe, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedom of others and for the public interest" (Sierra Leone Constitution, 1991, p. 10). Fundamental rights and antidiscrimination rights appearing to be limited for people with disabilities, yet children with disabilities may be afforded rights through the Child's Right Act (2007).

Every child has the right to education (Child's Right Act, 2007; Sierra Leone Constitution, 1991) and not to be discriminated against (Education Act, 2004). Free compulsory primary and junior secondary and free senior secondary, when practicable (Sierra Leone Constitution, 1991). No discrimination shall occur between students regarding admission and the treatment in any education institution (Education Act, 2004) and no person shall treat a child

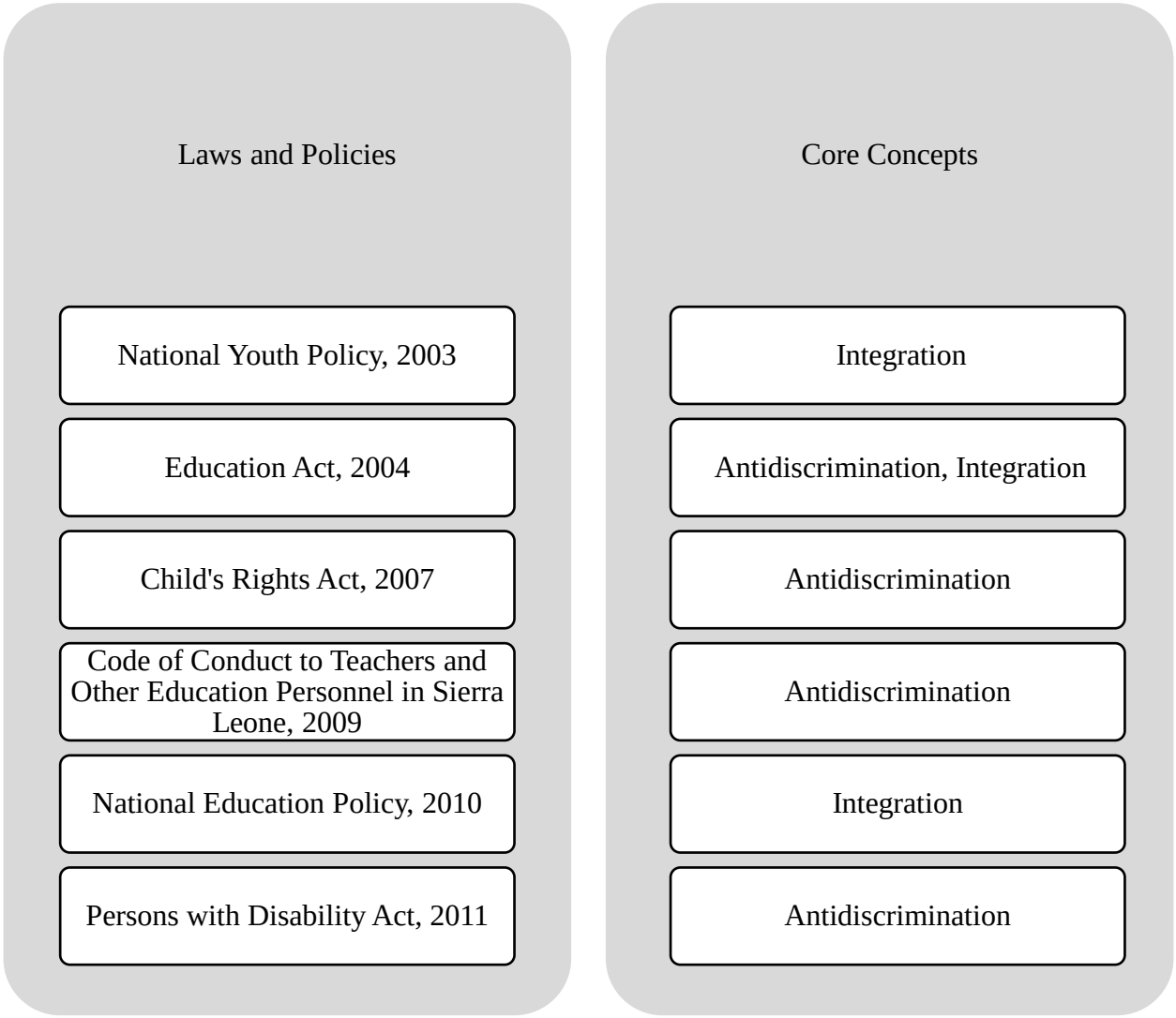

Figure 4.15

Core Concept Policy Analysis of Sierra Leone's Inclusive Education Policies and Laws

with disabilities in an undignified manner (Child's Right Act, 2007; Code of Conduct for Teachers and Other Education Personnel (Code of Conduct), 2009). Additionally, teachers are required to recognize that all learners are equal and shall adhere to the UNCRPD's (2006) requirements of the UNCRPD (Code of Conduct, 2009). Therefore, children with disabilities are seemingly afforded antidiscrimination rights in the educational setting.

Integration

Children with disabilities have the right to develop their maximum potential and be self-reliant through education and training (Child's Right Act, 2007). To help ensure that students with disabilities can access local schools, a primary school is available in every community and a junior secondary school within every chiefdom (Education Act, 2004; National Education Policy, 2010). All schools are required to cater to all children with disabilities (National Education Policy, 2010) and shall not be denied admission to any school (Persons with Disability Act, 2011).

Schools are to provide extra assistance to students with disabilities (National Education Policy, 2010). First, structural adaptations are to be made to help ensure access (Persons with Disability Act, 2011). Within the school, a variety of supports such as assistive devices (Persons with Disabilities Act, 2011), specialized equipment, and materials for basic education are to be provided (National Education Policy, 2010). In addition, sign language, Braille, and recorded libraries are to be introduced into schools, where possible (Persons with Disability Act, 2011). However, it is unclear as to how the students will gain access to such supports since this is not explained within the policies.

In the National Education Policy (2010), an assessment framework is to be developed to ensure that literacy, numeracy, and thinking skills are assessed. This assessment is to be

continuous and part of the student's final grade. However, no reasonable accommodations or individualized supports are reported to be used for students with disabilities. This policy is unclear as to if this is the only indicator for grades but appears to go against the United Nations (2016) requirements which indicate the use of traditional assessments can be a disadvantage to students with disabilities and that the use of individualized supports can strengthen the assessment of individual progress.

Nigeria

In 2015, the National Policy on Special Needs Education in Nigeria (Special Needs Policy) acknowledged that the special education practices of Nigeria were not consistent with the existing global practices. Before the Special Needs Policy (2015), no other legislation had specifically focused on meeting the needs of students with disabilities. However, other laws and policies give some recognition to students with disabilities. Three policies have been developed to help promote inclusive education, the National Education Policy (2013), the Special Needs Policy (2015), and the Discrimination Against Persons with Disabilities (Prohibition) Act (2018). These policies provide the basic requirements of inclusive education, but little information is specified to understand how inclusive education is implemented within Nigeria. Despite this lack of concrete implementation, all four core concepts were noted to in the existing policy documents analyzed (see Figure 4.16).

Antidiscrimination

Constitutionally, every citizen shall have equality of rights, obligations, and opportunities before the law and all citizens without discrimination on any grounds (Nigeria Constitution, 1999, amended 2011). Yet, discrimination for those with disabilities is not covered under the Nigeria Constitution (1999), as expressio unius est exclusio alterius was used in this statutory

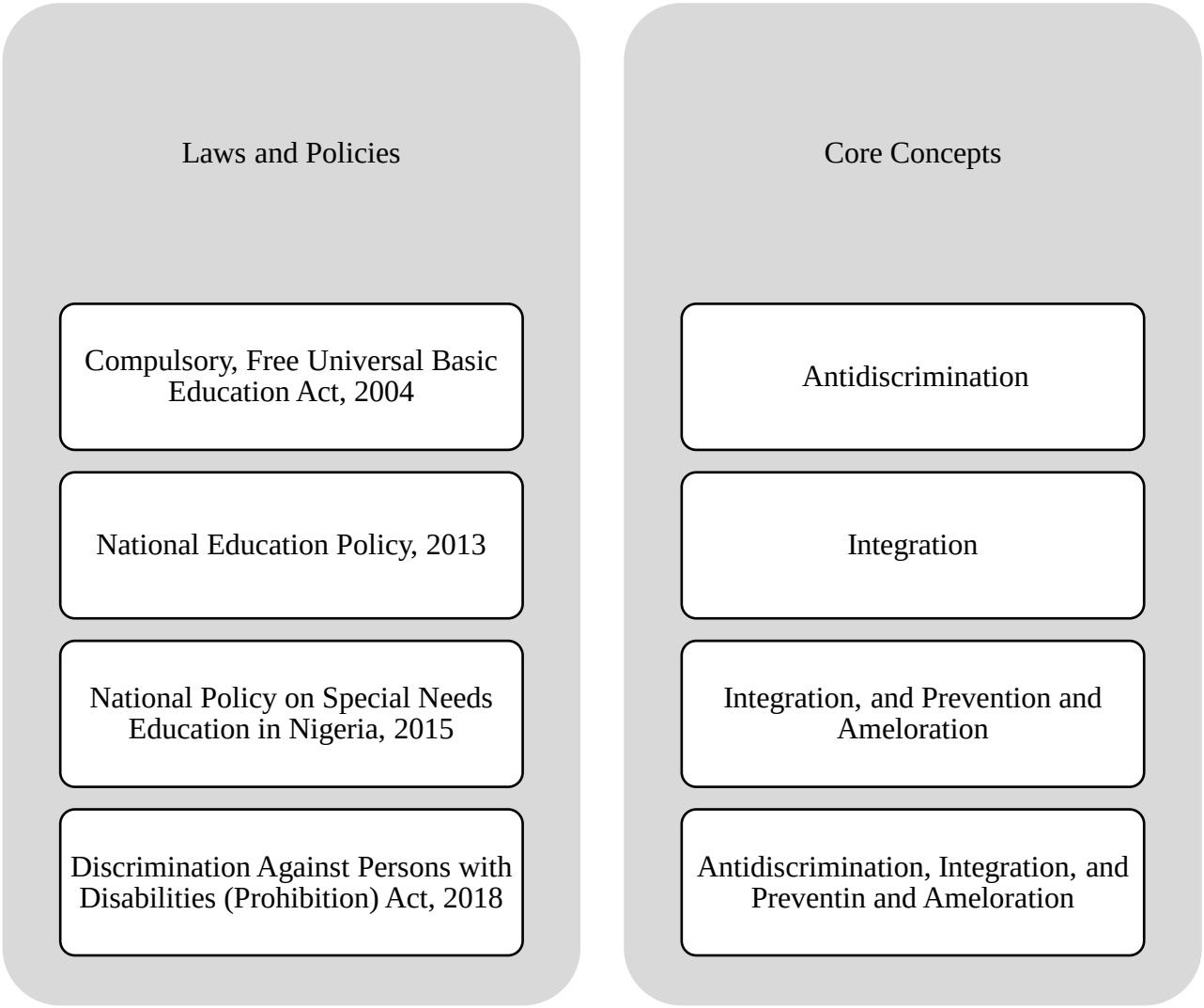

Figure 4.16

Core Concept Policy Analysis of Nigeria's Inclusive Education Laws and Policies

construction. Therefore, Nigeria's Constitution (1999) does not affirm the rights of the child with disabilities but may be implied with respect to the prohibition of discrimination under 42(2), which states that 'no citizen shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth" (p. 29) (Ajanwachuku & Philip, 2018). The Discrimination Against Persons with Disabilities (Prohibition) Act (2018) does provide antidiscrimination rights on the grounds of disability by any institution in any manner or circumstance.

Policies shall ensure equal and adequate educational opportunities at all levels (Nigeria Constitution, 1999). Initially, compulsory education was free and universal at the primary level, while secondary and university education was free but not mandatory (Nigeria Constitution, 1999). Through the Compulsory, Free Universal Basic Education Act (2004), public primary and junior secondary schools are now free of charge. The National Education Policy (2013) states that education is a right irrespective of "gender, social status, religion, colour, ethnic background and peculiar individual challenges" (National Education Policy, 2013, p. 1). However, the Child's Rights Act (2003) indicates that provisions to the right of a free, compulsory, and universal basic education do not apply to those with mental disabilities. The Discrimination Act (2018) and National Education Policy (2013) should supersede these laws because of newer laws (State of Washington, n.d.). However, with no congruent use of terms and lack of definitions for who are covered under disabilities, this cannot be determined without a court decision or revisions to the policies (State of Washington, n.d.).

Parents are held accountable within the policies to ensure that their children complete both levels of schooling (Child's Right Act, 2003; Compulsory Act, 2004) that is suitable to the child's age, ability, and aptitude by regular attendance at school (Compulsory Act, 2004). Policies do not indicate if students with disabilities will be deemed to have completed their

education early if their ability and aptitude are on a lower functioning level. This could lead for some students with disabilities to be released from school without gaining a primary and secondary education and creating de facto exclusions.

Integration

Under the National Education Policy (2013), Nigerian students have unfettered equal access and equity to educational opportunities for the full development of the individual. According to the Special Needs Policy (2015), inclusive education had been misinterpreted to mean integration or mainstreaming. Yet, the policies give no clear definition or procedure as to how inclusive education is to be provided and appears to continue to use a segregated system of education. First, the National Education Policy (2013) indicates that students are segregated based on the abilities of the students by stating

> Students with special needs shall be provided with inclusive education services in schools which normal persons attend, in an age appropriate general education classes directly supervised by general teachers. Special needs persons who cannot benefit from inclusive education, special classes and units shall remain in special schools, receiving the same quality of education in the other settings." (p. 35)

Two years later, Special Needs Policy (2015) stated that the government would be based on equal opportunities, equity, and access in barrier-free environments by focusing on "least restrictive environments, zero reject, total inclusion, and diversification of services" (p. iii). Yet, the policy practices remain the same, with the only change being a clarification as to the types of students being served. Students "because of their condition cannot cope with regular schools/class methods and processes without formal Special Need Education training" are served

under the Special Needs Education and Rehabilitation Services provided at school, home, and hospital settings (Special Needs Policy, 2015, p.11).

People with disabilities have a right to access the physical environment and buildings on an equal basis (Discrimination Act, 2018). Five years after the passing of the Discrimination Act (2018), all public schools will be required to be accessible through upgrades in existing facilities, and new structures will have disability-friendly architecture and environments (Special Needs Policy, 2015). The policies indicate that specific structural requirements, including wide doors, lower toilets, ramps (National Education Policy, 2013), and elevators (Discrimination Act, 2018) will be provided. Therefore, the policies provide standards of universal design to promote access for students with disabilities.

All public schools are to be inclusive by having one trained personnel to cater to the educational needs of students with disabilities and have special facilities (Discrimination Act, 2018). Additionally, public schools are to be able to meet the needs of students with disabilities through being equipped with learning materials, and other assistive devices include use of Braille textbooks, canes, speech trainers, educational toys for those with intellectual disabilities, audio-visual equipment, standard libraries, computer technologies for visually impaired, special classroom boards, and special clothing for those with albinism (Special Needs Policy, 2015). The students with disabilities are to be given educational assistive devices (Discrimination Act, 2018). To help identify students with needs, regular screenings are provided for sensory, medical, and psychological needs to help identify children who require special education (National Education Policy, 2013).

Universal Design in Learning appears to be required in the classroom, as students are to be provided with a diversified curriculum for different target groups (National Education Policy,

2013). There are smaller class sizes with inclusive classrooms with five to 10 students (Special Needs Policy, 2015), and educational activities are to be student-centered (National Education Policy, 2013). Furthermore, the instructional materials are to align with services being rendered (Special Needs Policy, 2015) and be delivered in the most appropriate means and mode of communication to maximize the academic and social development (Discrimination Act, 2018).

Nigeria's National Education Policy (2013) states that all teachers shall be trained and re-trained in general schools to ensure the effective implementation of inclusive education (National Policy on Education, 2013). These trainings include Braille reading and writing, mobility and orientation, communication and speech techniques and technologies, and daily living activities and skills for intellectual disabilities (National Policy on Education, 2013). In addition, the educational resource centers are to be established as a place where teachers can meet for discussions, workshops, short courses, and workshops (National Policy on Education, 2013).

Nigerian policies include training for other school personnel (Special Needs Policy, 2015). For example, the Special Needs Policy (2015) provides administrators with highly specialized training of special education and support staff, including psychotherapists, nurses, counselors, interpreters, and sighted guides. Personnel training for the latest teaching techniques for various disabilities includes therapeutic techniques with up-to-date best practices (Special Needs Policy, 2013).

Individualized and Appropriate Supports

Formal education is provided to students with disabilities through a tailored IEP (Special Needs Policy, 2015). However, IEPs are used only for students with multiple disabilities and gifted and talented students (Special Needs Policy, 2015). A variety of relevant professions completes the identification and assessment of students with disabilities (e.g., special therapist,

audiologist, medical practitioners, etc.), the parents (Special Needs Policy, 2015). Regular assessments help to identify any sensory, medical, or psychological challenges (Special Needs Policy, 2015). The Special Needs Policy (2015) outlines each disability and the supports which are to be utilized for that category of disability. For one example, students with speech and language disorders need "training in speech therapy which has to do with speech/lip-reading, and total communication. Equipment include speech audiometer, speech analyzer, etc." (p. 15). In addition, the curriculum is differentiated to meet the needs of the individual (Special Needs Policy, 2015). Therefore, the policies do support meeting the individual needs of some of the students with disabilities.

Prevention and Amelioration

The Commission for Disabilities ensures hiring those with disabilities and by using research, development, and educating others on disability issues and persons with disabilities (Discrimination Act, 2018). One person with disabilities serves as an Executive Secretary for the Commission (Discrimination Act, 2018). This position helps provide the perspectives of those with disabilities in the education setting and helps to improve education practices. Therefore, the policies appear to have some supports to make the lives of those with disabilities better.

Another policy focus is to help improve the quality of life for students with disabilities through the implementation of community-based rehabilitation (Special Needs Policy, 2015). The principle of this interprofessional service is to explore the concept of community, rehabilitation and childhood disabilities, intervention programs, and in other areas (Special Needs Policy, 2015). Various community-based rehabilitation services are outlined in the Special Needs Policy (2015), but there is a particular focus on childhood disabilities.

Research Question 2 — Explicit Exclusionary Indicators

The second research question of this study asks—what evidence is there, if any, that *explicit* policy language that may lead to exclusionary practices is present in the selected country's national education policies and how does it compare across the transnational sample? This section examines the evidence of *explicit* policy language that may lead to exclusionary practices present in the selected country's national education policies. The second part of this question compares the outcomes across the transnational samples. The HDI was applied to assess the transnational comparisons for exclusions for each ranking of very high, high, medium, and low development countries.

Through a critical analysis of past policy analysis studies completed within the past 10 years, four common explicit exclusionary indicators were found and utilized in assessing the countries' policies of this study. The four explicit exclusionary indicators found were integrative versus inclusive education, segregated learning environments, rigid and inflexible curriculum, and negative labeling. Additionally, other explicit factors were found within the policies and are outlined after the four exclusionary indicators.

Singapore

Singapore's laws and policies are lacking in provisions for inclusive education. Therefore, no explicit exclusionary indicators could be examined. This gross lack of governmental action for children with disabilities sends an implicit message that children with disabilities are not a priority in Singapore's education system.

New Zealand

Through a review of New Zealand's educational policies, none of the four exclusionary indicators were found. However, one additional exclusionary indicator was determined as

students with disabilities can be denied access to general schools. The additional indicator, denied access to general schools, differs from the original indicator, segregated learning environments. The difference is because the country's policies do not specifically state that a specific learning disability is required to attend a special school, rather this newly emerging exclusionary indicator occurs through a legal loophole (see Definitions) found within policies which allows principals to legally deny any student with a disability to a general school.

Other Exclusionary Indicators-Denied Access into General Schools

One exclusionary indicator can be found within the New Zealand Constitution (1856, Amended 2014) and the Human Rights Act of 1993 due to a legal loophole. Both legal documents support that schools cannot deny students yet holds a legal loophole that a principal can deny a student if the child is to be deemed a disruption and reasonable measures cannot be taken to reduce the risks (New Zealand Constitution, 1856, amended 2014; Human Rights Act, 1993). This conflicting policy could allow for a student with disabilities to be denied based on the premise that the student could be a disruption and denied access to the general education setting. The United Nations General Comment (2016) directly states that "exclusion occurs when students are directly or indirectly prevented from or denied access to education in any form" (p. 4). In this instance, students with disabilities who are denied admissions, for this reason, are excluded from the general education setting.

South Africa

Inclusive education has been a part of South African policy for twenty years through the White Paper No. 6 (2001). The national-level policies were found to possibly hold concepts of segregated learning as it was convoluted within the policy texts. The following section explains the explicit conflict in policy language in more detail.

Segregated Learning Environments

The SAIS (2014) outlines the use of individualized assessments to determine the individualized support needs of the learners. Students are then classified to receive low-, moderate, or high-rated support levels (SAIS, 2014). Different types of schools are used to serve the needs of the students. Low-rated needs students can be accommodated in the general school with typical provisions (SAIS, 2014). Moderate-rated students who have short-term or intermittent needs are served within general schools or full-service schools (SAIS, 2014). High-rated supports often require special schools (SAIS, 2014).

Although the SAIS's (2014) language supports the idea that special schools are a last resort, the rating system leads to a ready-made placement system through the defined rating with the specific type of school. A rating system of this type, which aligns a specific school with the specific disability qualifies as a segregated learning system, as segregation is "when the education of students with disabilities is provided in separate environments" (United Nations, 2016). This rating system, along with the possibility that a school administrator could deny (see next section) a student with disabilities (South African Schools Act, 1996, amended 2013), further solidifies actions of a segregated learning environment system.

Other Exclusionary Indicators-Denied Access into General Schools

Although students with disabilities are stated by law to have equal protection against discrimination and equal access to education institutions (National Education Policy Act, 1996), students with disabilities appear to still be able to be denied from general schools. The South African Schools Act (1996, amended 2013) states that

> 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…If an application in terms [of subsection (7)] is refused, the Head of Department must inform the parents in writing of such refusal and the reason therefor.

These conflicting policies leave room for interpretation as to how and when a student with disabilities is admitted or denied access to the general school.

Parents do have a right to appeal for a refused admission, which helps prevent discrimination. However, this policy is exclusionary per the United Nations General Comment (2016) which directly states, "exclusion occurs when students are directly or indirectly prevented from or denied access to education in any form" (p. 4). In this instance, students with disabilities who are denied admissions from the general education setting are being excluded.

Other Exclusionary Indicators—Lack of Physical Access to Community Schools

The South African Schools Act (1996, amended 2013) is entrenched with universal design principles (Hodgson, 2018). However, this policy holds legal loopholes that could easily exclude children with disabilities. First, the regulations for implementing universal design are subject to implementation "as far as reasonably practicable" for new schools, additions, alterations, and improvements (Minimum Uniform Norms and Standards for Public School Infrastructure (Unified Norms and Standards), 2013). This phrase indicates that if the needed change is not reasonable, then the physical barrier could be ignored.

The short- and medium-length goals of the Unified Norms and Standards (2013) indicate that specific types of schools have priority to meet the requirements of universal design quickly. Schools that are made of mud, asbestos, and metal and wood, are the priority. Next are the schools with no power supply, water supply, or sanitation must be prioritized, and then the focus shifts to available classrooms, sanitation, electronic connectivity, and perimeter security. Lastly, the requirements will be carried out for libraries and laboratories (Unified Norms and Standards,

2013). The expectation is to complete the implementation of universal design within schools by 2023, and for other facilities by 2030. Therefore, the implementation of universal design to promote school building access for people with disabilities spans over a 17 year range.

Twenty years ago, the government, within White Paper No. 6 (2001), acknowledged a need for urgency to remove physical barriers. Now such strategies have been future delayed through policies. Hodgson (2018) supports that the need for access through universal design is urgent and the snail-paced phasing-in of universal design is a violation of rights (Hodgson, 2018, p. 494). Despite the urgent need acknowledged by policymakers so long ago, accessing schools will continue to be a barrier for those with disabilities for many more years to come.

Trinidad and Tobago

Over the last few years, it appears that Trinidad and Tobago's government has begun to implement some education policies through the NPPD (2018) and the Education Policy Paper 2017-2022 (n.d.). The current state of the policies allows for much needed refinement to ensure the needs of students with disabilities are met (NPPD, 2018). Currently, the future goals within policies appear to continue to segregate students with disabilities from their peers, particularly for those with specific types of disabilities.

Segregated Learning Environments

The NPPD (2018) and the Education Policy Paper 2017-2022 (n.d.) appear to support the use of segregated learning. One of the goals of the Education Policy Paper 2017-2022 (n.d.) is to focus on providing accommodations within special schools. Another goal of the NPPD (2006) is to use appropriate staff, trained personnel, and specialized equipment in general schools. Although the NPPD (2006) outlines the use of reasonable accommodations to meet the needs of students with physical and intellectual, to date there are no guidelines to promote their inclusion

into the general schools. In addition, the fact that students may be denied admission to the general education (see other exclusionary indicators) creates further barriers to students with disabilities from participating in the general education setting.

Other Exclusionary Indicators-Denied Access into General Schools

Seemingly, students with disabilities are protected under the Equal Opportunity Act (2000) based on the statement

> Subject to any agreement or practice between the state and any educational establishment. Board or other institution, an educational establishment shall not discriminate against a person by refusing or failing to accept that person's application for admission as a student. (p. 14)

Yet, the policy later contends that it

> Does not render it unlawful to refuse or fail to accept a person's application for admission as a student at an educational establishment where the person, if admissible as a student, would require services or facilities that are not required by the students who do not have a disability and the provision of which would impose unjustifiable hardship on the educational establishment. (Equal Opportunity Act, 2000, p. 16)

Therefore, the policy allows for the denial of access to the general education school under two provisions of the law. First, if the services needed for students with disabilities are not already provided at the school, then the school is not required to provide such support to the student who has a disability. Second, if the provision of service or special facilities would cause a hardship on the school, the school is exempt from providing such services or facilities; therefore, creating exclusions for students with disabilities by denying access to receive the required support within the general education system to provide an effective education (UNCRPD, 2006). Perhaps with

the implementation of the NPPD (2018), which indicates a review of all policies with a goal to implement stronger antidiscrimination rights, this Act will be updated.

Other Exclusionary Indicators—Lack of Physical Access to Community Schools

Physical access to school buildings has been noted in the NPPD (2006) and the Education Policy Paper 2017-2022 (n.d.). In 2014, the government implemented a national standards guideline, Accessible and Usable Buildings and Facilities (International Code Council, 2010), which was recognized by the Bureau of Standard (n.d.) to promote accessibility, although voluntarily (Bureau of Standards, n.d., para.1). The NPPD (2018) indicates that universal design should no longer be on a voluntary basis and needs to be mandatory to promote access to schools for all students. Through the current status, physical accessibility to school buildings is not promised which may exclude some students with disabilities.

Sri Lanka

Sri Lanka's government acknowledges that the education polices are obsolete and not applicable (New Education Act, 2017). This was found to be the case for this study. There were five government frameworks found to support inclusive education. However, current laws and policies concerning inclusive education continues to be vague, causing the inability to examine explicit exclusionary indicators.

Philippines

Education policies within the Philippines were found to work towards inclusive education (Special Education Act, 2011; IECYSNA, 2018). Negative labeling was one indicator found within the policies. The use of labeling occurred by categorizing the Intelligence Quotient (IQ) levels of students with disabilities. Furthermore, medical and deficit models were used to further

support negative labeling, which will be further outlined under Question 3 implicit exclusionary indicators.

Negative Labeling

Negative labeling can create stigmas and assumptions that children with disabilities should be separated from typically developed children (Kirby, 2017). In the Children and Youth Welfare Code (1974, p. 12-13), students were divided into those who are custodial (severely or profoundly retarded), trainable (IQ of 25 to 50), educatable (IQ of 50 to 75), and borderline or low normal group (IQ of 75 to 89). Such labeling indicates that students within a specific range have a limited capacity and promote ideas that each subgroup of students should have limited expectations. The use of medical and deficit modeling found within the Presidential Decree No. 603: Children and Youth Welfare Code (1974) and the Special Education Act (2011) further solidify the use of negative labeling.

Although this policy language may fall under the repeal clause found in the Special Education Act (2011) and the IECYSNA (2018), the language continues to remain. To ensure that this barrier is removed, such categorization and the medical and deficit model language should be redacted from the Children and Youth Welfare Code (1974) and the Special Education Act (2011). Redacting this language from policies can help to ensure that educational leaders and others do not rely on this language which may impact their assumptions of the students' abilities.

Kenya

Kenyan policies are reported to have become more inclusive and advocate for students' rights (Basic Education Act, 2013; Sector Policy, 2018). Primarily through the NSENPF (2009), which was later evolved into the Sector Policy (2018), is the base policy for supporting inclusive education. Yet, found within the policies, was the explicit exclusionary indicator for creating

segregated learning environments. An additional explicit exclusion was found due to possible legal loopholes found within the Kenyan Constitution (2010) and the Basic Education Act (2013), which could deny access for students with disabilities into general education schools.

Segregated Learning Environments

In the Sector Policy (2018), home-based learning is a setting that is used for "persons with severe multiple disabilities who otherwise would not attend school" (p. vii). This practice is based on the idea that students with some types of disabilities may not be adequately prepared or have missing skills, making them unable to participate in learning activities with their peers (p. 5). The local teacher attends the home to provide education to those students who would "not otherwise attend school" (Sector Policy, 2018, p. vii). The use of home-based learning is an exclusionary barrier and discriminatory to students with severe and multiple disabilities. As the United Nations (2016) states, "the right to non-discrimination includes the right not to be segregated and to be provided with reasonable accommodations and must be understood in the context of duty to provide accessible learning environments and reasonable accommodations" (p. 6).

Other Exclusionary Indicators-Denied Access into General Schools

In the Basic Education Act (2013) and the Sector Policy (2018) students with disabilities are given support to gain access to general education (Basic Education Act, 2013; Sector Policy, 2018). However, within the Kenyan Constitution (2010), a legal loophole could prevent students with disabilities from having full rights to access the general education setting. The Kenyan Constitution (2010) states that

> A person with any disability is entitled—to access to educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interest of the person. (Section 54 (1)(b), p. 37).

This statement uses the term "for persons with disabilities"; therefore, if the courts determine that the general education setting is not an educational institution or facility for students with disabilities, then admission rights could be void. The government should make considerations to either adding policy language to help ensure that all schools are considered to be schools for those with disabilities or amend the Constitution to remove this language.

The Basic Education Act (2013) holds a possible legal loophole which could deny students from gaining access to the general education setting. By stating that "the system shall be structured as to enable learners to access education and training at any level in a sequence, and at a pace that may be commensurate with the individual learner's physical, mental and intellectual abilities and the resources available" (Basic Education Act, 2013, p. B4A-23-24). Due to the term of "resources available", a school administrator seemingly could deny a student if the administrator indicated that no resources were available to support the child. However, this Act contradicts the United Nations requirements which states that "students with disabilities are entitled to the support they require to facilitate their effective education and enable them to fulfil their potential on an equal basis with other" (p. 11). Furthermore, policies citing a lack of resources or financial crises as a justify an exclusion is not an acceptable reason to make progress towards inclusive education and is out of compliance (United Nations, 2016).

Ghana

Despite the implementation of the Inclusive Education Policy (2013), policies continue to be vague with inclusive education processes and procedures. Due to the vagueness of the laws

and policies concerning inclusive education, it was hard to examine for explicit exclusionary indicators. However, as with some other countries' policies, there was an additional exclusionary indicator that students with disabilities could be denied access to general schools.

Other Exclusionary Indicators-Denied Access into General Schools

The Rights for Persons with Disabilities Act (2006) and the Inclusive Education Policy (2013) both ensure that students with disabilities are provided education, but not an education within the general education classroom. Both policies indicate that students with disabilities cannot be denied based on their disability but can be denied through assessment outcomes. The Persons with Disabilities Act (2006) states that a student can be refused admission if the assessment indicates that a student "clearly requires to be in special school for children or persons with disabilities" (p.6). This practice is supported by the Inclusive Education Policy (2013), which states that if "proven through assessment that the child is incapable of benefitting from regular classroom attendance, or graduated classroom attendance, the child shall be placed in the special unit within the regular schools" (p. 12). Per the United Nations General Comments (2016), using standards assessments is a non-direct exclusion that creates barriers for students with disabilities to gain access to the general education setting.

Pakistan

Within the National Policy for Persons with Disabilities (2002) and the National Education Policy (2017), the goal is to work towards inclusive education. However, neither policy gives much attention to inclusive education. With the policies available, policy language appears to be focused on integration rather than inclusion. Due to the paucity of information, other exclusionary indicators were not able to be assessed.

Integrative Over Inclusive Language

The National Policy for Persons with Disabilities (2002) and the National Education Policy (2017) both use policy language and practices which indicate integrative over inclusive education. First, the National Policy for Persons with Disabilities (2002) directly states that "integration of children with disability in normal system of education shall therefore be promoted at all levels" (p.7). Another section entitled, Integration and Mainstreaming, indicates that integration of children with disabilities will be ensured by using special aids and equipment, alignment with the policies across the government levels, and collaboration to adapt curriculum. These supports are useful for inclusive education, but the policies lack in assurances as to how students will access these accommodations.

After becoming a signatory of the UNCRPD in 2011 (United Nations, 2021), Pakistan implemented the National Education Policy (2017) to help promote inclusive and equitable access of all children to all levels of education, including technical and vocational training. The policy outlines building improvements through additional budgetary allocation and addresses how pre-service trainings should prepare general education teachers with inclusive education approaches and methodologies. In addition, textbook makers are expected to prepare instructional materials for students with special needs (National Education Policy, 2017). However, the policy actions do not address the need to support children with disabilities through individualized supports, UDL, flexible learning, and testing. As the United Nations (2016) indicates, integration is more than placing students with disabilities in mainstream systems, as it requires making adjustments to the general education setting. Although the Pakistan government touts the implementation of inclusive education, more national-level policy work needs to be

implemented in order for students with disabilities to access and participate in the general education setting.

Rigid and Inflexible Curriculum

In alignment with integration over inclusion, the National Policy for Persons with Disabilities (2002) directly states that children with disabilities are being integrated into the 'normal' system (p.7). Along with the missing components which create inclusive environments through implementation of UDL, flexible learning, and testing requirements continue to support rigid and inflexible curriculum, indicate integration rather than inclusion Although textbook makers were notified of future changes to develop instructional materials for students with special education (National Education Policy, 2017), the policies currently do not implement such modifications. Therefore, the flexibility expectations to create engaging classrooms through multiple and adjust curricula to meet all students needs is void from policies which are required by the United Nations (2016) are missing.

Namibia

The Ministry of Education (2013) recognized that all children need educational supports, and such supports should be integrated into the entire education system. With this goal in mind, the government implemented the Education Sector Policy for Inclusive Education (2013) to promote a more inclusive education. Additionally, the Basic Education Act (2020) supports the progress of inclusive education by promoting access to school buildings and through curriculum modifications. Due to the policy language supporting inclusive education, only one explicit exclusionary indicator was found through use of segregated learning systems. An additional exclusionary indicator was found to deny access to the general education schools due to a legal loophole.

Segregated Learning Environments

Although the Sector Policy on Inclusive Education (2013) promotes that special schools are to be transformed into resource schools, such schools continue to segregate learners. The resource schools are to be constructed within each region to provide education services to students with severe special education needs and learners with intensive education supports (Sector Policy on Inclusive Education, 2013). Despite the change in terms for the school, the school system remains one which segregates those with higher disability needs which goes against the UNCRPD (2006).

Other Exclusionary Indicators-Denied Access into General Schools

Within the Basic Education Act (2020), state schools are required to admit students and serve their educational needs without discrimination. The policy requires that the national admission policy must align with inclusivity, accessibility, equity, and equality (Basic Education Act, 2020). However, within the same section of the Basic Education Act (2020), the principal is cited to have the power to deny a student with disabilities. Subsection 9 states, "in determining the admission and placement of a learner with special education needs, the principal must take into account the rights and wishes of the learner and parents of such a learner" (p.25). Therefore, principals seemingly have a right to deny students with disabilities. In addition, the Child Care and Protection Act (2015) appears to support denying students with disabilities, as the child must have "effective access, insofar as reasonably possible and in the best interests of the child, to inclusive and non-discriminatory education" (p.21). Therefore, students with disabilities could legally be denied access by the principal if the denial is based on either not being reasonably possible or in the student's best interest. Although the denial may be legal in Namibia, denying a student with disabilities from general education goes against article 24. Article 24 states,

"persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in their community in which they live" (UNCRPD, 2006, article 24 (2)(b), Education, p. 285).

It is only fair to recognize that Basic Education Act (2020) does provide parents' rights to appeal when they believe the refusal is unjust. The procedure is clear in stating that the principal must explain why the student has been denied. Parents can appeal this decision to the state within 14 days after the denial letter is received. The policies are outlined well for the appeal process, which is required by the United Nations (2016).

Bangladesh

Despite creating new education policies since becoming a signatory of the UNCRPD in 2007 (United Nation, 2021), Bangladesh' education policies continue to fall short of meeting international obligations (Smith, 2011). Policy text explicitly segregates students into specific education settings for types of students, prevents some students with disabilities from gaining a secondary education, excludes students from the general education setting, and uses negative labeling. Within the policies, two explicit exclusionary indicators of the four were found, along with one additional indicator.

Segregated Learning Environments

The PDRPA (2013) states that equal education is provided to every student with disabilities in every school, and no institution can deny admission of any student with disabilities for any reason. However, education settings are designated for types and degrees of disabilities with allowances for some students to be integrated into the mainstream system (National Children Policy, 2010; National Education Policy, 2010). Only special education will be considered for children who are deemed unable to participate in mainstream education for

reasons “obvious for them” (National Children Policy, 2011, p. 9). Special education is provided to those who are labeled as acutely handicapped and defined as

> Children who cannot fulfill the demands of daily life due to their physical or mental disabilities. These children are incapable of studying in the usual school system. Other than special education, they will be brought under efficient remedial system, special care and nursing. (National Education Policy, 2010, p. 43)

Although separate district-level schools are stated be started for the “blind, deaf and dumb”, and “mentally and physically handicapped” students, separate schools will continue to be established according to the needs and nature of the disability of the “challenged” child (National Education Policy, 2010, p. 43).

Within the National Children Policy (2011), children with autism are specifically addressed in concern to their educational needs. The policy states that most children with autism have ‘normal’ intelligence (National Children Policy, 2011, p. 9). Therefore, measures will be taken to provide mainstream education with appropriate teaching methods and materials for these children (National Children Policy, 2011).

The Protection of Persons with Neuro-developmental Act (2013), which covers students with autism, down syndrome, intellectual disorders, and cerebral palsy, encourages organizations to establish educational and training institutions for persons covered under this Act. The nature and the severity of these types of disabilities determine if integrative learning or special education institutions will be used. Therefore, those with severe disabilities are not able to participate in mainstream education.

Since Bangladesh became a signatory of the UNCRPD (2006), the National Education Policy (2010), the National Children Policy (2011), and the Neuro-developmental Act (2013)

have been enacted. All three of these documents promote the use of segregated learning environments. This segregated education system for types and severity of disabilities goes against the United Nations (2016) requirements, which states that segregation occurs when students with disabilities are educated in a separate space in isolation from their peers based on particular or various impairments. Since the PRPD (2013) is a newer law, it should supersede the National Children Policy (2011) and the National Education Policy (2010). However, since these policies have not been changed, it is unclear whether the processes have been updated; thus, possibly excluding students with specific types and levels of severities from working towards the general education setting goes against the PRPD (2013) and the UNCRPD (2006).

Negative Labeling

Labeling is a useful attribute for service providers and teachers to gain a basic understanding of the students' needs (Lianeri, 2013). However, such labels can create exclusions to equal access to general classroom settings (Lianeri, 2013). As outlined in the prior section, the Bangladesh education system uses labeling to place students within specific categories. For example, students with disabilities are categorized as mild, semi, and acutely handicapped according to the degree of their disabilities (National Education Policy, 2010).

Another concern with labeling is that the risk of the given label can create negative perceptions that the person with the label has a deficit (D'Alessio, 2011). The language used within the policies indicates that policymakers believe students with disabilities are incapable. Within the policies, terms are used to describe students such as "deaf and dumb" and "challenged" (National Education Policy, 2010, p. 9). Furthermore, phrases are used such as "[children] who are severe and not able to receive education" (Neuro-developmental Act, 2013, n.p.), "children who cannot be mainstreamed in education for a reason obvious for them only

special education arrangement shall be considered" (National Children Policy, 2011, p. 9), and "according to the special needs and in view of the differential nature of disabilities of the challenged children." (National Children Policy, 2011, p. 43). This policy language goes against the concept that children with disabilities are working towards reaching their fullest development (UNCRPD, 2006) as policy expectations hinder the ability for students to be perceived as capable and able to be placed in a learning environment that allows the student to thrive.

Other Exclusionary Indicators-Lack of Support for Assessments

Admission into secondary school requires a competitive examination for entrance into grades 9 and 10 (Trines, 2019). The national examination allows no modifications or accommodations (National Education Policy, 2010). When students fail in one or two subjects, then the student is allowed to re-test in those subjects for two more times (National Education Policy, 2010). The National Children Policy (2011) reports that necessary steps will be taken to allow all children to be educated under secondary education. However, until the policies change the procedure of an entrance examination without reasonable accommodations, the policy is out of compliance with the United Nations (2016). As the United Nations (2016) states that non-direct exclusions occur through the requirement to pass a common test for entry into school without reasonable accommodations and support. Additionally, this policy denies students access to a free and compulsory secondary education required by the UNCRPD (2006) if the student does not pass the test and is deemed not acceptable for entrance into secondary education.

India

The Indian government has implemented a few recent national-level policies which align to the UNCRPD's (2006) requirements for inclusive education (National Education Policy, 2020; Rights of Persons with Disabilities, 2016). Although the policies have been strengthened to

better support students with disabilities, explicit policy language appears to continue to support segregated learning systems. An additional explicit exclusionary indicator of lack of physical access to schools was found.

Segregated Learning Environments

Outlined in the Rights of Persons with Disabilities (2016) and the National Education Policy (2020) are the rights to school choice. The Rights of Persons with Disabilities (2016) states that students with benchmark disabilities can choose between general and special school settings. In addition, the National Education Policy (2020) supports school choice, but states that resource centers will support the rehabilitation and educational needs of learners with severe and multiple disabilities (National Education Policy, 2020). In addition, the resources centers support parents in homeschooling for students in need. Confusion arises, within the policy, as to whether home-based education is a choice or a requirement. The policy states

> Resources centres in conjunction with special educators will support rehabilitation and educational needs off learners with severe or multiple disabilities and will assist parents/guardians in achieving high quality home schooling and skilling for such students as needed. Home-based education will continue to be a choice available for children with severe and profound disabilities who are unable to go to schools. The children under home-based education must be treated as equal to any other child in the general system. (National Education Policy, 2020, p.27)

This statement indicates that children with severe profound disabilities are incapable of attending school. Resources centers are to support the families of those “who are unable to go to school” (National Education Policy, 2020, p. 27). The policy provides schooling options for home-based, resource centers, or perhaps no schooling. Therefore, this is a segregated learning environment

for those with severe and multiple disabilities because there is no choice to access the general education classroom. The use of a two-system education between mainstream and special/segregated systems is not compatible with article 24 (United Nations, 2016).

Other Exclusionary Indicators—Lack of Physical Access to Community Schools

Article 24 affirms the right of education through equal and effective protection against discrimination, including removing physical barriers (United Nations, 2016). The Rights of Persons with Disabilities (2016) states that the Central Government is to formulate rules for standards of accessibility concerning the physical environment. In comparison, the National Education Policy (2020) conflicts with this requirement. When referencing the restructuring of curriculum and pedagogy, the National Education Policy (2020) explicitly states, "the above-described states are purely curriculum and pedagogical…but parallel changes to physical infrastructure will not be required" (National Education Policy, 2020, p. 12). Therefore, the policies void assurances that students with disabilities are physically able to access their community (general) school's learning environment without reasonable accommodations is an exclusion (United Nations, 2016).

Zimbabwe

Zimbabwe's education policies make no specific references to inclusive education (Magumise & Sefotho, 2020; Mpofu, 2007). Due to the lack of inclusive education policies, there in an inability to assess the four explicit exclusionary indicators. The concern is that Zimbabwe accessioned the UNCPRD in 2013 (United Nations, 2021). Yet, the government has made no policies to support article 24. To clarify, accession is the same as ratification but occurs after the treaty has been negotiated (Dag Hammerskjold, 2018). One additional explicit exclusionary factor was found due to the use of schooling fees.

Other Exclusionary Indicators-School Fees

Although the United Nations (2016) has not addressed the issue of school fees, the UNCRPD (2016) does state that secondary and primary education is to be free and compulsory. As Dieltiens and Meny-Gibert (2012) stated, many learners drop out of African schools due to the inhibiting costs of supplies, uniforms, and books. Therefore, the use of school fees is an exclusionary indicator.

Within Zimbabwean Education Amendment Act (2020), basic state funded education is to be provided which is defined as

> [An] education from early childhood education up to form four…for which pupils shall not be required to pay fees or levies and the State shall provide them with learning and teaching material, facilities, infrastructure and resources subject to the section 75 of the Constitution. (Education Amendment Act, 2020, p. 622).

Section 75 of the Zimbabwe Constitution (2013) gives rights to basic state-funded education but indicates that "the State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realization of the right in subsection (1)". Subsection 1 states that every Zimbabwean citizen to have basic state-funded education. Yet, in reference to the Education Amendment Act (2020), there is a legal loophole that minimum tuition fees can be set to help maintain high standards of education. The Minister is expected to consider the location and status of the school when making assessments as to school fees (Education Amendment Act, 2020). Therefore, while education is to be provided for free, fees may be allowable and could easily exclude children with disabilities from attending school.

Liberia

In 2018, Liberia implemented the Inclusive Education Policy, which outlines many basic strategies for appropriate inclusive education practices. The government noted within the Inclusive Education Policy (2018) that this policy was only the beginning to implementing inclusive education practices and future documents would further outline procedures. Yet, the policy language promotes the basic concepts of inclusive education without exclusions. Therefore, Liberia was found to have no implicit exclusionary indicators.

Sierra Leone

Sierra Leone has two significant challenges, stigmas against disabilities and a lack of resources, which have been reported to hinder promoting an inclusive education system for students with disabilities (Education Sector Plan 2018-2020, n.d.; Rose et al., 2019). Since becoming a signatory to the UNCRPD (2006), no policies specifically address inclusive education, but two new legislative acts, the Persons with Disabilities Act (2011) and the Youth National Policy (2003), have been implemented. Although a copy of the Revised Youth National Policy (2014) could not be found for this study, a draft Review of the Sierra Leone National Youth Policy (Chipika, 2012) indicates there was little focus towards those with disabilities. At this time, policies appear to be lacking, but there is hope that the 2021 talks concerning the Youth National Policy (Sesay, 2021) will give future support to those with disabilities. In the current state, policies do not focus enough on inclusive education to examine explicit exclusionary indicators.

Nigeria

To strengthen Nigerian policies, laws must ensure an appropriate education to each child with a disability (Omede, 2016). The primary policies covering inclusive education are the

Special Needs Education Policy (2015) and the National Education Policy (2013) but are confusing. The Nigerian government appears to continue to use a segregated learning system for students with disabilities, despite students with disabilities being provided rights to access and participate in the general education classroom. In addition, Nigeria's policies seem to continue to deny students with intellectual disabilities a free and compulsory education. Therefore, two explicit exclusionary indicators were found, which were segregated learning environments and a lack of student rights.

Segregated Learning Environments

At first glance, the Special Needs Education Policy (2015) appears to be supportive of inclusive education. This policy initially states that "The National Policy on Special Needs Education lays emphasis on least restrictive environment, zero reject, total inclusion and diversification of services beyond the school target" (Special Needs Policy, 2015, p. iii). Yet, with a deeper examination of the policy, the same segregated learning system is outlined within the National Education Policy (2013).

The National Education Policy (2013) and the Special Needs Policy (2015) both state that students with disabilities are to be provided with inclusive education services, except for those students who cannot benefit from the general education setting. The National Education Policy (2013) states that those who "cannot benefit from inclusive education" (p. 35) will be educated in special classes, special units and remain in special schools. In the Special Needs Policy (2013), the government acknowledges that inclusive education in some areas means integration or mainstream. Yet, the policy does not define the government's expectation of inclusive education, nor does it provide processes as to how inclusive education works.

The Special Needs Policy (2013) indicates that the special education system is moving away from the nomenclature of special education to Special Needs Education and Rehabilitation Services, which is utilized in schools, home- and hospital-bound settings for students with disabilities. However, the policies are missing important information such as how placements are decided and if students in special education settings can obtain the goal of participating in general education setting. With such little information, it is unclear if some students with disabilities can attend general education schools or if others are considered to not be educatable and not permitted within the general education setting. Due to the highly noted stigmatization of disabilities in Nigeria, students considered unable to cope in the general education settings could easily be excluded from the general education setting. As the UNCRPD (2006) requires, students with disabilities are to be provided the supports needed within the general education setting, rather than creating a segregated and exclusionary system. Therefore, the Nigerian education system appears to create exclusions through a segregated system.

Other Exclusionary Indicators-Lack of Students Rights

Nigeria's policies have exclusionary language that could prevent educational rights for intellectual disabilities. The Nigerian Constitution (1999) states that the "government shall strive to direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels" (p. 18). Initially, the Child's Right Act (2003) indicated that children with mental disabilities are not provided a free and compulsory education. Later, the Special Needs Policy (2015) was enacted, which provides every individual with equal access to education. The Discrimination Act (2018) further supports that a person with disabilities "shall have unfettered rights to education with discrimination or segregation in any form" (n.p.). With the implementation of these new laws and the fact that the Child's Right Act (2003) goes against the

Nigerian Constitution (1999), students with intellectual disabilities should be protected. However, due to the lack of congruency in policy language describing students with disabilities, it is unclear whether this policy holds exclusionary power within the courts but must be noted as a possible exclusion. This policy goes against the UNCRPD (2006), which states that children with disabilities are not to be excluded from free and compulsory primary or secondary education.

HDI Country Comparison of Explicit Exclusionary Indicators

Through application of the HDI countries' rankings of HDI for comparisons of explicit exclusionary indicators through policies, two points of interest occurred within the medium development countries. Medium development countries' policies appear to commonly use segregated learning environments and deny access to general education settings (see Table 4.1). No other similarities were determined, which may be due to the small sample sizes of each ranking since some countries' policies did not give enough insights into inclusive education practices.

Research Question 3 –Implicit Exclusionary Indicators

The third research question of this study was—what evidence is there, if any, that the policy language may lead implicitly to exclusionary practices in the selected country's national education Policies and laws and how does it compare across the transnational sample? This section examines the evidence of implicit policy language that may lead to exclusionary practices present in the selected country's national education policies. The second part of this question transnationally compares the similarly ranked HDI countries for commonalities of implicit exclusionary indicators.

Through a critical analysis of past policy analysis studies completed within the past 10

Table 4.1

Comparison of HDI Ranking Countries for Explicit Exclusionary Indicators

	Integration vs. Inclusion	Segregated Learning Environments	Rigid and Inflexible Curriculum	Negative Labeling	Other: Denied Access to General Schools	Other: Lack of Physical Access to Community Schools	Other: Lack of Support for Assessments	Other: School Fees	Other: Lack of Student Rights
Very High									
Singapore*									
New Zealand					X				
High									
South Africa		X			X	X			
T & T		X			X	X			
Sri Lanka*									
Philippines				X					
Medium									
Kenya		X			X				
Ghana					X				
Pakistan	X		X						
Namibia		X			X				
Bangladesh		X		X			X		
India		X				X			
Zimbabwe								X	
Low									
Liberia*									
Sierra Leone*									
Nigeria		X							X

Note. *Indicates countries' policies that lacked inclusive education policies and could not be evaluated for implicit exclusionary indicators.

years, four common implicit exclusionary indicators were found and were applied to assessing the countries' policies of this study. The four implicit exclusionary indicators were integrative versus inclusive education, segregated learning environments, rigid and inflexible curriculum, and negative labeling. Additionally, other implicit factors were found within the policies and are outlined after the four exclusionary indicators.

Singapore

With the lack of mention to students with disabilities in Singapore's Constitution (1963, last amended 2016) and other laws and policies, the examination for implicit exclusionary indicators was not possible. Students with disabilities are only mentioned within the three Enabling Masterplans and the SPED framework (Ministry of Education, 2020), both of which are not policies. The lack of laws and policies is a strong implicit indicator that students with disabilities are excluded, not just from the classroom but as members of society. With the laws and policies provided concerning antidiscrimination, one additional implicit indicator was found concerning the lack of student rights.

Other Exclusionary Indicators-Lack of Student Rights

As Zhuang (2016) reported, Singapore's government does not protect the rights of people with disabilities. First, Singapore's Constitution (1963, last amended 2016) is void of the provision of rights for those with disabilities by omitting people with disabilities from discrimination as those who are protected are based on the grounds "only of religion, race, decent or place of birth" (p. 19). No other laws give mention to the protections of children with disabilities, nor specifically about disabilities.

However, the Minister of Social and Family Development (2014) disagrees. In a written response to a request to strengthen policies for those with disabilities, the Minister of Social and

Family responded that "Singapore has laws to protect its citizens, deter crime against adults and protect employees' rights, and these cover all persons including those with disabilities" (Minister of Social and Family Development, 2014). Arguably, the Minister's interpretation may not stand in a court of law due to the omission of those with disabilities, particularly for students with disabilities.

New Zealand

In the review of New Zealand's policies, two implicit exclusionary indicators were found. These exclusionary indicators were a lack of individualized supports and a lack of teacher training. Both implicit indicators are further explained in the following sections.

Lack of Individualized Supports

At the national level, policymakers have omitted individualized supports from national-level policies. As stated before, guidelines have been implemented to promote practices of individualized educational programming (Collaboration for Success: Individual Education Programme Guideline, 2011; New Zealand Disability Strategy 2016-2026, 2016). Yet, these guidelines are not national level policies. The subsequential difference is that policies are more compulsory than guidelines, as guidelines are merely recommendations (Julita, 2009).

Lack of Teacher Training

As Powell (2012) reported, there appears to be no requirements for teacher training. One mention to teacher training was found in a briefing to the incoming Minister, which stated that "schools might use their grant for resources and materials, relevant training for teachers" (Success for All, 2014, p. 22). Yet, the training is void within the policies. Teacher training is necessary to prepare for the teaching of such diverse populations, meeting the learners' needs, and understanding the principles and practice of inclusive education (Powell, 2012).

South Africa

As stated before, South Africa's government has been working towards an inclusive education since the adoption of White Paper No. 6 (2001). Since then, other policies have been implemented to further strengthen inclusive education. Overall, South African education policies were found to be supportive of inclusive education. Yet, one implicit exclusionary indicator was found concerning the use of the medical model approach.

Medical Model/Deficit-Based Assumptions

At times, language use within South African policies is from a medical/deficit-based perspective (Hodgson, 2018). For example, in the SAIS (2014), those with visual challenges outline those persons with "normal vision" (p. 74) can read at 18 meters. The policy later uses the term "abnormal" (p. 75) when referring students who have hearing impairments. Since these terms are used in the medical field, the words are from the lens of the medical perspective. However, caution should be taken in education because semantics matter (Snow, n.d.). Deficit language use causes those with disabilities not to be seen as equal; thus, creating barriers through negative perceptions which focus on what the students cannot do rather than what they can do.

Trinidad and Tobago

Due to the scarcity of education policies related to students with disabilities, there is an underlying assumption that Trinidad and Tobago's government has not prioritized the education of children with disabilities. The lack of policy guidance creates implicit exclusionary indicators, including lack of individualized support, medical or deficit model assumptions, and a lack of accountability. No additional exclusions were found.

Lack of Individualized Supports

The Education Policy Paper 2017-2022 (n.d.) cites goals to implement an evaluation and assessment process for students with disabilities. Evaluations and assessments are the first steps to individualizing supports for students, but no further guidance as to how, when, and who will be involved in this process. Furthermore, policies lack in how the evaluation outcomes are to be used to support the student with disabilities. The NPPD (2006) does outline some supports through appropriate teaching aids and supports, sign language interpreters and program, and guidance and counseling programs. While the NDDP (2018) states that IEPs will be implemented, the policy has a lack of explanation as to how students are given access to these services and a lack of measures to promote accountability to ensure the individual students' needs are being met.

Medical Model/Deficit-Based Assumptions

In the Education Act of 1996, antiquated terms were used to describe students include "mute, retarded, and handicapped" (p. 13). Additionally, the Equal Opportunity Act (2000) defines disability to mean the "malfunction of a part of the body including a mental or psychological disease or disorder; or malformation or disfigurement of part of the body" (p. 6). Careful consideration needs to be taken in using such policy terms to the categorization of learners; as such terms can mark those students as different and cause false assumptions about the ability of the child (Barrett et al., 2015).

Lack of Accountability

Accountability was missing from the policy which created another exclusionary indicator within Trinidad and Tobago's policies. Other than being trained on how to support their child, parents were not mentioned as being participants or having rights in their child's education. As

for government accountability, a broad mention was made to a continuous review and evaluation of programs for people with disabilities. Although, it is unclear if school programming is part of this evaluation. The Education Policy Paper 2017-2022 (n.d.) and the NDDP (2018) provide monitoring for the alternative education programs for students with disabilities. The vague policies provide little insight into the checks and balances that are in place to ensure students with disabilities are appropriately being served to meet the United Nations (2016) requirements, which states that regular monitoring is required.

Sri Lanka

In 2007, Sri Lanka became a signatory country of the UNCRPD (United Nations, 2021). As the government indicated (New Education Act, 2017), education laws continue to be obsolete and inapplicable. Despite this acknowledgement, no policies have been implemented to support students with disabilities. Due to the lack of polices, implicit exclusionary indicators were not able to be examined.

Philippines

The IECYSNA (2018) and the Special Education Act (2011) are the primary policies which support inclusive education since the signing of the UNCRPD in 2007 (United Nations, 2021). Through the implementation of these policies, changes have attempted to improve the education settings for children with disabilities. However, the policies hold two implicit exclusionary indicators, the lack of individualized supports and the use of the medical and deficit-based models.

Lack of Individualized Supports

The IECYSNA (2018) cites one function of the resource center is to provide IEPs through evaluations, development, and review. Furthermore, services such as a variety of

therapies are provided (IECYSNA, 2018). The implementation of such services is an important aspect of ensuring individualized supports; however, the policies lack in guidance as to who is involved in the evaluation and assessment, what information and how the IEP is implemented, and if and how reasonable accommodations are applied to IEP. This lack of policy appears to create exclusions as it goes against the requirements of the United Nations since IEPs are to identify the reasonable accommodations, specific supports, provision of aids, specific learning materials and communication needs (United Nations, 2016). The determination of the needs should be a collaborative effort between the student (when appropriate), the parents, and necessary third-party members (United Nations, 2016). In addition, regular monitoring and evaluation of IEPs should be included (United Nations, 2016).

Medical Model/Deficit-Based Assumptions

Two policies, the Children and Youth Welfare Code (1974) and Special Education Act (2011), were found to hold medical and deficit base language. Within the Children and Youth Welfare Code (1974), some categories of students labeled are "mentally retarded, emotionally disturbed, and mentally ill" (p. 13). Other negative labels are used within the Special Education Act (2011). Students with disabilities are referred to as having "speech defects" and "behavior problems" instead of more updated terms of speech disorders, speech impairments, or behavioral challenges. Additionally, persons with disabilities are referred to as "suffering" from restrictions or different abilities and are 'afflicted with this [autism] disorder' (Special Education Act, 2011, p. 5). The act goes on to list ways that those with disabilities 'differ from the average [child]' (Special Education Act, 2011, p. 5).

Although the sections of the Special Education Act (2011) and the Children and Youth Welfare Code (1974) have been repealed through the IECYSNA (2018), the language of both

policies remains. Such terms given to these students devalue the students (Stabile, 2016). Additionally, medical models are not effective in achieving educational goals (Massoumeh & Leila, 2012; Pisha et al., 2001;). Furthermore, medical models go against the United Nations' requirements to adopt the human rights model which the focus is to remove the societal barriers (United Nations, 2016). Until the deficit language is removed from policies, the possibilities of implicit exclusions continue to remain due to focusing on the students' deficits.

Kenya

As stated earlier, the Kenyan policies are more inclusive and advocate for the rights of students (Basic Education Act, 2013; Sector Policy, 2018). The Sector Policy (2018) has provided a basis for implementing inclusive education. However, inclusive policy is currently provided in broad concepts rather than through developed procedures. Furthermore, the Sector Policy (2018) continues to hold ideas that children with severe disabilities are lacking in skills, which requires home-bound services. Therefore, the policies hold all four of the implicit indicators for lack of individualized supports, medical and deficit-based model, lack of teacher training, and the lack of accountability.

Lack of Individualized Supports

Within the Policy Sector (2018), functional assessments and IEPs are defined to help identify the learner's needs allowing students reach their educational goals. The IEP is set to describe how the learner learns, best demonstrates that learning, and what teachers and service providers should do to support the learner (Policy Sector, 2018). While the information on the IEP components is useful for congruency, the policy provides little information concerning the IEP development process. What is known is that parents play a major role in facilitating early identification, assessment, and placement of the student, along with a multidisciplinary team

(Policy Sector, 2018). The involvement of parents is an essential factor and compliant with the United Nations (2016) standards.

The national level policies are out of compliance with the United Nations (2016) provision requirements for reasonable accommodations. The Policy Sector (2018) indicates that the IEP conveys what personnel should do, but does not include the accommodations such as aides, materials, alternative communication needs, and other technologies, as required by the United Nations (2016). Additional missing requirements from the Sector Policy (2018) include transitions from segregated learning, including in between levels of education, and regular monitoring and evaluation of the effectiveness of the plan (United Nations, 2016).

Medical Model/Deficit-Based Assumptions

The Sector Policy (2018) explains how home-based education is provided to students with severe multiple disabilities. The policy states that home settings are used

> Because persons with disabilities often miss incidental learning opportunities due to the disadvantage imposed by the disability such that at the school-going age, they may lack the requisite entry behaviour to allow them to fit in and continue with school learning activities alongside their peers. This may be occasioned by for example, delayed acquisition of language by children with hearing impairments. (Sector Policy, 2018, p. 5)

This policy contains deficit and assumptive language that children with significant disabilities cannot assimilate into the general education classroom due to the challenges of their disabilities. This deficit-based model goes against the United Nations (2016) requirement, which states that support measures must be compliant with the goal of inclusion and designed to strengthen opportunities for children with disabilities to participate in the classroom, rather than to marginalize them.

Lack of Teacher Training

Teacher training has been mentioned within two Kenya's education policies, the Basic Education Act (2013) and the Policy Sector (2018). The Basic Education Act (2013) ensures that special learners' schools will be provided with appropriately trained teachers. The policy does not further explain as to how teachers will be taught other than "appropriate methods of education for such children" (p. 25).

In the Sector Policy (2018), resource and special education teachers are trained in special education needs. The policy cites a 2018 survey indicating that teacher training was greatly needed because 77% of inclusive school headteachers did not have specialized training (Sector Policy, 2018). Policy strategies were set to develop and enforce pre-and in-service training on support services and build educators and other staff capacities (Sector Policy, 2018). Additionally, the survey indicated that teachers needed disability trainings in technology, specialized equipment, how to use various equipment, and differentiated instruction. Despite those training needs, policies indicate that teachers are to be provided with regular trainings in differentiated instruction. Yet, to ensure compliance with the UNCRPD (2006) teachers trainings need to incorporate disability awareness, use of alternative communication modes, educational techniques, and materials (UNCRPD, 2006).

Lack of Accountability

Within the Sector Plan (2018), parents are to participate in the decision-making in all learning institutions and participate in the placement decision-making process. Despite the policymakers' acknowledgement that parents are essential partners for making better decisions (NSENPF, 2009), the policies provide no protections for the child's rights through complaint mechanisms for the parents. The lack of parent's ability to file a complaint creates an

exclusionary barrier to a just learning system through placement and accommodations. Furthermore, the lack of complaint mechanisms misaligns with the United Nations (2016) requirements which expects State parties to have enforceable complaint mechanisms and legal remedies for cases that violate education rights.

Ghana

Ghana's government has implemented the Inclusive Education Policy (2013) to strengthen the rights of children with disabilities for inclusive education. The policy was found to use terminology and basic concepts of inclusive education but was loosely applied through broad objectives and strategies. This approach to policy implementation left policies vague and missing critical components required by the UNCRPD (2006). Two implicit exclusionary indicators were found to exist-lack of individualized supports and lack of accountability.

Lack of Individualized Supports

The Inclusive Education Policy (2013) indicates that individualized education supports are utilized. A definition is provided for individualized supports

> Persons with disabilities receive the support required, within the general education system, to facilitate their effective education both academic and social. Effective individualized support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion. (Inclusive Education Policy, 2013, Annex 1: Glossary of Terms, p. 25)

To support the use of the individualized supports, teachers will be trained on the development of IEPs. Additionally, regular monitoring and period assessments will occur to improve the individual child's circumstances. Although these IEP processes are good, some of the United Nations' (2016) requirements are missing such as identifying reasonable accommodations,

addressing transitions from segregated learning and changing levels of education, collaborative planning with the student and others, and having a process for recourse if supports are inadequate (United Nations, 2016). The current policy creates various barriers to exclusion due to not fully implementing individualized supports as required by the United Nations (2016).

Lack of Accountability

The United Nations' (2016) requires a mechanism of recourse when supports are not adequate or available. However, Ghana's policies lack in providing parents with the ability to file a complaint. Within the policy, there are two mentions of parent participation. In concern to the assessment process, "mechanisms shall be put into place for parents to seek a review" (Inclusive Education Policy, 2013, p. 13). Second, the Ghana Education Service shall collaborate with parents to monitor and implement inclusive education. The policy sets the expectation that parents are to participate in school-related decisions to "set realistic goals for their children" (Inclusive Education Policy, 2013, p. 19) and to "engage in advocacy for the rights of their children" (Inclusive Education Policy, 2013, p. 19). Yet, no process is provided within the policy as to how parents submit complaints when the student's rights are violated. This lack of policy creates a barrier for the parents to advocate for their children.

The other lack of accountability arises from vague policies for implementing inclusive education. It is unclear as to how UDL is provided, as the policy provides a definition of the general purpose by noting that schools should use UDL to serve the needs of the diverse learner but provides nothing more. In addition, information is missing concerning the assessment and IEP processes. Such vague processes allow for the provisions of services to range in quality across schools and provides no method to hold school leaders accountable.

Pakistan

The two primary documents for inclusive education are the National Policy for Persons with Disabilities (2002) and the National Education Policy (2017). Yet, both policies hold little information about inclusive education. Two implicit exclusionary indicators were found within the policies through the lack of individualized supports and implicit exclusionary indicator of medical/deficit disability. Two other implicit exclusionary indicators were derived from the policies which were lack of student rights and lack of access to the general education setting.

Lack of Individualized Supports

Although the National Policy for Persons with Disabilities (2002) indicates that children with disabilities will be ensured use of special aids and equipment, there are no policies as to how students with disabilities will be evaluated or a process for developing an individualized plan. The United Nations (2016) indicates that these processes are necessary process to identify the reasonable accommodations and supports needed to meet the child's needs.

Medical Model/Deficit-Based Assumptions

As Baffoe (2013) stated, negative labeling "portray[s] persons with disabilities in a very negative light, as second-class citizens, as a person who should be pitied, at best, and ignored and shunned at worst" (p. 194). While Pakistani policies never explicitly labels those with disabilities, there is an explicit comparison to people without disabilities —who are referred to as normal people. In 2002, the National Policy for Persons with Disabilities aimed to integrate children with disabilities into the "normal" school system (p. 7). The Special Citizens' Act (2008) states that those with disabilities have the right to access places that are accessible to "normal" citizens (n.p.). The National Education Policy (2017) regurgitated the 1981 policy definition of people with disabilities which states

> A person who on account of injury, disease or deformity is handicapped for undertaking any gainful profession or employment, in order to earn his livelihood and includes a person who is blind, deaf, physically handicapped or mentally retarded. (National Education Policy, 2017, Definition of Disability, p. 114)

The policy later cites that the UNCRPD (2006) considers disability as "an evolving concept as it is a function of handicapping condition and the environment that interacts with the disabled" (p. 114). It is unclear why the policymakers choose to add an old definition to a new policy with the use of outdated terminology to describe disability impairments; unless perhaps the government implicitly wants people with disabilities to be viewed as the lesser citizens.

Other Exclusionary Indicators-Lack of Student Rights

Within the Pakistan Constitution (1973, amended 2018) conflicting stances arise about the rights of persons with disabilities due to the use of expressio unius est exclusion alterius. Yet, the National Policies of Persons with Disabilities (2002) affords non-discrimination rights and gender rights at all levels (p.5), with no definition for what all levels means. The Special Citizens' Act (2008) does give rights to those with disabilities to access the same places which all citizens can access. Therefore, providing access to physical school buildings is a right. Yet, due to the conflict policies, those with disabilities appear to have fewer rights in concern to their disabilities. These fewer rights may prevent students with disabilities from accessing an appropriate education

Other Exclusionary Indicators-Lack of Access to the General Education Settings

The Pakistan Constitution (1973, amended 2018) and the Right to Free and Compulsory Education Act (2012) omit students with disabilities from rights to access the general education setting. The Pakistan Constitution (1973, amended 2018) states that public education institutions

are not denied on grounds “only of race, religion, caste, and place of birth” (p. 13). However, under the Right to a Free and Compulsory Education Act (2012), the fundamental rights to access neighborhood schools are afforded “regardless of their sex, nationality, or race” (n.p.) which implicitly omits students with disabilities, possibly hindering their rights to accessing the general education setting.

Namibia

Education policies of Namibia provide supports to promote inclusive education. Policies indicate that accommodations are being provided to support diverse learners (Basic Education Act, 2020; National Disability Council Act, 2004). Although positive changes have been made, the policies need further development, as two implicit indicators were found through a lack of individualized supports and accountability.

Lack of Individualized Supports

The processes for individualized educational supports were strengthened through the Sector Policy on Inclusive Education (2013). Many of the United Nations (2016) requirements for individualized support are met within the policy by providing individualized education planning, providing accommodations through education and psychosocial support provisions, and time frames are set for regular monitoring. Three of the missing requirements are the student’s involvement, addressing transitional periods between settings and grade levels, and parent’s ability to have recourse through complaint mechanisms (United Nations, 2016). Therefore, the policies need to be further strengthened to meet all of the United Nations’ (2016) requirements.

Lack of Accountability

As stated in the previous section, individualized educational supports have been strengthened through the Sector Policy on Inclusive Education (2013). What is missing from the development of individualized supports is the use of a complaint mechanism to ensure that students with disabilities rights are protected. Under the United Nations' General Comments (2016), State parties must have complaint mechanisms and legal remedies to be able to address violations of educational rights. This requirement helps to ensure that students with disabilities are not excluded from gaining access to the reasonable accommodations needed.

Bangladesh

Bangladesh's policies are currently falling short of international obligations (Smith, 2011). Laws and policies touch upon ideas of inclusive education yet lack in solid implementation. No policies address individualized supports, accountability measures for parents, lacks in teacher training concerning the needs of diverse learners, and utilizes language that creates implicit assumptions that children with disabilities are incapable. Due to this, all four implicit indicators were found within the policies.

Lack of Individualized Supports

Within three primary policies which discuss inclusive education, the PDRPA (2013), the National Education Policy (2010), and the National Children Policy (2011), there was only one statement found concerning individualized supports. The PDRPA (2013) states "the government will take necessary steps to ensure education is inclusive and provides reasonable accommodations to students with disabilities in educational institutions" (p. 19). However, there are no processes, procedures, or monitoring systems to ensure these steps are carried out. The UNCRPD (2006) requires that reasonable accommodations are provided for the individual's

needs and that individualized supports are provided to maximize the academic and social development to be consistent with the goal of full inclusion. The lack of attention to individualized supports is out of compliance with the UNCRPD (2006) and creates exclusions for effective student participation.

Medical Model/Deficit-Based Assumptions

Since the signing of the UNCRPD in 2007 (United Nations, 2021), the government has continued to pass legislation that heavily focuses on medical and deficit-based language. Within the policies, terms reference those with disabilities as normal, abnormal, defects, mongoloid, handicapped, and deaf and dumb (National Children Policy, 2011; National Education Policy, 2010; Neuro-Trust Act, 2013). Furthermore, the policy refers to students with disabilities as having problems or lacking in (National Children Policy, 2011; Neuro-trust Act, 2013). In the National Children Policy (2011), children are deemed unable to be placed in general education setting "for the reason obvious for them" (p.9), which seemingly implies that students with disabilities are viewed as not capable of being successful within the general education setting. The implicit message of students with disabilities being incapable and using medical language does not align with the UNCRPD's (2006) requirement to direct the child's development of personality, talents, and creativity, as well as their mental, physical, and physical communicational abilities to their fullest potential. These policies send messages of negative assumptions, possibly creating a lifetime of exclusions for the child because their potential could be overlooked.

Lack of Teacher Training

Although the National Education Policy (2010) aims to increase teacher training to better meet students with disabilities, the strategies are void of focusing on students with disabilities.

Disability training topics are omitted within the trainings required. Within teacher preparatory programs, the policies require at least one trainer to facilitate a course on special teaching methods and needs of the "various types of challenged learners" (National Education Policy, 2010, p. 8). It is unclear what the specialized trainer would teach and if the teacher preparation course requires future teachers to be trained on concerning disabilities. With a lack of teacher training requirements, students with disabilities appear to be excluded by having under trained teachers.

Lack of Accountability

According to the UNCRPD (2006), students shall have access to a recourse mechanism if support is insufficient (United Nations, 2016). However, none of Bangladesh's policies cite provisions of recourse to parents concerning placements, supports, or any other discriminatory practices. Therefore, the policies create an implicit exclusionary indicator that may keep some students from accessing their rights to an appropriate and equitable education.

India

The two most recent education policies, National Education Policy (2020) and Persons with Disabilities Act (2016), give hope to the disability sector for improved educational rights (Gulyani, 2017). However, policies continue to have gaps within the implementation (Gulyani, 2017). These gaps cause implicit exclusionary indicators through a lack of individualized support and lack of accountability.

Lack of Individualized Supports

The National Education Policy outlines measure to provide parents with the assessment and progress (National Education Policy, 2020), however this policy is not specifically designed for students with disabilities. Furthermore, it is unclear if this process is used for students served

under special education. Yet, this process could easily meet the needs of students with disabilities with a more defined process.

A holistic assessment covers the domains of cognition, affective, and psychomotor and parents are provided with information as to the student's strengths, challenges, and needs (National Education Policy, 2020). Since the student is required to be provided reasonable accommodations, this assessment is seemingly appropriate to use as a collaborative tool to use with parents and other service providers to develop individualized supports. The policy indicates that monitoring participation and progress is required for every student with disabilities, but this process is not defined as to how and when the monitoring occurs. National-level policies lack in determining the individualized education planning process required by the UNCRPD (2006). This lack of processes creates greater possibilities for exclusions because there is no conformity to the process, which could leave students with minimal, if any, supports.

Lack of Accountability

The National Education Policy (2020) mentions parent-teacher conferences with the goal to have parents be actively involved. However, there is a lack of clarity if collaboration with parents and others is required to assure that "accommodation meets the requirements, will, preferences and choices of the student and can be implemented by the provider" (United Nations, 2016, p. 10). In addition, parents have no mechanisms to file a complaint when the accommodations are inadequate or not available (United Nations, 2016). India's education policies should note the involvement of parents to increase accountability throughout the process for creating and implementing individualized supports and mechanisms of recourse if placements or supports are not meeting the student's needs.

Zimbabwe

National-level policies concerning inclusive education do not exist (Magumise & Sefotho, 2020; Mpofu, 2004, 2007). Without policies, the implicit policy exclusionary indicators could not be examined. However, the government's implicit message with a lack of policies for those with disabilities is that people with disabilities are not a priority to the government, nor is their commitment to the UNCRPD (2006) a priority.

Liberia

With the adoption of the Inclusive Education Policy (2018), Liberia's government has strengthened inclusive education practices. However, there is concern that student's rights are lacking. Additionally, education may be void through a legal loophole found within the Liberian Constitution (1986). Lastly, parents were missing members from the IEP process with no complaint mechanism to support their child when violations of educational rights occur. Therefore, one implicit exclusionary indicator through the lack of accountability was found with an additional exclusionary indicator of lack of rights and lack of access to education.

Lack of Accountability

Through the Inclusive Education Policy (2018), parents are expected to hold local education authorities accountable to promote inclusive education. Yet, within the IEP process parents are not noted as participants for the decision-making process. In addition, there is no mention of a complaint mechanism to ensure that the educational rights of the student are being met. The United Nations (2016) requires that parents are part of the collaboration process and provides a process of recourse when supports are not available or inadequate. Therefore, the lack of accountability excludes the most valuable resource which is parent input and denies assurances of antidiscrimination rights.

Other Exclusionary Indicators-Lack of Student Rights

Under the Liberian Constitution (1986), all persons are equal before the law and have equal protections. The Liberian Constitution (1986) states that

> All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution. (p. 17)

However, those with disabilities are excluded from fundamental rights through the statutory construction of expressio unius est exclusio alterius, making it unclear as to what rights, if any, that people with disabilities have.

Other Exclusions-Access to Education

The Liberian Constitution (1986) states under Article 6 that

> The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political well-being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy. (Liberian Constitution, 1986, p. 16)

Although the phrases of "to the extent available of resources" and "emphasis shall be placed on the mass education" (Liberian Constitution, 1986, p. 16) were not specifically focused on students with disabilities, both phrases implicitly indicate that students with disabilities could legally be excluded from gaining access to education if the resources were not available. The Liberian Constitution does not align with the United Nations (2016) requirement that a lack of resources is only justifiable on a temporary basis in times of crisis, and must be necessary and proportionate, not discriminatory, and comprise all possible measures to mitigate inequalities.

Therefore, these Constitutional statements should be modified to ensure equality and access to education for those with disabilities.

Sierra Leone

Despite being a signatory of the UNCRPD since 2010 (United Nations, 2021), Sierra Leone has not developed policies concerning inclusive education. The policies that support education and disabilities promote antidiscrimination rights for children with disabilities and basic rights to integration and participation with the general education setting. With the scarcity of policies, little information can be gleaned to evaluate for implicit exclusionary indicators. However, one implicit indicator was found through the lack of individualized supports. Additional concern arises to the implementation of the national assessment framework since students with disabilities were not considered which created an additional exclusionary indicator of a lack of supports for assessments.

Lack of Individualized Supports

Extra assistance is provided to students with disabilities through the National Education Policy (2010) and the Persons with Disabilities Act (2011). Besides the policies mentioning supports such as assistive devices, specialized equipment, and materials used for basic education (National Education Policy, 2010; Persons with Disabilities Act, 2011), little else is known about if and how students with disabilities access individualized supports. The lack of procedures is exclusionary for ensuring students provisions of specific supports required by the United Nations (2016).

The Persons with Disabilities Act (2011) states that within education systems for persons with disabilities that Braille and recorded libraries will be provided, when possible, for students with visual impairment. By securing provisions, only when possible, students who are visually

impaired can easily be excluded. According to the United Nations (2016), students should be provided with reasonable accommodations and invest time developing resources, including innovative technology. Failure to do so constitutes as discrimination against those with disabilities (United Nations, 2016). Additionally, the policies are void in providing students who are blind and visual impaired with opportunities to learn Braille and other means and modes of communication (United Nations, 2016). Therefore, students with visual impairments are seemingly excluded from accessing an appropriate education.

Other Exclusionary Indicators-Lack of Supports for Assessments

Within the National Education Policy (2011), strategies for developing a national assessment framework were introduced. According to the policy, the assessment will assess students' literacy, numeracy, and thinking skills (National Education Policy, 2011). The assessments are to be integrated into the student's final grade. The policy does not note if students with disabilities can receive accommodations or individualized support for these assessments. This practice goes against the United Nations (2016) requirements that requires that assessments are to be replaced by flexible and multiple forms of assessments to show the student's individual progress. Therefore, this is an implicit exclusionary indicator because students are not provided accommodation and more effective testing measures can be used to determine progress.

Nigeria

Education policies in Nigeria promote inclusive education practices by using language seemingly agreeable to the UNCRPD (2006) article 24 Education requirements. But with further examination, both the National Education Policy (2013) and the Special Needs Policy (2015) fall short in supporting inclusive education. Policies state that IEPs are used only for students with

multiple disabilities and gifted. Furthermore, the policies are vague in the process and procedures. Additionally, the current policies were found to contain deficit-based language, which implies that students with disabilities cannot participate within the general education classroom. A lack of accountability arises due to the vague policies and not involving parents in the process. Therefore, three implicit exclusionary indicators were found.

Lack of Individualized Supports

The Special Needs Policy (2015) outlines the use of IEPs and supports. However, the policy procedures are missing and seemingly are only used for students with who qualify for multiple impairments and gifted and talented. The Special Needs Policy (2015) states that adequate arrangements will be made to relate programs and services to the individual's needs but lacks guidance as to how this process is to be carried out. Additionally, the policy does not address the other requirements of the United Nations (2016) concerning developing IEPs and supports, including recognizing needed reasonable accommodations, transition planning, student involvement in planning, and regular monitoring. The IEP process needs to expand to all learners with disabilities and a process needs to be developed that complies with the United Nations (2016) to ensure all students can participate within the general education setting.

Medical Model/Deficit-Based Assumptions

More recent policies, the National Education Policy (2013) and Special Needs Policy (2015), continue to hold the medical model and deficit-based assumptions. The National Education Policy (2013) implicitly indicates that students with disabilities are abnormal because the policy states that when children with disabilities participate in inclusive education services, they attend schools in which "normal" people attend (p. 35). Furthermore, the policy implicitly refers to student with disabilities as having "peculiar individual challenges" (p. 1). There is

speculation as to whether peculiar refers to the definition of "strange or off; unusual" or "special" (Oxford Dictionary, 2021), the term could be deemed as condescending.

The two policies indicate that students with disabilities lack the ability to participate within the general education setting (National Education Policy, 2013; Special Needs Policy, 2015). The National Education Policy (2013) states that special needs persons "who cannot benefit from inclusive education" (p. 35) will attend special schools. Within the Special Education Policy (2013), deficit language is used by defining people with disabilities as "persons with physical and sensory impairments including albinism, who because of their condition cannot cope with regular school/class methods" (p.11). Such policy language contradicts the purpose of inclusive education. The United Nations (2016) states that methodologies for inclusive education adapt teaching methods, requirements and provides reasonable accommodations, rather than expecting the student to fit into the system; therefore, using policy language which focuses on student's deficits rather than removing barriers from policies segregate students with disabilities.

Lack of Accountability

Under Nigerian policy, parents are seen as the primary source for identifying their child's disabilities (Special Needs Policy, 2015). According to the Special Needs Policy (2015), parents give consent for screening, diagnosis, assessment, and placement. However, the policy does not indicate that parents are active participants in decision-making or have a complaint mechanism of recourse if they believe the services and supports are inadequate. This policy is void of a check and balance system, which can create exclusions for children with disabilities from receiving appropriate services. Such lack of parent collaboration and input goes against the requirements of the United Nations (2016).

Ratings of Selected Countries' Current State of Inclusive Policies

In the prior three sections, the questions were analyzed for each individual country, then closed with a transnational comparison through the application of HDI rankings. First, each country's national level laws and policies have been reviewed first through the findings of Shogren and Turnbull (2014) core concepts and then transnationally compared through the HDI rankings. Next the policies were examined for exclusionary indicators which have occurred both explicitly and implicitly, respectively for Questions 2 and 3. Both the explicit and implicit indicators were transnationally compared at the end of each section. This fourth section outlines the current overall summary of each country's national inclusive education policies status. Ratings are provided for each country to indicate no improvements, improvements needed, or much improvement needed based on the number of exclusionary indicators.

Singapore

Singapore's policies for inclusive education are essentially non-existent (Zhuang, 2016). The primary driver for inclusivity has been through the three Enabling Masterplans, which are not policies, rather roadmaps. People with disabilities lack rights as citizens and for having no rights to access education (Zhuang, 2016). First, people with disabilities need antidiscrimination rights, because without that, people with disabilities will never have protections within the community or within the school and progress towards genuine inclusion will not occur for Singapore.

The Code of Accessibility in the Building Environment (2019) was the only policy which supports students with disabilities through the implementation of universal design to provide access to school buildings. Currently, no other national-level policies provide guaranteed admission into general schools, provide integration through resources or accommodations within

the schools, or provide individualized supports. Additionally, the core concept of prevention and amelioration was not found within the policies. This flagrant lack of attention to national level laws and policies provides no assurances for students with disabilities to gain access to inclusive education and does not align with the UNCRPD (2006).

Exclusionary Indicators

Due to the lack of policies in Singapore, policies rated for much improvement needed. Without such policies, no explicit or implicit indicators could be examined. Yet, the lack of policies implicitly indicates that those with disabilities are not seen as a priority to be educated within Singaporean society. Although no predetermined exclusionary indicators could be found, the antidiscrimination laws implicit exclusionary indicator was found for lack of student rights. Singapore's government should implement the rights for people with disabilities as a priority and then develop education policies that support students with disabilities to create a more inclusive society.

New Zealand

New Zealand's inclusive education policies do well to support inclusive practices of UDL through the New Zealand Curriculum (2015); however, inclusive practices are challenged with conflicting policies or by a lack of policies. First, policies create barriers for integration as students with disabilities from the general education setting through a legal loophole found within the New Zealand Constitution (1856, amended 2014) and the Human Rights Act (1993), which can deny students who are seen as a disruptive. Second, while UDL is a valuable tool in inclusive settings, the lack of teacher training can prevent teachers from having the necessary tools to ensure students with disabilities can participate within the general educations setting. Additionally, policies lack in the provisions of individualized and appropriate services. While

IEPs are well established within guidelines (Collaboration for Success: Individual Education Programme Guideline, 2011), there is a need to promote these activities within national level policies to strengthen the authority and make such activities more than suggestions (Julita, 2009).

In concern to prevention and amelioration, New Zealand ‘s government attempts to involving children, youth, and national bodies by representing the interest of those with disabilities to participate in policymaking at the national education level (Education Act, 2020). However, the policy states that the Ministry of Education “must make reasonable efforts to consult” (Education Act, 2020, p. 45). Reasonable efforts can fall short of actively doing, which can exclude the voices of those with disabilities from being participants in policies that directly impact their lives.

Exclusionary Indicators

Currently, New Zealand policies need improvements due to the exclusionary indicators. While none of the pre-determined codes for explicit exclusionary indicators were found, there was one additional indicator, denied access to general education. This was due to a legal loophole that students with disabilities could be deemed as a disruption. If the student is deemed not to be a manageable risk, then the student could be denied admission. The two implicit exclusionary indicators were found were a lack of individual supports and a lack of teacher training. Therefore, New Zealand’s policies could be strengthened in these areas.

South Africa

As Engelbrecht et al. (2015) reported, African inclusive education policies attempt to promote a just and equal society. This was found true, as current laws and policies touch on all four of Shogren and Turnbull’s (2014) core concepts. Furthermore, Engelbrecht et al. (2015) noted that policies at times are broad with ambiguous goals (Engelbrecht, 2015). This was often

found to be true in this study, with the exception of SAIS (2014), which gives a detailed process for providing individualized services for students with disabilities.

Although it is outside the study's scope to examine laws and policies, it would be unfair not to recognize that the South African Department of Basic Education provides guidelines to support inclusive education. These supporting documents include Guidelines for Inclusive Teaching and Learning (2010), Guidelines for Responding to Learner Diversity in the Classroom (2011), Guidelines for Full-service/Inclusive Schools (2010), Conceptual and Operational Guidelines for the Implementation of Inclusive Education: District Based Support Teams (2005), and Guidelines to Ensure Quality Education and Support in Special Schools and Special School Resource Centres (2014). However, as noted in New Zealand policies, these processes can be further strengthened by initiating more in-depth practices at the national level, just as the South African government promotes individualized services in the SAIS (2014).

Hodgson (2018) pointed out that South African inclusive education practices do not fully meet the UNCPRD's (2006) preference for non-segregated, community-based education for children with disabilities as a practice to inclusive education. Although the UNCRPD (2006) does not explicitly prevent or compel the establishment of special schools, the purpose rather is a wish is to eliminate special schools that separate children for the severity or type of disability (Hodgson, 2018). The provisions of individualized and appropriate services are determined through individualized education planning. Although this process is thoroughly written within the policy, seemingly there are conflicts in protecting the rights of students to have access to general education. To further support these restrictions, the SAIS (2014) does not outline how to access rights when the general schools are not structured to provide such supports. Rather, school

placement appears to align with the support needs of the child, even though high intensity needs students are not restricted to a particular school and can access supports in other schools.

Lastly, the policies do well in prevention in amelioration to promote awareness, trainings, and advocacy for students with disabilities (White Paper No. 6, 2001). Such activities help remove stigmas and create a higher quality of life for students with disabilities. More policies should be written to continue to support such initiatives.

Exclusionary Indicators

Overall, South African education policies have been developed to promote strong practices of inclusive education. However, the policies are still in need improvements to rectify both the explicit and implicit exclusionary indicators. Explicit exclusionary indicators include the continued use of segregated learning through a needs rating system. Additionally, the lack of urgency to carry out universal designs to access schools and with needing to make reasonably practicable physical accommodations for new schools and additions (Minimum Uniform Norms and Standards, 2013, n.p.) create further exclusions. The urgent need for accessibility was recognized by the government 20 years ago, yet the policies continue to delay the implementation of universal design. This delay is considered a violation of students' rights with disabilities (Hodgson, 2018). As for implicit exclusionary indicators, many improvements have been made since the inception of White Paper No. 6. However, policymakers need to continue to work towards providing accessibility.

Trinidad and Tobago

Despite becoming a UNCRPD signatory in 2007, the education policies of Trinidad and Tobago appear to be in the goal-setting phase of implementing inclusive education. The three primary policies, Education Policy Paper 2017-2022 (n.d.), Equal Opportunity Act (2000), and

the NPPD (2006), offer little in support to students with disabilities and often do not align with the UNCRPD (2006). However, with the new implementation of the NPPD (2018), the government indicates that the current state of legislation is discriminatory, and an active review of current policies needs to occur.

Students with disabilities can be refused admission to general schools when the school systems are not already providing similar services to other students and would be considered a hardship to make such provisions (Equal Opportunity Act, 2000). Special schools create segregated learning environments, specifically for "deaf, mute, blind, retarded or otherwise handicapped" students (Education Act of 2016, p. 13). Some ideas of UDL are outlined to be used within the classroom. However, without the use of individualized education planning, it is unclear as to how effective such services are and how the student can gain access. Another NPPD (2018) goal is for IEPs implementation. Currently, policies require assessment and evaluation of this process (Education Policy Paper 2017-2022 (n.d.), which is only the first step. The IEP process should be fully developed within future policies as to when, how, and were the student will be assessed and who will be involved in that process.

As for prevention and amelioration, some short- and long-term goals were developed to help support parents, have people with disabilities involved in government policymaking, and implement research initiatives (Education Policy Paper 2017-2022, n.d.; NPPD, 2006). The use of counseling programs can be helpful to support parents. Youth participating in policies that influence their own education increases students' participation as active and capable members of society by having a voice in policies that will improve their educational experiences. The research can promote the use of evidence and research-based practices of teaching and learning.

While still vague in policy, this core concept was the most developed in showing support for students with disabilities and their families.

Exclusionary Indicators

Trinidad and Tobago's inclusive education policies are rated for needs much improvement since inclusive policies were minimal and exclusionary indicators were still found. Physically accessing the school buildings is a concern, as the NPPD (2018) indicates that mandatory policies need to be implemented to assure access to all government buildings. The policies promote excluding students when services are needed, yet can be denied by the school administrator when the services are not already provided within the school and would be considered a hardship to provide such services.

As for implicit exclusionary indicators, Trinbagonian educational policies need much improvement for implicit exclusionary indicators. While the policies mention the use of assessments and evaluations, the use of individualized supports were missing. Additionally, the use of medical and deficit language in policies create assumptions that students with disabilities are not capable. Lastly, the lack of accountability was found due to no checks and balances system to ensure inclusive education is being implemented appropriately and effectively because parents were not noted as part of the decision-making process educational decision and no complaint mechanism are provided, both of which are required by the United Nations (2016).

Sri Lanka

As a UNCRPD signatory since 2007, no progress has been made in implementing policies to support children with disabilities in their education (New Education Act, 2017). The government admits that policies are either obsolete or missing since the primary legislation is based on the Education Ordinance No. 31 of 1939 (New Education Act, 2017). Five national

government frameworks (Education First (2013), A New Education (2017), Proposals for a National Policy on General Education in Sri Lanka (2016), A Transformation in Sri Lankan Education (n.d.), and Re-imaging Education in Sri Lanka Summary Report (2020)) examined the current educational situation and made proposals; yet no new educational policies have been implemented.

Exclusionary Indicators

With no policies to examine, no exclusionary indicators could be derived. As a signatory of the UNCRPD (2006), the Sri Lankan government has much work to do in implementing education policies which align with the UNCRPD. The adoption of such policies will create a more inclusive society which includes those with disabilities and adds more members to the workforce. Due to the lack of actions taken to promote inclusive education, Sri Lankan policies are rated as needs much improvement.

Philippines

With the implementation of the IECYSNA (2018), the government supports the ideas of inclusive education. The policy language has shifted from an integrated system to an inclusive one through supports such as UDL, aids and services, specific supports for sign language, and individualized support. However, the national policies for inclusive education continue to be broad and vague, with little guidance as to how such practices are to be carried out.

Individualized supports and services are vaguely written with policies by only indicating that IEPs are developing and implemented. Although, parents are supported as active members of the placement decision-making and have mechanisms of recourse, there is no guidance as to how this process is to be carried out to ensure the concerns of parents are heard. This lack of

policy goes against the requirements of the United Nations (2016); therefore, policies should be further developed for better assures that adequate supports are provided.

The government has done well to promote antidiscrimination rights and prevention and amelioration (IECYSNA, 2018; Special Education Act; 2011). Research topics have been specifically focused on services to support the needs of children with disabilities. Initiatives have been taken to increase public knowledge of disabilities at the national level (Special Education Act, 2011). Furthermore, including parents and other supports in training is beneficial to improving lifelong outcomes of students with disabilities. However, this area could be strengthened within policies by providing specific topics for national-level training topics to ensure better quality trainings across the country.

Exclusionary Indicators

The Filipino policies hold exclusions by implicit use of negative labeling and explicit use of medical and deficit-model language. Such use of such terms creates assumptions that students should be placed in a specific setting or assume that children with specific types of disabilities are limited in their abilities. Parts of the Child and Youth Welfare Code (1974) and the Special Education Act (2011) have been repealed under the IECYSNA (2018); yet there is a lack of clarity as to which parts have been repealed and the language continues to exist. The redaction of this language is necessary to ensure that educational leaders and others are not persuaded with negative assumptions of what the labelled children can achieve.

The second explicit exclusion is due to the lack of individualized supports. The IECYSNA (2018) lacks support occurs because the policy lacks in providing individualized assessments, IEPs, and reasonable accommodations. With this being the second implicit

indicator, in addition to the one explicit indicator, the Philippines' policies are rated as needs improvement.

Kenya

Kenyan policies have shifted from an integrated education system to provide a more inclusive education model (Sessional Paper No. 1 of 2019). The policies support antidiscrimination rights the equal and equitable access to public schools. The Kenyan Constitution (2010) and the Basic Education Act (2013) may hold legal loopholes which could prevent students with disabilities from gaining access to general education. Therefore, the government needs to review these legislative acts to ensure access to the general education setting is a guaranteed right.

As for integration, the policies support the use of flexible curriculum and curriculum differentiation to meet the needs of students (Sector Policy, 2018). Additional provisions within the policies include physical access, aids, and modifications (Sector Policy, 2018). However, a lack in requirements for teacher training cause concerns about the ability for teachers to implement effective supports, as the surveys cited in the Sector Policy (2018) indicated a lack of appropriately trained teachers. Although a strategy to develop pre-and in-service trainings is noted, the policies need to be strengthened to align with the UNCRPD (2006) for training requirements to remove barriers of a lack of teacher capacity to help ensure that students with disabilities can participate within their classroom.

Students with severe disabilities are excluded and segregated by participating in home-based education (Sector Policy, 2018). This segregated system goes against the UNCRPD (2006) requirements of the inclusion setting being the goal. Furthermore, policy text held deficit-based language further excluding this sub-group of students by possibly creating assumptions that they

cannot effectively participate in a general education setting. Policies need to be developed to apply reasonable accommodations in the general education setting for students with disabilities, as required by the UNCRPD (2006).

In concern to individualized supports, students are provided with an IEP (Sector Policy for Learners and Trainees, 2018). Yet, major components are missing to ensure that the student are provided with reasonable accommodations and that the plan is monitored regularly. In addition, while parents and a multidisciplinary team determine the placement and needs of the student, the parent has no system of procedural safeguards when rights violations occur within the educational setting.

The basic plan for prevention and amelioration is a beginning pathway to support improvements in the lives of students with disabilities. Plans include students and parents being active participants in the child's education, people with disabilities participating at the national government policy-making level, children's participation and advocacy at the local level, and self-advocacy (Basic Education Act, 2013; Kenya Constitution, 2010). Awareness is promoted on the rights, through trainings, and about related services for community members. These activities promote understandings about people with disabilities and allow the child to participate in decisions that influence the government, their community, and their personal lives. These areas should continue to be reviewed and strengthened as more research becomes available to promote student advocacy to work best.

Exclusionary Indicators

With the number of explicit exclusionary indicators, Kenya's inclusive education policies rated as needs improvement. The two explicit exclusionary indicators were segregated learning environments since students with severe disabilities are served through home-based learning.

The other explicit exclusionary indicator was the denied access to general schools due to legal loopholes, found within the Kenyan Constitution (2010) and the Basic Education Act (2013), which could be used to prevent students with disabilities from accessing the general education setting.

For implicit exclusionary indicators, for all four indicators were noted; thus, rating Kenya's laws and policies to need much improvement. Although the IEP process is utilized, there are no provisions of reasonable accommodations nor any regularly monitoring to assess the effectiveness of the IEP supports. In addition, policies contain deficit-based language, which promote the idea that students with disabilities may not be able to adjust to the general education classroom. Despite the government's acknowledgment that teachers were ill-prepared to work with students with disabilities, teacher training was void of disability training. Lastly, parents have no system of complaint mechanisms to use when supports were inadequate or not provided, which minimizes accountability. All of these implicit exclusionary indicators create barriers and do not comply with the United Nations (2016) requirements.

Ghana

By implementing the Inclusive Education Act (2013), Ghana has begun to provide a basis for inclusive education. However, inclusive education policies fall short in fully developing an inclusive system. Both the Persons with Disabilities Act (2006) and the Inclusive Education Act (2013) promote the use of assessments to determine access into the general education setting, which could deny access to students with disabilities. Both acts of legislation support using assessments for student's entry into general education schools. This practice is considered by the United Nations (2016) to be a non-direct (or implicit) act of discrimination without the use of reasonable accommodation and supports.

The policy language provides the concepts of inclusion by implementing UDL, flexible curriculum, IEPs, and training teachers to implement such practices (Inclusive Education Policy, 2013). However, the policy falls short in providing a lack of procedures and requirements to ensure that these best practices are being carried out. In addition, parents have no procedural safeguards to protect their child's rights when individualized supports are inadequate or non-existing, as per the requirements of the United Nations (2016). Accountability by school administrators is nearly non-existent due to the omission of these standards, requirements, and processes needed to support inclusive education.

Prevention and amelioration were noted within the Inclusive Education Policy (2013) by use of various interventions and supports for parents. Supports include access to a variety of services and assessments to approach the child's holistic needs, which can be beneficial to improving the outcomes for children with disabilities. However, this area can continue to be strengthened through collaboration and multidisciplinary groups to look at the child's holistic needs to determine reasonable accommodations.

Exclusionary Indicators

There is hope that Ghana's policies will have future improvements, as the ESP 2018-2030 (n.d.) aims to improve equitable access and participation in inclusive education. The current state of policies for exclusionary indicators indicates that inclusive policies need improvement. The policies reviewed lacked in substance, making an examination of explicit exclusionary indicators hard to assess. However, one explicit exclusionary indicator of denying access to the general education exist due to the use of assessment for admission which could be used to deny access to students with disabilities.

The two implicit exclusionary indicators, both rated as needs improvement, were due to a lack individualized support and a lack of accountability. The lack of individualized and appropriate supports occurred because a definition is provided, but no other information is provided about accessing such services. Additionally, a lack of accountability occurred because parents are expected to be active participants and advocates for their child but have no complaint mechanism when their child is not provided the appropriate supports. Therefore, Ghana's government will do well to quickly implement the future strategies outlined in the ESP 2018-2030 (n.d.)

Pakistan

Pakistan's government reports that there is still a lack of clear policy for implementing inclusive policy (National Education Policy, 2017). In the absence of Pakistan's national policies, students with disabilities lack full participation in education and other activities without discrimination (Khan, 2015). Not only are protections for educational rights and antidiscrimination laws limiting, but so are the rights for children with disabilities to gain access to the general education settings are still lacking. Policies focus on integration but lack inclusive processes to support students through individualized support and reasonable accommodations and modifications. While policies make suggestions for teacher training and adapted textbooks, there is a difference in policy language between the terms of should and must. Policies that do exists can be strengthened by implementing requirements rather than suggestions to carry out such initiatives.

Exclusionary Indicators

Pakistan's education policies provide little information as to how inclusive education is to be implemented, which made assessing the policies for exclusionary indicators hard. However,

one explicit indicator was found concerning the use of integrative versus inclusive language and procedures. As for implicit indicators, four exclusionary indicators were found. The first was a lack of individualized supports because there was no mention of such supports. Second, deficit-based assumptions were found as students with disabilities were not explicitly referred to as abnormal, but those without disabilities were commonly referred to as normal. In addition, a lack of rights appears to be provided to those with disabilities. Constitutionally, those with disabilities are omitted; however, there may be some protections for antidiscrimination under the National Policies of Persons with Disabilities (2002) and rights to physically access school buildings through the Special Citizen's Act (2008). Lastly, those with disabilities are not acknowledged under the Pakistan Constitution (1973, amended 2018) and the Right to Free and Compulsory Education Act (2012). Both documents could support exclusions that students with disabilities who may not be afforded rights to accessing the general education setting.

Due to the number of exclusionary indicators, the explicit indicators rank as needs improvement, while the implicit indicators need much improvement. Pakistan's government needs to re-adapt policies to support the requirements of the UNCRPD (2006). The government appears to have been done well within implementing a regional policy, the Islamabad Territory through the Islamabad Capital Territory Rights of Persons with Disabilities (2020), which should be used as a model to implement more effective policies throughout Pakistan.

Namibia

With the Namibian government's recognition that all students can benefit from supports within the education system (Ministry of Education, 2013), policies have been developed to help create an inclusive education system. Yet, students with disabilities can only participate within the general education setting with the school principal's approval. To help minimize

antidiscrimination, parents can refute a denial of the placement decision. However, the procedure of denying a student with special needs is an exclusionary practice.

Practices have been put into place to support the integration through physical access and accommodating different learning styles (National Disability Council Act, 2004). Policies provide various support services such as counseling, after-school programs, and other rehabilitation and treatment programs. Within the classroom, accommodations are given through access to the curriculum and appropriate teaching methods (National Disability Council, 2004). Teachers are to be appropriately trained, both within their teacher training courses (ESOOVC, 2008) and through pre-and in-service trainings (ESOOVC, 2008). Individualized supports further enhance classroom participation of students with disabilities through IEP planning that is collaboratively developed by parents, teachers, and other stakeholders to have individualized support.

However, some components required by the United Nations (2016) are missing from the policies. First, parents lack complaint mechanisms for this process when services are inadequate or not available and violate the student's educational rights to reasonable accommodations (United Nations, 2016). Additionally, the process is missing the United Nations (2016) requirements of transition periods, student participation during planning, and, as mentioned, parent's ability to file a complaint. Therefore, the future policy focus should consider these missing components of the IEP process.

The core concept of prevention and amelioration is covered through both community efforts and parental involvement (ESOOVC, 2008). The training of parents through skills, counseling, and other activities (ESOOVC, 2008) help to ensure parents can help the child overcome the barriers of their disability and make better informed decisions. Involving the

community helps to create local programs which support students with disabilities (ESOOVC, 2008).

Exclusionary Indicators

Namibia's recent education policies have shown gains in achieving an inclusive education. However, exclusionary indicators were found both explicitly and implicitly, which rates the policies as needs improvement for both explicit and implicit indicators. The explicit exclusionary indicator was an additional indicator of access to the general education setting because the principal does have the right to deny admission to a student with disabilities (Basic Education Act, 2020). The two implicit indicators were under a lack of individualized supports because of three missing requirements of the United Nations (2016). Those missing requirements were the transition period, student participation in decision-making during the IEP, and the parent's rights to file a complaint. Last of all, no complaint mechanisms were integrated into policies which is an exclusionary indicator for lack of monitoring process.

Bangladesh

An opportunity for effective legal reform for inclusive education remains, as the current efforts of Bangladesh's obligation to the UNCRPD have fallen short (Smith, 2011). First, the rights of those with disabilities appear to be limited. Of particular concern to education, students with disabilities are to be provided with primary and secondary education, per the UNCRPD (2006; United Nations, 2016). This is currently not the case. Although, this appears to be a future goal for the government. Vision 2021 (Nagorik Committee, 2006) aims for both primary and secondary education to be available to every student, including those with disabilities.

Current policies lack in supporting access to inclusive education due to inconsistencies in antidiscrimination laws and the use of integrative language. The recognition of the individualized

and appropriate supports is required by the UNCRPD (2006) which promotes access for those students who could be successful within the general education setting. Currently, there are no policies which support the use of individualized services; however, educational frameworks, such as the Second Primary Education Development Programs (2011) and the Third Primary Education Development Program (2015), have indicated that more funding and individualized screenings would be provided to support mainstreaming students with mild and moderate disabilities (Third Primary Education Development Program (PEDP-3)-Revised, 2015). Additionally, diagnostic tools and accommodations are more recent implementations under the PEDP-3 (2015). These actions promoted within the frameworks should be implemented at the national policy level.

The use of universal design for both learning and the physical environment are other aspects that have been touched upon within policies but need strengthening. Guidelines for the universal design are noted within the Fourth Primary Education Development Program (2018). However, these are only guidelines and not policy, and should be implemented into national policy to strengthen the authority to which the processes are carried out. As for universal design in learning, policies can be strengthened in promoting teacher training and going beyond curriculum flexibility by providing modifications to the curriculum and assessments.

As for prevention and amelioration, the policies provide trainings. Parent training is an effective measure to help promote students with disabilities to overcome the barriers of their disability. These policies can be strengthened by adding additional types of service providers, such as occupational therapists, physical therapists, and others, to approach the child's needs holistically.

Exclusionary Indicators

Inclusive education policies in Bangladesh are in much needed improvement due to a large number of exclusionary indicators. For explicit indicators, policy language supported segregated learning environments and used negative labeling. Two additional indicators were found which denied student access to general education and denied access to secondary education. As for the implicit indicators, policies are void of individualized supports, use medical and deficient-based assumptions, lack in teacher training, and lack in accountability.

Despite the many exclusionary gaps in policy practices, future frameworks show that policymakers have considered how education for children with disabilities can be strengthened. For example, the Third Primary Education Development Programs (2015) framework provides more funding and individualized screenings for students with mild and moderate disabilities. Perhaps this framework and other initiatives will lead to improvements for future educational policies for students with disabilities.

India

The varying attitudes held within in India has caused delays in the implementation of inclusive education (Bhowmick, 2018). Since becoming a signatory country of the UNCRPD, India has implemented two primary pieces of legislation that discuss inclusive education, the Rights of Persons with Disabilities Act (2016) and the Nation Education Policy (2020). Within the policies, the four core concepts are referred to, but vague procedures provide gaps within the policies that could cause exclusions.

Segregated learning environments occur for students with severe and multiple disabilities (National Education Policy, 2020). Students with benchmark disabilities are provided choices to access general education settings or special schools (National Education Policy, 2020). Yet,

students with severe and multiple disabilities are taught through a home-based system because they “are unable to attend school” (National Education Policy, 2020, p. 27). The wording of this policy implies that the choices are limited for this subgroup of students with the general education setting not being an option which excludes specific types of disabilities.

Assessments are used to provide a holistic overview and monitor students’ progress (National Education Policy, 2020). This information is shared between parents and teachers to give an overview of the student’s strengths, challenges, and needs (National Education Policy, 2020). The policies state that reasonable accommodations and individualized supports are required for students with disabilities (National Education Policies, 2020; Persons with Disabilities, 1996). However, the policies lack in explaining if the assessment is used to determine the reasonable accommodations for the student with disabilities. Additionally, there is a lack of engaging parents in this process and no provisions of a complaint mechanisms when support is inadequate or not available, as required by the United Nations (2016).

Another exclusionary practice is the lack of policy to access to the physical building. For students with physical disabilities to participate in the general education setting, access to the build and the classroom are necessary. The National Education Policy (2020) explicitly states that physical access through universal design is currently not a part of the reformation of the education system. The UNCRPD (2006) requires implementation of universal design to include school environments, programs, and services to be adapted for the use of those with disabilities.

For the core concept of prevention and amelioration, India’s policies do promote the use of disability awareness (Persons with Disabilities Act, 2016). This awareness will be promoted through awareness campaigns, which could be beneficial for improving the lives of students with

disabilities. However, there appears to be no monitoring or oversight to ensure that this is activity is occurring or effective.

Exclusionary Indicators

India's education policies promote some basic ideas of the UNCRPD's (2006) requirements for implementing inclusive education. However, both implicit and explicit exclusionary indicators were found within the policies; thus, rating the policies as need improvements for both types of exclusionary indicators. The explicit indicators were segregated learning environments with an additional exclusionary indicator of denial of physically accessing the school building. As for implicit indicators, the lack of individualized supports and a lack of accountability.

In 2018, India's government initiated The Samagra Shiksha, an integrated scheme for school education, which provides financial incentives to Indian schools (Samagra Shikasha, 2018). While not a policy, the Samagra Shiksha does help fill some of the missing gaps of the UNCRPD requirements to support inclusive education fully. Perhaps in time, this scheme will create future legislation that better aligns with the UNCRPD (2006).

Zimbabwe

As Mpofu (2007) stated, the policymakers' commitment to inclusive education has yet to become a reality. This continues to be true today. Children with disabilities are provided some antidiscrimination rights. However, there appears to be a legal loophole that students with disabilities do not have to be accepted into general school, creating discriminatory practices. As for integration, students with disabilities' rights are considered, but no explanation outside of physical access to public buildings is required. One sentence in the Zimbabwe Constitution (2013) recognizes the needs of a person with disabilities as a priority in concerns to

developmental planning for people which disabilities which may promote the use of individual and appropriate supports. However, it is unclear if the planning mentioned relates to educational planning. Even so, there are many gaps left about what, when, and where this developmental plan is used. Lastly, there were no policies referencing concepts of prevention and amelioration.

Exclusionary Indicators

One implicit and one explicit exclusionary indicator was found despite missing inclusive education policies, which gave Zimbabwe a ranking of needs much improvement for inclusive education policies. The first was towards the possible challenges of students having rights to accessing the general education. The second was school fees, which goes against Zimbabwe's own standard of a free education. Although the United Nations does not give guidance on the use of school fees, past research has shown that this practice excludes children from gaining an education (Dieltiens and Meny-Gibert, 2012). Furthermore, the UNCRPD (2006) requires a free and compulsory education. Therefore, the use of school fees is considered an additional exclusionary indicator.

Liberia

The Liberian government shows support of inclusive education primarily through the Inclusive Education Policy (2018). However, the Liberian Constitution (1986) excludes people with disabilities through expressio unius est exclusio alterius, causing concern that people with disabilities are limited in having fundamental rights. Furthermore, the Constitution (1986) denies assurances to accessing education for students with disabilities when resources are deemed as not being available. These legal loopholes could supersede the implementation of the inclusive education policies and possibly deny students with disabilities from gaining access to much needed supports and an education, which is noted by the UNCRPD (2006) as a human right.

The use of individualized supports and planning are provided within Inclusive Education Policy (2018). Multidisciplinary teams assess and develop an IEP, which provides benchmarks and accommodations for the student with regular monitoring of the IEP (Inclusive Education Policy, 2018). What is missing from the policy is the active participation from student's parents for making placement and accommodation decisions and have a recourse when the student is not provided adequate supports (United Nations, 2016).

The Inclusive Education Policy (2018) does well to provide the basis of inclusive education by integrating students with disabilities. Systematic changes are promoted to eliminate barriers to access through universal design to the physical building (Inclusive Education Policy, 2018). Additionally, participation within the classroom is encouraged through concepts of UDL which support child-centered approaches, flexible curriculum, and other accommodations. Finally, prevention and amelioration measures are being taken through the use and coordination of community-based services (Inclusive Education Policy, 2018).

Exclusionary Indicators

The Inclusive Education Policy (2018) does well to promote the goals of implementing better inclusive education practices within Liberia. Therefore, no explicit exclusionary indicators were found. However, the findings of three implicit exclusionary indicators rank Liberia's policies to needs much improvement. The Liberian Constitution (1986) held two of the implicit exclusionary indicators through lack of access to education and lack of student rights. First, people with disabilities are omitted from the list covered by fundamental rights, which could cause for exclusions to occur without rights to legal recourse. The second a legal loophole in the Liberian Constitution (1986) could void access to education for children with disabilities if the resources were only available to promote mass education rather than those with specialized

needs. Lastly, parents were not noted as participants in decision-making for placement or supports through the IEP process. Furthermore, there was a lack of complaint mechanisms, which left parents with no way to hold the local education administrators accountable, although parents are expected to do under the Inclusive Education Policy (2018).

Sierra Leone

With strong biases against those with disabilities in Sierra Leone, the government has attempted to make progress in securing education for all but continues to fall short (Rose et al., 2019). No specific laws focus on inclusive education and only two of the core concepts, antidiscrimination and integration, have been noted within policies. Although, discrimination rights may be limited within the Sierra Leone Constitution (1991), children with disabilities may be afforded so educational rights under the Child's Rights Act (2007) and the Education Act (2004).

Access and admission to general schools are primary focuses within the policies. First, all students must be accepted into the general education setting (Education Act, 2004). Primary schools are to be located within each neighborhood, and junior schools are to be in every chiefdom to help ensure access for students with disabilities (Education Act, 2004; National Education Policy, 2010). In addition to promoting community schools, school buildings are accessible, and some supports are provided through special equipment and materials (National Education Policy, 2010; Persons with Disabilities Act, 2011).

According to the UNCRPD (2006), integration provides more than access to general schools, through the provision of supports to allow students to actively participate within the classroom. However, under the core concept of integration, policies lack consideration to the use of standardized assessments, as these assessments must be "replaced by flexible and multiple

forms of assessments and recognition of individual progress towards broad goals that provide alternative routes to learning" (United Nations, 2016, p. 9). In addition, the concepts of UDL, individualized education planning, and supports, are missing and should be considered within the development of inclusive education policies. Furthermore, missing is the core concept of prevention and amelioration. The lack of these core concepts in policies leave much work for the policymakers to develop appropriate inclusive educational practices. According to the Education Sector Plan 2018-2020 (n.d.), some of these missing components in implementing inclusive education are expected to be addressed in future policy.

Exclusionary Indicators

Due to the lack of policies concerning inclusive education, the policies could not be fully examined for explicit inclusionary indicators. There were two implicit indicators found within the available policies which were a lack of individualized support and lack of support for assessments. Although some concepts of reasonable accommodations were offered within the policies, the policies do not provide information as to how students receive access. These missing processes could leave children with disabilities being excluded from participating within the general education classroom. Also concerning, is that resources for those with disabilities will be provided, when possible, particularly for students with visual impairments which may deny them access to necessary supports.

The lack of inclusive education policies made it hard to examine for explicit exclusionary indicators; however, two implicit indicators were found and rated Sierra Leone's policies for in need of improvement. Due to the missing policy text, the explicit exclusionary indicators are rated for much improvement needed. Perhaps the framework, Education Sector Plan 2018-2020

(n.d.), will help provide a foundation to support the future development of inclusive education policies, preferably these policies will be implemented sooner rather than later.

Nigeria

Several legislation initiatives now support to students with disabilities (Special Needs Policy, 2015). However, more national-level policies need to be implemented to align inclusive education policies to the requirements of the UNCRPD (2006). Although it is unclear if students with disabilities are protected under the Nigerian Constitution (1999, amended 2011), students with disabilities are afforded antidiscrimination rights under the National Education Policy (2013) and the Discrimination Act (2018). However, there is one exception, as the Child's Rights Act (2003) excludes children with mental disabilities from being afforded a free and compulsory education. This exclusion may be obsolete with the rights outlined in the Discrimination Act (2018) and the National Education Policy (2013), but this is unclear due to use of different policy terminology and definitions used within the policy when referring to those with disabilities.

The rationale for implementing the Special Needs Policy (2015) was to provide needed guidance for inclusive education practices. Yet, the policy provides no further explanation as to how students are provided with inclusive education. The system appears to remain one of a segregate system with promises to implement more inclusive education policies in the future (Special Needs Policy, 2015). Furthermore, the policy language implies that students with disabilities are not capable of succeeding within the general education setting, which could create assumptions that they are not able to be educated within the general education setting.

The Special Needs Policy (2015) does well to outline provisions of reasonable accommodations and provides teachers' trainings to support inclusive classrooms. However, the policy is weak in defining the process and procedures for providing accommodations in regard to

the IEP components and as to how, when, and who is involved in the IEP process. Such vague policies do not help ensure that students with disabilities are receiving the support required within the general education setting or if it is even possible to them to be served in such settings.

The core concept of individualized and appropriate supports is strong with the provision of assessments and the use of multidisciplinary professionals to develop a plan with appropriate supports. The Nigerian policies give specific accommodations that can be used for each type of disability. In addition, the policies help ensure those students who are blind or deaf have access to the accommodations outlined in the UNCRPD (2006) requirements. Missing from the policies is an explanation of how the individualized supports are implemented and if the process is "consistent with the goal of full inclusion" (UNCRPD, 2006, p. 285) within the general education setting.

The Discrimination Act (2018) and the Special Needs Policy (2015) provide the concept of prevention and amelioration. First, persons with disabilities are to participate in helping to make policy decisions concerning education (Discrimination Act, 2018). Second, the Special Needs Policy (2015) outlines the use of community-based rehabilitation, which builds partnerships with the schools and gives more accessibility to students with disabilities to engage in services that will help remove barriers. Therefore, policies hold the core concept of prevention and amelioration.

Exclusionary Indicators

Progress has been made in more recent Nigerian policies for students with disabilities through stronger rights and support to inclusive education. However, policies continue to be ambiguous in supporting the processes needed to ensure inclusive education is appropriately implemented. Two explicit exclusionary indicators were found to promote the continued use of

segregated learning environments and possibly deny students with intellectual disabilities from accessing free and appropriate education. These findings rank the policies for needs improvement for explicit exclusions.

With three implicit exclusionary indicators, the Nigerian policies were rated to needs much improvement. The policies were found to lack processes to promote equality in education by a lack of individualized support. In addition, accountability was lacking because parents are only provided with opportunities to consent to services and are not active participants in the educational decisions of their child. No mechanisms for recourse are given to support parents when their child's needs were not met. Therefore, Nigeria's government has much work ahead to promote equal education for all within their policies.

Transnational Overviews

This section of the chapter provides a transnational comparative analysis of the 16 selected countries' national policies which were examined for alignment to the UNCRPD's article 24 Education (2006). First, Shogren and Turnbull's (2014) core concepts were reviewed to analysis if the policies. Next, the exclusionary indicators were assessed within the policies, first explicitly and then implicitly. Future recommendations for policies and researchers conclude this chapter.

Transnational Findings for Core Concepts

Inclusive education is constantly evolving, and so are the policies. The application of Shogren and Turnbull's (2014) core concepts, (1) antidiscrimination, (2) integration, (3) individualized and appropriate supports, and (4) prevention and amelioration provide insights into the transnational commitment for inclusive education. This section critically examines the

common challenges and strengths across the countries' policies in concern to the four core concepts.

Antidiscrimination

Within the core concept of antidiscrimination, constitutions were found to exclude or limit discrimination rights for people with disabilities. Five countries' (South Africa, New Zealand, Philippines, Kenya, and Zimbabwe) laws and policies support antidiscrimination rights. One country's (Singapore) laws and policies gave no antidiscrimination. Ten countries' constitutions (Bangladesh, India, Liberia, Namibia, Nigeria, Pakistan, Singapore, Sri Lanka, Trinidad and Tobago, Sierra Leone) used expressio unius est exclusio alterius. This Latin legal term is used to interpret and construct statutes, is a specific listing of groups that excludes other groups (State of Washington, n.d.). In interpreting the law, it can be presumed since those with disabilities are not listed that they are not afforded the same rights under that law (State of Washington, n.d.; Sullivan & Driegger, 1994). In this study, the omission of students with disabilities may hinder or lessen their equal rights when a violation in education occurs based on the child's disabilities.

Of the 10 countries, five countries' laws (Sri Lanka, Ghana, Bangladesh, Sierra Leone, and Nigeria) provide antidiscrimination rights to children with disabilities. Four countries' (Trinidad and Tobago, Pakistan, Liberia, and India) provide no further rights. One country's (Namibia) Constitution indicates that by the signing of national treaties, such as the UNCRPD, that the treaties requirements automatically go into effect. For those countries' governments which did not provide further antidiscrimination rights governments to help assure discrimination rights, the most legislatively powerful action is to include rights for those with

disabilities with Constitutional rights. Other legislative actions ensure specific rights for people with disabilities and ensure that rights are equal to those who do not have disabilities.

As for antidiscrimination rights to education, six countries' (New Zealand, Trinidad and Tobago, Kenya, India, Zimbabwe, and Nigeria) laws and policies hold possible restrictions which could keep students with disabilities from accessing the general education setting. The countries' policies varied in how students with disabilities were excluded. Some government policymakers selectively outline which types or categories of students could access the general school setting, while others implicitly used expressio unius est exclusio alterius to exclude specific categories. Other countries' policymakers added, either intentionally or intentionally, legal loopholes which give school administrators the legal authority to deny students into general schools.

The United Nations requires, under article 5 Equality and Non-discrimination, that State parties must prohibit all disability-based discrimination and provide adequate and equal protections to persons with disabilities (United Nations, 2016; UNCRPD, 2006, article 5). In such areas of law where systematic and structural discrimination occurs, State parties are required to take affirmative actions to remove such barriers to ensure access to the general education setting (United Nations, 2016). Therefore, countries' laws and policies should be evaluated to promote an inclusive culture by protecting people with disabilities and providing access to the general educations setting for all students with disabilities, regardless of the type or severity of the disability (United Nations, 2016).

Integration

Integration refers to the right not to be segregated solely based on disability from persons without disabilities (Turnbull et al., 2003). The UNCRPD (2006) indicates that non-

discrimination includes the right not to be segregated and provides reasonable accommodations in the general education setting. However, three countries' governments (Singapore, Sri Lanka, and Zimbabwe) have no policy support for children with disabilities the provisions to an education within the general education setting. Two countries' policies (Trinidad and Tobago and Pakistan) indicate creating more segregated settings by building more special schools increasing the number of segregated learning environments. This contradicts the United Nations (2016) requirement that states

> Any support measures provided must be compliant with the goal of inclusion. Accordingly, they must be designed to strengthen opportunities for students with disabilities to participate in the classroom and in out-of-school activities alongside their peers, rather than marginalise them. (p. 11)

In concern to segregated learning environments, placement decisions should not be based on labels to prohibit students with disabilities from accessing the general education system (United Nations, 2016). However, three countries' policies (India, Kenya, and Namibia) reference use of special schools or home-bound schooling for students with specific disabilities.

The core concept of integration allows students with disabilities to participate within the community using least restrictive environments (Turnbull, 2005). The United Nations (2016) requires students to attend primary and secondary schools within the community where the child lives. For policies to support students to participate in the least restrictive environments, accessibility to the physical school building needs to occur. Eight of the countries' policies (Singapore, South Africa, Kenya, Pakistan, Bangladesh, India, Sierra Leone, and Nigeria) currently promote access for students with disabilities to the general schools and classrooms through universal design. Therefore, nearly half the countries have no laws supporting physical

access to general schools. Requiring universal design for buildings can help set uniform standards and promote students with disabilities to gain access to all schools.

To end segregation within educational classroom teaching is accessible learning environments with appropriate supports (United Nations, 2016). This idea moves beyond educational placement to ensure that students with disabilities are included in the active teaching and learning process (Rodriguez & Garro-Gil, 2015). Thirteen of the countries' policies (exempt are Singapore, Sri Lanka, and Zimbabwe) made some mention to supporting students through variations of UDL, considerations to diverse learning styles, teaching aids, curriculum modifications, auxiliary supports, specialized equipment, and use of various modes and means for communication for those with visual and hearing impairments. No countries' policies were strong in promoting all of these types of reasonable accommodations and supports of learning to meet the needs of diverse learners. In consideration to future policy making, policymakers should consider explicitly supporting the use of more adaptable measures of UDL principles outlined in the United Nations (2016) which states

> UDL is a set of principles, providing teachers and other staff with a structure to create adaptable learning environments and develop instruction to meet the diverse needs of all learners. It recognizes that each student learns in a unique manner and involves developing flexible ways to learn; creating an engaging classroom environment; maintaining high expectations for all students, while allowing multiple ways to meet expectations; empowering teachers to think differently about their own teaching; and focusing on educational outcomes for all, including those with disabilities. Curricula must be conceived, designed and applied to meet and adjust to the requirements of every student, and providing appropriate educational responses. Standardized assessments must be replaced by flexible

> and multiple forms of assessments and recognition of individual progress towards broad goals that provide alternative routes for learning. (p. 9)

Implementing UDL teaching practices should coincide with providing reasonable accommodation, which is defined in the UNCRPD (2006) as

> "Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. (UNCRPD, 2016, article 2 Definitions, p. 271).

By governments' outlining the expectations of various ways to support learners on an individualized basis within policies helps strengthen school administrator's expectations on what to provide to teachers and how teachers can utilize those resources to meet the needs of all learners within the classroom.

Individualized Supports and Services

According to Turnbull et al. (2001), individualized services must be determined through a fair evaluation which is genuine and efficacious. The services must focus on the person's capacities, needs, and preferences (Turnbull et al., 2001). To ensure individualized and appropriate services, reasonable accommodations or other modifications must be utilized for students with disabilities within the classroom (Turnbull et al., 2001).

Appropriate individualized services were the core concept which the most neglected across the countries' policies, with 10 countries' governments not addressing this core concept. The countries' policies which are missing appropriate individualized services are Singapore, New Zealand, Trinidad and Tobago, Sri Lanka, Kenya, Ghana, Pakistan, Bangladesh,

Zimbabwe, and Sierra Leone. India promotes a process of assessments and sharing the results at parent-teacher conferences, but this process does not specifically address supporting students with disabilities. This process could easily be implemented as IEPs for those with disabilities. Nigerian policies limit the use of IEPs to those with multiple disabilities and those who are gifted. Furthermore, it is important to note, that New Zealand's government has implemented extensive guidelines in Collaboration for Success: Individual Education Programme Guideline (2011). However, to strengthen the use of IEPs in New Zealand, the guidelines should be noted within national-level policies (Julita, 2009).

As stated earlier, Turnbull et al. (2001) stated that fair evaluations are a part of determining individualized services. Only six countries' policies noted the use of individualized and appropriate supports and services. Of those countries' policies which implement IEPs, three countries' policies (India, Nigeria, and Philippines) give no procedures to provide the how, who is involved, and when IEPs occur. Collaborations with parents, service providers, and teachers, or some variations were found only within four countries' policies (Liberia, Namibia, Nigeria, and South Africa). The same countries' policies discuss applying reasonable accommodations to the individualized planning and monitoring the effectiveness through meeting regularly. Additionally, Nigeria limits the use of IEPs to students with multiple disabilities and gifted. Therefore, countries' policies greatly varied in the implementation of developing individualized supports.

To better improve individualized services and not discriminate against students with disabilities, policymakers should seek out the United Nations General Comment (2016) for guidance to ensure all aspects of individualized planning are carried out within policies. Multi-disciplinary assessments are the first step to determining the students and should be completed as

early as possible (United Nations, 2016). In implementing IEPs, the student's strengths should be identified, along with needed provisions for reasonable accommodations, assistive aids, and specific learning materials through various modes and means of communication. In addition, plans need to incorporate transition periods between segregated learning environments and in change of education levels (United Nations, 2016). The United Nations (2016) outlines the supports and requires collaboration between students when appropriate, parents, and third parties. Lastly, regular monitoring systems and a process for filing a complaint are needed to help minimize antidiscrimination (United Nations, 2016).

Prevention and Amelioration

The core concept of prevention and amelioration is the socio-ecological approach which focuses on the interaction between the person with the disability and the social, cultural, and physical environment to help prevent the negative impacts of the disability (Shogren & Turnbull, 2014). Generally, the focus of this concept is on the community, using the family as the foundation, and promoting self-dignity for the student with disabilities (Shogren & Turnbull, 2014). Four countries' policies (Singapore, Sri Lanka, Zimbabwe, and Sierra Leone) do not address activities of prevention and amelioration relating to primary and secondary education. Countries' policies which address activities for prevention and amelioration have implemented activities which include students with disabilities participating in government activities, parent supports and trainings, community-based rehabilitation, research, community awareness, and self-advocacy.

Four countries' policies (New Zealand, Trinidad and Tobago, Kenya, and Nigeria) referred to having youth participating in government decision-making or holding seats on committees. Although, New Zealand's policies indicate that attempts would be made to involve

students (Education Act, 2020), which fall short of ensuring involvement. Such policies are supported by the United Nations (2016) as the

> Establishment of legislation to guarantee all persons with disabilities, including children with disabilities, the right to be heard and their opinion given consideration within the education system, including through school councils, governing bodies, local and national government, as well as mechanisms through which to challenge to appeal decision concerning education. (p. 20-21)

Therefore, those countries' policies that do not support the voices of youth with disabilities should be rewritten to support the perspectives of those living the experience.

Three countries' policies (Ghana, Nigeria, and South Africa) referred to community-based partnerships to provide rehabilitation services for students with disabilities. Community rehabilitation services help children with disabilities to make personal gains and build the capacity of inclusive education personnel to better respond to the diverse needs (Lomofsky & Lazarus, 2001). The United Nations (2016) strongly supports community-based rehabilitation to include healthcare, occupational, physical, social, counseling, and other services, which ties education to the rehabilitation measures outlined under UNCRPD (2006) article 26 Habitation and Rehabilitation. Therefore, countries' governments should support schools through implementing community-based rehabilitation in connection to inclusive education to provide a higher quality of life and increase participation for those with disabilities.

Parents are an integral part of their child's lives and can be supported through training and education concerning their child's disabilities. Seven countries' policies (Bangladesh, Ghana, Liberia, Namibia, South Africa, Trinidad and Tobago, and the Philippines) indicate parent training and advocacy use. Implementing parent training and teaching advocacy skills

help parents to improve the ability to care for their child with disabilities and helps increase much needed outreach to all parents (United Nations, 2016). Therefore, governments can support parents to meet the individual level needs of their child and improve engagement of services. Additionally, this training will better prepare parents to understand the benefits of inclusive education and know how to be advocates for their child's rights.

Research for best practices can effect change and identify how effective school improvement manifests itself (Ainscow et al., 2013). Four countries' policies (Trinidad and Tobago, the Philippines, Liberia, and Nigeria) support research to improve educational and social practices for students with disabilities. Research improves the quality of educational practices and aligns with the United Nations (2016) requirements, which support quality research and data collection about the relevance of access, permanence, and progress of education, along with the associated outcomes of the provision of reasonable accommodations. The research activities comply with article 31 Statistics and Data Collection of the UNCRPD (2016). Policymakers should implement policies that appropriately support research with guidelines for quality and ethical research to promote effective research outcomes.

Self-advocates and researchers believe self-advocacy to be a skill that should be taught in school to increase self-determination (Roberts et al., 2016). Kenya's government was the only country to cite self-advocacy as a policy requirement to improve the lives of students with disabilities. The United Nations (2016) states that self-advocacy is a fundamental basis to enhance full participation in political and public life, which is enhanced by realizing the right to public education. Policymakers can support self-advocacy through involvement in student organizations and through all forms of communication and language of the student's choice,

which complies with the United Nations (2016) and the UNCPRD (2006) article 29 Participation in Political and Public Life.

HDI Country Comparison of Core Concepts

The application of similarly ranked HDI countries allow for the policies to be examined when making considerations to government policy priorities (UNDP, n.d.). Using HDI rankings help to provide insights to the culture and context of the country (UNDP, n.d.). The countries' policies were compared according to the ranks for the core concepts held within the policies (see Table 4.2).

Caution needs to be taken when using this table for comparisons within the HDI development rankings and for core concepts. For example, not all countries' governments implemented all the UNCRPD requirements which fall under prevention and amelioration but do address one or two examples. Additionally, sample sizes are small for low development and particular for very high human development countries since Singapore does not provide any laws or policies concerning inclusive education.

The table is useful in showcasing that the majority of countries, in all rankings, are most neglectful of implementing the core concept of individualized and appropriate services. The initial assumption for this void core concept is that individualized and appropriate services require a significant number of resources due to the need to train staff to complete assessments and implement IEPs, extensive time to hold collaborative meetings to initiate and evaluate IEPs, the provision of related services (e.g., speech, occupational, and physical therapies), and providing other qualified staff. However, it is interesting to note that the majority of low development countries have implemented this core concept. Other pertinent information derived from this table indicate that medium ranking countries are the strongest for providing

Table 4.2

Core Concepts of Countries' Policies based on HDI Rankings

	Antidiscrimination	Integration	Individualized and Appropriate Services	Prevention and Amelioration
Very High				
Singapore				
New Zealand	X	X		X
High				
South Africa	X	X	X	X
T & T		X		X
Sri Lanka	X			
Philippines	X	X	X	X
Medium				
Kenya	X	X		X
Ghana	X	X		X
Pakistan		X		X
Namibia	X	X	X	X
Bangladesh	X	X		X
India		X	X	X
Zimbabwe	X			
Low				
Liberia		X	X	X
Sierra Leone	X	X		
Nigeria	X	X	X	X

Note. Countries' policies are marked if the concept was addressed; however, caution needs to be taken with interpretation of this table, as X does not indicate that the core concept was fulfilled to the UNCRPD (2006) requirements. See Chapter 4 Transnational Findings of Core Concepts for a more in-depth status of each countries' status in meeting the core concepts through review of the requirements for the UNCRPD (2006) and Shogren and Turnbull's (2014) core concepts.

other qualified staff. However, it is interesting to note that the majority of low development countries have implemented this core concept. Other pertinent information derived from this table indicate that medium ranking countries are the strongest for providing antidiscrimination and prevention and amelioration, and low development countries were strongest in integration policies.

Transnational Summary of Explicit Exclusionary Indicators

Through a critical analysis of past policy analysis studies completed within the past 10 years, four common explicit exclusionary indicators were derived and applied to this critical policy study of 16 countries. The four explicit exclusionary indicators found were integrative versus inclusive education, segregated learning environments, rigid and inflexible curriculum, and negative labeling. This study also found additional exclusionary indicators. Before reviewing these indicators, it is important to note that due to the paucity of policies in Singapore and Sierra Leone those policies were not able to be analyzed. Liberia's policies held no explicit exclusionary indicators.

Integrative Over Inclusive Language

Unlike the core concept of integration, where students are expected to be integrated into their communities, integration in this part of the study is defined as the process of placing a student with disabilities into the general education setting and expecting the student to adjust to the standard requirements of that setting without accommodations or modification (United Nations, 2016). Without such supports, students with disabilities are placed in a setting rather than given the ability to participate in their education.

Pakistan and Bangladesh's policies were found to hold practices of integration over inclusion. Within Pakistan's policies, terminology and language superficially appear supportive

of inclusive measures; however, policies were missing as to the necessary features to support inclusive education which involve the whole education system, the educational environment, and the whole person approach (United Nations, 2016). The policies in Bangladesh use integration terms such as mainstreaming and deny students reasonable accommodations and modifications to take national-level assessments. Furthermore, the policies give no mention of individualized supports which hinders students with disabilities from fully participating within the educational settings placement (United Nations, 2016). For countries' policies to support integrative over inclusive policies, the policymakers should review the necessary features of inclusive education provided by the United Nations General Comment (2016) are implement those features within national-level policies.

Segregated Learning Environments

Segregation occurs when students with disabilities are provided separate learning environments designed to serve students with particular or various impairments in isolation from students without disabilities (United Nations, 2016). Seven countries' policies (Bangladesh, Kenya, India, Namibia, Nigeria, South Africa, and Trinidad and Tobago) refer to processes of segregated learning environments. This study's outcomes are comparatively low to other studies, which reported 52%-65% of countries' governments implementing segregated learning environments (Global Partnerships for Education, 2018; UNESCO, 2020b). However, this outcome may be influenced by the fact that three countries' policies did not provide enough information to decipher if a segregated system are utilized.

Article 24 Education 2(a) prohibits the exclusion of students with disabilities from the general education system and includes limiting inclusion based on the degree of the disabilities (United Nations, 2016). However, seven countries' policies (Bangladesh, Kenya, Namibia, India,

Nigeria, South Africa, and Trinidad and Tobago), note the use of either special schools or home-bound services for specific types and severity of disabilities or explicitly indicate which types of disabilities had access to the general education setting, often mild disabilities.

As Hodgson (2018) indicated, the UNCRPD (2006) does not explicitly prevent or compel the establishment of special schools. Instead, the goal is to eliminate special schools that separate children based on the severity or type of disability (Hodgson, 2018). Governments can remove this barrier by implementing least restrictive environment measures and promote individualized supports within national level policies.

Rigid and Inflexible Curriculum

A part of inclusive education is to ensure that a flexible curriculum is provided by adapting teaching methods that fit the needs of the student's strengths, requirements, learning styles, and reasonable accommodations (United Nations, 2016). In the countries' contextual review at the beginning of Chapter 4, other countries were reported to use rigid and inflexible curriculum. However, only Pakistan's policies explicitly state that "integration of children with disability in normal system of education shall therefore be promoted at all levels." (National Policy for Persons with Disabilities, 2002, p. 7). Therefore, explicitly restricting those children with disabilities to learn within the confinements of the general curriculum.

The implications for rigid and inflexible curriculum not only exclude students with disabilities from participating within the general education setting but have other implications (Graham & Jahnukainen, 2011). Graham & Juhnukainen (2011) found that special schools placements increased for students with disabilities and cost increased due to the increased provisions of special education services due to the rise in special education diagnoses. Therefore, policymakers should implement UDL and reasonable accommodations to improve the negative

impacts of rigid and inflexible curriculum to prevent exclusions of learning within the general education classroom.

Negative Labeling

The use of labels is not always devaluing; however, labeling in law-making reinforces the sense that some people are valued less than others (Stabile, 2016). Two countries' policies (Philippines and Bangladesh) promote the use of negative labeling. Labels such as trainable versus educatable, and mild, semi, and acutely handicapped are used within these policies to determine placement decisions and promote further stigmatizations that students within a specific category may not learn as well as those without disabilities or be physically incapable.

According to the United Nations (2016), State parties must remove barriers that impede disability discrimination, stigmas, and prejudices. The use of older terminologies in special education has been updated to help remove these stigmatizations. Policymakers should educate themselves with current and more appropriate terms to help minimize such stigmas and remove policies that promote the use of labels to imply lower expectations of students with disabilities.

Other Exclusionary Indicators-Denied Access to General Schools

Although countries' policies purport inclusive education for students with disabilities, five countries' policies (Ghana, Namibia, New Zealand, South Africa, and Trinidad and Tobago) contain explicit legal loopholes within the policies that can possibly be used to deny students with disabilities from accessing the general education setting. In New Zealand, students deemed disruptive without the ability to implement reasonable accommodations could be rejected (New Zealand Constitution 1856, amended 2014; Human Rights Act, 1993). Although, South African principals are required to consider the student's rights and wishes (South African Schools Act (1996, amended 2013), the principals appear to hold the authority to deny students. In Trinidad

and Tobago, school administrators can legally deny applications to students who would require services that are not providing such services for students with non-disabilities (Equal Opportunity Act, 2000). The Kenyan Constitution (2010) promotes the rights of access to schools, but only to those schools for students with disabilities. In Ghana, students can be denied based on the outcomes of entrance assessments (Inclusive Education Policy, 2013; Rights for Persons with Disabilities, 2006).

While these national practices would be legal in the countries in which the policy applied, such practices go against article 24 Education. These legal loopholes exclude students from the general education setting based on the needs of their disabilities. Policymakers should review already implemented policies to remove such legal loopholes and create more robust supports for accessing the general education system. Additionally, future policymakers should collaborate with multi-disciplinary groups who are knowledgeable about best practices for students with disabilities to provide input which could create future exclusions within the policies.

Other Exclusionary Indicators—Lack of Physical Access to Community Schools

Physical barriers to schools often consist of a lack of accessibility ramps, disability-friendly toilets, wide doorways, and ample classroom space (Kawser et al, 2016). Such barriers make it hard for students with disabilities to gain access to schools and to move freely about the building. The use of universal design of physical buildings is one effective way to help ensure that school facilities are accessible and user-friendly to those with disabilities.

South African, Trinidadian, and Indian policies held barriers to physical access to school buildings. Nearly 20 years ago, South African policymakers acknowledged the need to implement universal design quickly. However, within recent policies, changes were only required to be made when reasonable and gave expectations for implementation by 2030

(Unified Normal and Standards, 2013). Trinidad and Tobago's government recommends universal design, but currently is voluntarily (Bureau of Standards, n.d.) Similarly, India's policies support the implementation of accessibility to school (Rights of Persons with Disabilities, 2016), yet recently indicated with the National Education Policy (2020) that physical infrastructure changes were not required.

Article 24 Education affirms equal and effective protection to education by removing physical barriers (United Nations, 2016). Such barriers can exclude children with disabilities from accessing their community (general) schools and should be removed from policies. Although, understandably, many developing countries may lack resources, shifting resources to build new special schools so that children with disabilities can better access their community (general) schools and complies with the goals of the United Nations (2016).

Other Exclusionary Indicators-Lack of Support for Assessments

As stated before, non-direct exclusions occur when a standard test is a condition for school entry without reasonable accommodations and support (United Nations, 2016). This exclusionary indicator was found to occur explicitly and implicitly within the test. Explicitly, Bangladesh's policies indicate that no modifications or accommodations are allowed for the competitive entrance examination to grades 9 and 10 (National Education Policy, 2010; Trines, 2019). Therefore, exclusions have been created which keep students from gaining access to free and compulsory education to secondary education, which does not align with the UNCRPD (2006). Therefore, policymakers should ensure that students with disabilities have access to accommodations and modifications for national assessments, along with the provision of both a primary and secondary education without such requirements attached.

Other Exclusionary Indicators-School Fees

Outside of the UNCPRD (2006) requiring a free and compulsory education to primary and secondary schooling, the United Nations gives no guidance concerning school fees. However, Dieltiens and Meny-Gibert (2012) indicate that students drop out due to the inhibiting costs of supplies, uniforms, and books. Therefore, the use of school fees is an exclusionary indicator.

The review of this studies' context of the countries mentioned several times that countries' schools do charge fees for various educational supplies. However, only Zimbabwe's policies made a note of using school fees to help maintain high education standards (Education Amendment Act, 2020). Since use of fees are used in other countries, policies should be written to forbid such practices to ensure students with disabilities are provided free education.

Other Exclusionary Indicators-Lack of Student Rights

According to the UNCRPD (2006), disability discrimination occurs through any distinction given that impedes educational freedoms on an equal basis. Discrimination to free and compulsory education through a lack of students' rights was explicitly and implicitly found within policies. The implicit lack of student rights was outlined under implicit exclusionary indicators. As for explicit indicators, Nigerian policies were the only policies found to hold this exclusion. The Child's Right Act (2003) explicitly discriminates against students with intellectual disabilities by stating that children with mental disabilities are not afforded a free and compulsory education. Although there have been newer policies, Special Needs Policy (2015) and Discrimination Act (2018), put into place which should supersede this legislation there is no documentation found to prove this policy has been revoked. Furthermore, the Child's Right Act (2003) policy goes against the Nigerian Constitution (1999), which supports legislation for equal

and adequate opportunities. Therefore, prior to implementing policies, policymakers should review new policies to align with their own country's policies to remove any explicit barriers hindering students with disabilities from having equal rights to all aspects of inclusive education.

Summary

The initial framework for explicit exclusionary indicators, which were found from the previous studies were integrative over inclusive language, rigid and inflexible curriculum, negative labeling, and segregated learning environments. Through this study, additional explicit indicators were found for use of school fees, lack of support for assessments, lack of physical access to school buildings, and denied access to general schools. Of the number of countries' policies found to hold the indicators are shown in Figure 4.17. The use of school fees, lack of supports for assessments, lack of student rights, and rigid and inflexible curriculum was found within one country's policies each. Two countries' policies held explicit exclusions of integrative over inclusive language and negative language. Three countries' policies created exclusions through lack of physical access. Denied access to general schools was found within five countries' policies and segregated learning environments was held within seven countries' policies.

HDI Country Comparison of Explicit Exclusionary Indicators

In applying the countries' rankings of HDI to examine for similarities of explicit exclusionary indicators within policies, two points of interest occurred within the medium development countries (see Table 4.3). Medium development countries' policies appear to high with four out of seven countries' policies utilizing segregated learning environments and the same number of medium development policies denying access to general education settings. High development countries' policies were found to have two of four countries which denied

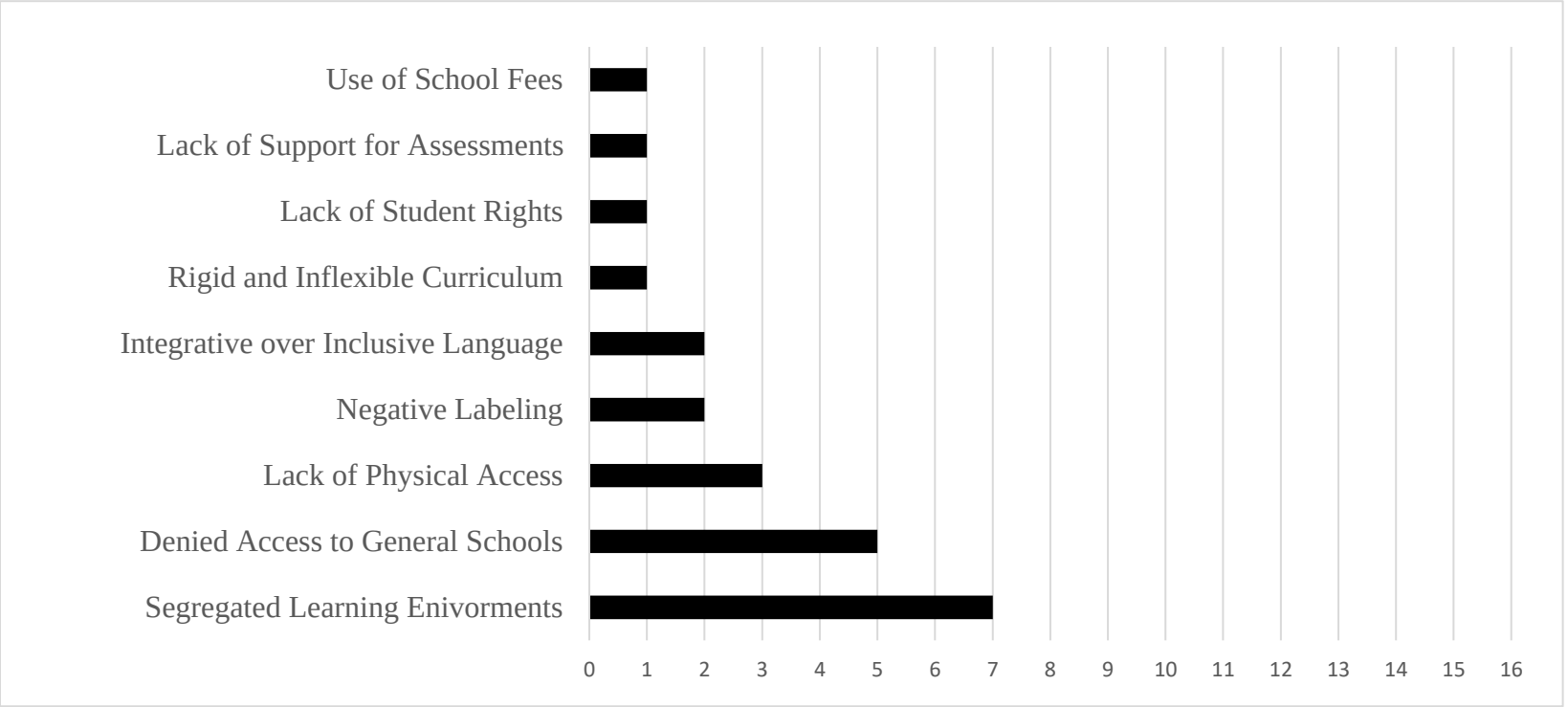

Figure 4.17

Explicit Exclusionary Indicators Found within This Study

Note. This chart indicates findings from the 16 selected countries' laws or policies for this study.

Table 4.3

Comparison of HDI Ranking Countries for Explicit Exclusionary Indicators

	Integration vs. Inclusion	Segregated Learning Environments	Rigid and Inflexible Curriculum	Negative Labeling	Other: Denied Access to General Schools	Other: Lack of Physical Access to Community Schools	Other: Lack of Support for Assessments	Other: School Fees	Other: Lack of Student Rights
Very High									
Singapore*									
New Zealand					X				
High									
South Africa		X			X	X			
T & T		X				X			
Sri Lanka*									
Philippines				X					
Medium									
Kenya		X			X				
Ghana					X				
Pakistan	X		X		X				
Namibia		X							
Bangladesh	X	X		X			X		
India		X				X			
Zimbabwe								X	
Low									
Liberia+									
Sierra Leone*									
Nigeria		X							X

Note. *Indicates countries' policies that lacked inclusive education policies and could not be evaluated for implicit exclusionary indicator. +No explicit exclusionary indicators found.

physical access to school buildings. No other similarities were determined, which may be due to the small sample sizes of each ranking and because some countries' policies did not give enough insights into inclusive education practices.

Transnational Summary of Implicit Exclusionary Indicators

Implicit exclusionary indicators were derived from a critical analysis of other policy analysis studies within the past 10 years. The implicit exclusionary indicators derived fro m those. studies were lack of individualized supports, medical model/deficit-based assumptions, lack of teacher training, and lack of accountability. Through this study's examination, additional implicit exclusionary indicators were found and discussed. Three countries' policies (Sri Lanka, Singapore, and Zimbabwe) were not analyzed due to the paucity of inclusive education policies. Although, Singapore was still noted to have a lack of student rights due to a lack of antidiscrimination laws which denied student rights.

Lack of Individualized Supports

Article 24 Education requires State parties to ensure effective individualized supports are put into place to provide maximum academic and social development (UNCRPD, 2006). However, the lack of individualized support was missing in eleven countries' policies (New Zealand, Trinidad and Tobago, Philippines, Kenya, Ghana, Pakistan, Namibia, Bangladesh, India, Sierra Leone and Nigeria) of the 16 countries studied. New Zealand's government had addressed this process extensively but through guidelines rather than national policy. Such processes should point to or be outlined in national policy since guidelines are merely recommendations (Julita, 2009). The United Nations (2016) requires adequate continuous personalized support to utilize individualized education plans to identify reasonable accommodations and specific supports.

Within the six countries' policies that support IEPs, some countries' policies are missing essential components which implicitly indicate that individualized supports are not fully recognized. Three countries' policies (India, Nigeria, and Philippines) are missing processes as to how to implement individualized education planning by omitting important factors of who is involved, what is within the IEP, how supports are determined, and how the plan will be monitored for effectiveness. Nigerian policies limit the use of IEPs to those with multiple disabilities and those who are gifted; thus, excluding other types of disabilities to individualized supports.

The United Nations (2016) stipulates guidance to the requirements of providing individualized supports through the IEP process. The IEPs must address transitioning planning between segregated settings and between levels of education (United Nations, 2016). Specific individualized supports include learning materials in alternative and accessible formats, modes and means of communication, communication aids, and devices. Supports can have individual assistance or one-on-one (United Nations, 2016). The decision of these supports is to be determined by collaborative efforts from the student (when appropriate), the parents, or third-party caregivers (United Nations, 2016). Regular monitoring for effectiveness and recourse measures are to be provided (United Nations, 2016). Therefore, policymakers should ensure such processes are fully developed to aim for students with disabilities to receive equal and equitable access to individualized supports for the maximization of social and educational outcomes.

Medical Model/Deficit-Based Assumptions

Through the lens of medical models, disabilities are understood as the individual or medical phenomenon that results in limited functioning or deficits (Haegele & Hodge, 2016). When educational settings use the medical approach, there is an increase of negative assumptions

of disability, stigmatization towards disabilities, and discrimination experienced by people with disabilities (Rimmerman et al., 2015). Therefore, policies that focus on medical terminology create barriers and have been found to not effectively achieve educational goals (Massouemeh & Leila, 2012: Pisha et al., 2001).

The use of language to describe people with disabilities has changed over time, and specific terms can create exclusions and barriers to full participation (National Youth Leadership Network, 2006). Four countries' policies (Bangladesh, Pakistan, Philippines, and Trinidad and Tobago) contain antiquated medical terms which devalue people with disabilities. Terms that were found included deaf and dumb, emotionally disturbed, mentally retarded, deformed, mongoloid, and disfigured. More respectful language should be used, such as blind and visually impaired, deaf, learning disability, speech disability, emotionally disabled, developmental delays (National Youth Leadership Network, 2006). Policymakers should educate themselves on the most appropriate and preferred terms used by their citizens with disabilities before implementing inclusive education law. One approach to overcoming this challenge is for people with disabilities and disability advocacy groups to participate in legislative measures at the national level to ensure appropriate terms are incorporated into policy language.

One of the basic assumptions of the medical/deficit model in government policies is that students with disabilities have pathological conditions and are fundamentally different than other students (Kirby, 2017). This was found to be true in this study, as seven countries' policies (South Africa, Trinidad and Tobago, Philippines, Kenya, Pakistan, Bangladesh, and Nigeria) imply that people with disabilities were *abnormal* (added emphasis), pathologized, or lacked the ability to have appropriate behavior or benefit from the general education setting. Under the United Nations (2016), governments must remove social barriers that exclude and marginalize

people with disabilities; therefore, policymakers should ensure that policies support language that does not create othering of those with disabilities and use human rights and social models of disabilities. Through this shift in language, policies better support the removal of social barriers to promote students with disabilities to fully participate within the general education classroom beside their peers.

Lack of Teacher Training

A process should be initiated to provide all teachers with the core competencies and values to work within an inclusive education system through pre-and in-service trainings (United Nations, 2016). Two countries' policies (Bangladesh and Kenya) acknowledge the need for teacher trainings, yet the policies were void of requiring teacher trainings concerning inclusive education. Additionally, New Zealand's policies had no mention concerning teacher training, just as Powell (2012) reported.

Due to varying standards for teacher training programs, it was hard to assess if countries' policies addressed the requirements of the UNCRPD (2006). However, policymakers should ensure that teachers are trained in the core concepts of inclusive education. To comply with the UNCRPD (2006) trainings should incorporate disability awareness, use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques, and materials to support students with disabilities. The United Nations General Comment (2016) provides further requirements for teacher education to address the human rights model of disability, inclusive pedagogy, and the basics of human diversity, growth, and development. Policymakers should review these teacher training requirements and ensure national-level policies hold these standards.

Lack of Accountability

Three primary ways to ensure accountability to support people with disabilities are well-defined policies, parent participation, and monitoring systems (Aldersey & Turnbull, 2011; Chiu & Turnbull, 2014). Throughout this chapter, many examples of vague and ambiguous policies are cited; therefore, this specific section focuses on parent participation and monitoring systems. Eight, or half, of countries' policies (Trinidad and Tobago, Kenya, Ghana, Namibia, Bangladesh, India, Liberia, and Nigeria) lack in either of these categories.

Parent involvement in decision-making not only promotes healthy development and helps to focus on the student's strengths (Durisic & Bunijevac, 2017), but helps to improve the development and implementation of appropriate services (United Nations, 2016). Collaborations with parents helps to ensure that accommodations meet the requirements, preferences, and choices of the student (United Nations, 2016). However, four countries' policies (Bangladesh, Liberia, Nigeria, and Trinidad and Tobago) do not require parent collaboration or decision-making processes. Excluding parents as collaborators minimizes the accountability of school members to uphold the parents' wishes. Parents are to be seen as valuable assets in this process (United Nations, 2016), and policymakers should support their participation within policies.

Not only should parents be collaborators, but parents should have recourse mechanisms if supports are not available or inadequate (United Nations, 2016). Seven countries' policies give no mention to recourse mechanisms (Bangladesh, India, Kenya, Liberia, Namibia, Nigeria, and Trinidad and Tobago). Ghana's policies recognize the right to recourse but provide no process as to how to do so. With State parties needing to ensure such mechanisms are in place, policymakers should give parents rights to access this provision and outline a process within national policy to ensure consistency and accountability is carried out equally across the country.

Monitoring processes are to be implemented to track progress at all levels of education and ensure policies and programs are of quality and backed by requisite financial support (United Nations, 2016). All countries' policies recognize either having monitoring systems in place or promise to begin such processes. These initiatives should occur sooner rather to oversee that accessibility and quality education is being provided to students with disabilities. Policymakers should review the UNCRPD (2006), the United Nations General Comments (2016), and Sustainable Development Goal 4 (United Nations, 2015) for further guidance in developing effective monitoring systems.

Other Exclusionary Indicators-Lack of Student Rights

As stated under explicit exclusionary indicators, disability discrimination occurs when educational freedoms are impeded and not provided equally to others (UNCRPD, 2006). Three countries' policies (Liberia, Pakistan, Singapore) hold implicit exclusionary indicators by not providing or limiting the rights of students with disability. When countries' governments construct legislation, there is a code to statutory interpretation used to help guide the development of construction. Expressio unius est exclusio alterius can be used to omit a specific group and can be presumed during legal interpretation that when specific groups are listed that those who are omitted are not protected under that section of the law (State of Washington, n.d.). Those who are omitted from the list can be presumed to be intentionally omitted (Sullivan& Driegger, 1994).

The use of expressio unius est exclusio alterius occur within 10 countries' Constitutions (Bangladesh, India, Liberia, Namibia, Nigeria, Pakistan, Singapore, Sri Lanka, Trinidad and Tobago, Sierra Leone), which could lessen the rights of people with disabilities. Of those countries, most have put in antidiscrimination rights or educational rights for children with

disabilities to help give better protections. However, four countries' policies mentioned before have limited or no antidiscrimination rights for students with disabilities.

Such legal barriers of exclusion and discrimination need to be removed to assure equal access with urgency (United Nations, 2016). Policymakers should review policies to help ensure antidiscrimination rights and educational rights are protected for students with disabilities. Any legislation that holds these barriers should be repealed or amended to ensure alignment with the UNCRPD (2006) to help ensure inclusive societies exist for people with disabilities.

Other Exclusionary Indicators-Lack of Access to General Education Schools

As found in explicit exclusionary indicators, policies can contain exclusions to keep students from gaining access to the general education setting. This was found to be true through implicit assumptions within Pakistan's policies. Through expressio unius est exclusio alterius, students with disabilities appear to be omitted from the Pakistan Constitution (1973, amended 2018) and the Right to Free and Compulsory Education Act (2012), which gives access to public institutions to specific groups of students but excludes those with disabilities. This omission seemingly denies the rights to students with disabilities. National level policymakers should review current policies concerning admission policies to general education settings for students with disabilities and remove any barriers that prohibit admission, per the requirements of the UNCRPD (2006).

Other Exclusionary Indicators-Lack of Access to Education

Using the lack of resources and financial crises as justification to avoid implementing inclusive education is a violation of article 24 Education (United Nations, 2016). This justification to providing educational services was found only in Liberia's Constitution (1986) which indicates that if resources were not available to provide equal access to all, then

educational priorities would focus on mass education and literacy initiatives. This could be considered a legal loophole within the Constitution which could implicitly exclude students with disabilities from being served. Therefore, policymakers should review existing legislation to remove language that violates article 24 Education to ensure that a lack of resources prevents students with disabilities from accessing an equitable education to their peers without disabilities.

Other Exclusionary Indicators-Lack of Support for Assessments

According to the United Nations (2016), non-direct exclusions occur when standardized tests are administered without reasonable accommodations or modifications. This is found within policies as an implicit exclusionary indicator, as well as an explicit exclusionary indicator which was stated earlier. In the National Education Policy (2011), Sierra Leone's government introduced a national assessment to assess students' literacy, numeracy, and thinking skills. The policy does not indicate any adaptations for students with disabilities which implicitly denies students the right to access support required. Therefore, policymakers should ensure that explicit instruction occurs within the national level policies to support students with disabilities when implementing national assessments. The second factor that policymakers should consider is implementing processes that replace traditional examinations with other forms of evaluations that are individualized and modified to the learners' needs, as recommended by the United Nations (2016).

Summary

The initial framework for implicit exclusionary indicators, which were found from the previous studies were lack of individualized supports, medical model/deficit-based assumptions, lack of teacher training, and lack of accountability. Through this study, all of the initial implicit

indicators were found, along with additional implicit indicators of lack of supports for assessments, lack of access to education, lack of access to general education schools, and lack of student rights. Of the number of countries' policies found to hold the indicators are shown in Figure 4.18. The lack of supports for assessments, lack of access to education, and lack access to general schools were found in one country's policies each. The lack of student rights and lack of teacher trainings were implicit exclusions within two countries' policies each. Seven countries' policies held medical model/deficit-based assumptions. Eight countries' policies were found to have a lack of accountably. A lack of individualizes supports was found in eleven countries' policies.

HDI Country Comparison of Implicit Exclusionary Indicators

The countries' policies were examined by ranking the HDI categories to determine if any similarities occurred within each development category of very high, high, medium, and low development countries. With a scarcity of Singapore's education policies concerning inclusive education, the four implicit exclusionary indicators could not be found; however, a lack of student rights was found to be omitted from the Constitution and no other antidiscrimination law to protect those with disabilities. These lack of policies alone, give an implicit message that people with disabilities are not a priority for the Singaporean government. In addition, Sri Lanka and Zimbabwe had a paucity of policies, leaving no ability to examine for any implicit language. As for the policies that were reviewed, three patterns were derived (see Table 4.4). Within the medium development countries, all of the accessed countries' policies lacked in some respects to providing individualized supports by missing IEP process and procedure, not connecting the use of IEPs to determine reasonable accommodations, or missing mechanisms of recourse. Pakistan was the one country void of any policy recognizing any supports. The medium-high countries

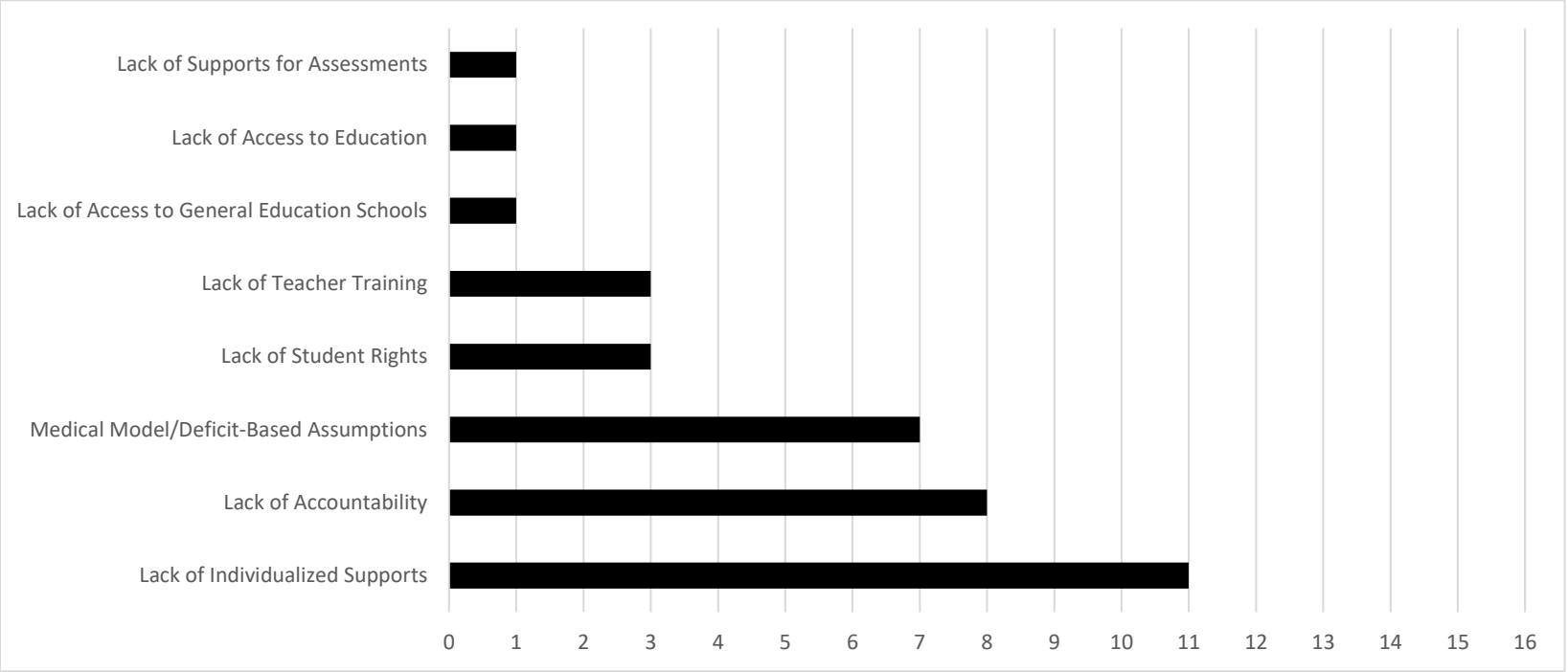

Figure 4.18

Implicit Exclusionary Indicators Found within This Study

Note. This chart indicates findings from the 16 selected countries' laws and policies for this study. There were also three countries' governments which have not adopted adequate policies to support inclusive education and could not be examined.

Table 4.4

Comparison of HDI Ranking Countries for Implicit Exclusionary Indicators

	Lack of Individualized Supports	Medical Model/Deficit-Based Assumptions	Lack of Teacher Training	Lack of Accountability	Other: Lack of Student Rights	Other: Lack of Access to General Education Schools	Other: Lack of Access to Education	Other: Lack of Support for Assessments
Very High								
Singapore*					X			
New Zealand	X		X					
High								
South Africa		X						
T & T	X	X		X				
Sri Lanka*								
Philippines	X	X						
Medium								
Kenya	X	X	X	X				
Ghana	X			X				
Pakistan	X	X			X	X		
Namibia	X			X				
Bangladesh	X	X	X	X				
India	X			X				
Zimbabwe*								
Low								
Liberia				X	X		X	
Sierra Leone	X							X
Nigeria	X	X		X				

Note. *Indicates countries' policies that lacked inclusive education policies and could not be evaluated for implicit exclusionary indicator

may lack in individualized supports and IEP processes due to the higher cost that it would take to implement this process fully. Cost factors would include hiring and training staff and teachers to implement IEP meetings effectively and documentation, purchase specialized equipment, and pay for teachers for their time to test, lead meetings, and monitor services; thus, increasing the number of school staff to carry out IEP measures effectively, when many countries are already short on qualified teachers. Additionally, government systems personnel would need to be hired to monitor the execution of these systems.

The lack of accountability was found to commonly occur often with medium countries. Often, this occurs due to not involving parents in the process and providing no recourse mechanisms for parents when support is inadequate or unavailable. Since parents are expected to be involved in IEPs, there may be some connection to the lack of individualized support processes, which are missing. Another reason this exclusion may be high is that cultural beliefs may influence policymakers to believe that parents will not want to participate due to shame of having a family member with a disability.

The last similarity found was the high number of medical model/deficit-based assumptions in the high developed countries. The assumption in high development countries may be because the higher ranking developed the country, the more access to doctors and other service professionals who can provide diagnosis which may promote such language to be use

CHAPTER 5

FINDINGS AND RECOMMENDATIONS

As countries face the challenges unique to their education systems, governments are cognizant that inclusive education policy initiatives need to be revamped (Walker & Musti-Rao, 2016). Many of the countries which have become signatories of the UNCRPD have updated policies better to serve the educational needs of students with disabilities. The values and commitment expressed within policy language give a deeper understanding of the transnational commitment to inclusive education than does the countries' capacities to provide education in practice (Peters, 2007). This critical policy analysis provides a comparative overview of inclusive education's status and development in 16 selected countries' policies which have ratified the UNCRPD.

Core Concepts

Overall, the 16 selected countries' policies were varied in approaches to the core concepts of (1) antidiscrimination, (2) integration, (3) individualized supports and services, and (4) prevention and amelioration. The cultural and contextual environments of a country seemingly have an impact on how the text of policies are developed by policymakers. The use of HDI provided a standard to transnationally compare countries within the same rankings.

Antidiscrimination is an important aspect of the core concepts because it "is one of the original foundations upon which progressive policy has been based" (Stowe et al., 2005, p. 75). This study extended the boundaries by examining Constitutions and discrimination rights laws, in addition to education policies. These countries' statutes were valuable to this review because when antidiscrimination rights are included then students with disabilities generally have better protections than those countries which do not. A concerning finding of this study was that four

countries' governments have not implemented antidiscrimination rights either within their Constitutions or created disability rights despite being signatories of the UNCRPD.

Integration, along with individualized supports and services, allows for students with disabilities not to be segregated through specifically designed supports which increase participation (Stowe et al., 2005). Access and participation within the general education setting is a goal of the UNCRPD (2006); therefore, it is concerning that three countries' policies do not ensure access to the general education classroom. Along with no provisions of access to the general education setting, two countries' policies focus on building more segregated schools rather than using the resources to work towards the goals of the UNCRPD. Appropriate individualized services were the most neglected core concept with 10 countries' policies making no mention of any supports and services. With the UNCRPD (2006) goal for students to be working towards a general education setting with reasonable accommodations, it is unclear as to how countries' governments are providing an inclusive education by missing two of the primary components to education. Initial assumptions could be that individualized supports and services were avoided due to a lack of resources due to high needs for financial and personnel needs. However, in applying the HDI rankings the omission of appropriate individualized services occurs across all country rankings but are predominately missing from medium developed countries.

Finally, the incorporation of the core concept, prevention and amelioration, include detecting and treating children at-risk of having a disability. This core concept includes activities such as more inclusive and integrated programs and appropriate services through treatment, rehabilitation, and interventions to help make the lives of those with disabilities better (Turnbull et al., 2001, p. 137; World Health Organization, 2010). In consideration to primary and

secondary education, the majority of countries' policies were void of applying prevention and amelioration. The countries' government which provided activities included the participation in government decision-making processes, having people with disabilities serve on committees to have their input heard, promoted self-advocacy, parent support and trainings, community-based rehabilitation, and community awareness activities.

Overall, the countries' policies used for this study lack in meeting all of the core concepts of disability law. Two countries' policies met all of the core concepts, but still fell short in meeting all of the requirements for the UNCRPD (2006). Integration was the most commonly applied core concept; however, the supports of the other three core concepts are needed to effectively implement integration. With individualized and appropriate supports being the most neglected core concept, it is unclear as to how students with disabilities are supported within the least restrictive learning environments. Rather, it appears that countries' governments avowal a message of inclusion but do not fully support the actions required to carry out to promoe effective inclusion.

Explicit Exclusionary Indicators

To examine what exclusionary language explicitly occurred within the text, a critical analysis of past policies studies gave four initial indicators to apply for this study. Those explicit indicators included use of integrative over inclusive language, segregated learning environments, rigid and inflexible curriculum, and negative labeling. All four explicit exclusionary indicators were found within this study's analysis with two countries' policies using integrative over inclusive language, seven countries' policies utilizing segregated learning environments, one country's policies using rigid and inflexible curriculum, and two countries' policies using negative labeling.

Segregated learning environments was found to be the most utilized explicit exclusionary indicator. This outcome is similar with seven of the 16 countries' policies utilizing a system which places students in special schools or home-bound settings based on the students' disability category or level of severity. These outcomes are slightly lower than other studies, such as the Global Partnerships for Education (2018) and UNESCO (2020b) reported the use of segregated learning environments at rates of 52-65%. This study's outcome may be influenced due to three countries' policies not providing enough information to determine if the school systems use segregated learning environments. Yet, this figure is still too high, as this goes against the requirements of the UNCRPD. As Hodgson (2018) explained—the UNCRPD (2006) does not explicitly prevent or compel the establishment of special schools, rather the goal is to eliminate the separation of child based on their severity or type of disability. The continued use of two systems of education, general education and special education, excludes students with disabilities from having equitable access to the general education setting, which may be the least restrictive environment for that student. Through this study, the use of a two-system education is found to commonly occur within the medium developed countries.

Overall, nearly all the countries' policies held explicit exclusionary language, when the policies exist. There were three countries' governments which did not provide education policies developed on the UNCRPD (2006) requirements. Using the rating system, outlined in Chapter 3, to examine if countries' policies are inclusive based on the number of explicit indicators there was only one country's policies which are inclusive due to no exclusionary indicators. There are nine countries' policies which were found to need major improvements (three or more explicit exclusionary indicators) and three countries' policies were found to need improvement (one or two explicit exclusionary indicators), nine countries' policies need much improvement (three or

more explicit indicators). Therefore, while many countries' governments have made improvements in inclusive education policies, there continues to be a need to remove these explicit exclusionary barriers from policy text.

Implicit Exclusionary Indicators

Implicit exclusionary indicators were more complex to analyze due to the assumptions that underlie when policies translate into exclusionary practices from covert policies that are "informal, unstated, de facto, grass-roots and latent" (Shohamy, 2006, p. 50). Yet, implicit exclusionary indicators were derived from all of the countries' policies. With careful examination, more countries' policies were found to hold examples of implicit exclusionary practices under each implicit exclusionary indicator despite there being fewer additional implicit indicators.

The implicit exclusionary indicators which were derived from a critical analysis of past policy analysis included lack of individualized supports, use of medical or deficit-based model assumptions, lack of teacher training, and lack of accountability. All four of these indicators were found within this study. Additional implicit exclusionary indicators which emerged from this study included lack of student rights, lack of access to general education, lack of access to education, and lack of support for assessments. Of these additional implicit exclusionary indicators, two indicators overlapped with explicit exclusionary indicators which were lack of student rights and lack of support for assessments.

The two most prominent implicit exclusionary indicators were a lack of individualized supports and a lack of accountability. Lack of accountability occurred based on vague and missing policies. Additionally, the lack of parent participation and collaboration in developing individualized planning and have methods of recourse to file complaints when their child was not

receiving adequate services. Vague policies allow for a lack of ability to ensure that processes are carried similarly across the country. Therefore, the quality of services may vary from one school to the next. Additionally, the lack of information does not hold schools' administrators to carry out the expectations of the government when there are no guidelines for the administrator to follow or for the courts to determine if appropriate services were carried out. As for parent involvement, parents are the most important partners in identifying their child's needs and strengths. Therefore, the parents need to have the ability to be active member of their child's education planning. Parents also need to have the rights to protect their child's rights when the child's needs are not reasonably being met.

Individualized and appropriate services were found to be most common implicit exclusionary indicator. Such services include individualized planning, progress monitoring, accommodations, and modifications. This high level of negligence in policy text may be because individualized services can be resource intensive due to an increase in staffing, training, accommodations, technology, time-intensity, and related services. Yet, it was found to be often used in the low development countries, while neglected in the higher development ranking countries' policies. With such negligence in policies to support students with disabilities, there is great concern that countries' governments which avoid the use of individualized supports are duplicitous by creating unequitable learning environments for those students with disabilities.

Overall, all countries' policies hold implicit assumptions which promote the exclusion of children with disabilities. Through application of the rating the countries' policies for inclusion, through no improvements needed (no indicators), improvements needed (one or two indicators), and major improvement needed (three or more indicators) (See Chapter 3). The results indicated that three countries' governments provided no inclusive education through policies, which

implicitly indicates that students with disabilities are not a priority and much work need to be done to develop these policies. Additionally, seven countries' policies indicated a need for major improvements and six countries' policies need improvement to create inclusive policies. Note that in Chapter 4 Singapore was found to have a lack of student rights, but due to no laws or policies, Singapore's government has provided no inclusivity for students with disabilities. Therefore, all the countries' governments within this study need to remove the implicit assumptions which create exclusionary practices for students with disabilities.

Contribution to the Literature

This critical policy analysis contributes to the literature by adding empirical data for 16 selected countries' national level laws and policies concerning inclusive education. As can be seen through the literature review, policy analysis of inclusive education is an area that is rarely studied. Therefore, there are several salient contributions to the literature in concern to inclusive education policy and research.

As Henrich and Norenzayan (2010) stated with social behavioral studies, Westernized, educated, industrialized, rich, and democratic (WEIRD) societies are often the most researched societies. This was also found to be true within the field of policy analysis for inclusive education. To help bring perspectives of the non-WEIRD societies, I strategized to create exclusions within my selection process through use of excluding countries in the European Union and from the top 10 list of Westernized countries. This selection process allowed for some countries to be selected which often are void from inclusive education research.

For researcher who are interested in examining exclusionary language within policy studies, the framework that was developed was based on a critical analysis of past research studies since 2010 to give time for countries' governments to adopt policies derived from the

UNCRPD at the national level. Since no framework for exclusionary indicators existed prior to this study, then the outcomes of exclusionary indicators add to the literature by giving a more detailed framework to assess what exclusions can and do occur within education policies.

As for the empirical data outcomes, the contributions to inclusive education policy analysis add in a variety of ways. Since this study appears to the be first to assess such a large number of countries to access the core concepts and exclusions, there is now a better understanding of the current status for those 16 countries' policies concerning inclusive education. Additionally, the use of examining the Constitutions and antidiscrimination laws indicate that some countries' governments have yet to provide antidiscrimination rights in order for students with disabilities to have equitable assurances to education. Last of all, the outcomes both within the core concepts and for exclusionary indicators add to the literature by giving indications that while many countries' government purport supporting inclusive education that there is a need to evaluate if all the necessary systems of support are put into place within policy to ensure that the education system is providing inclusive supports or merely using the terminology which seemingly indicates a system of inclusive education.

Implications

The findings from this study have implications for policymakers, disability advocates, researchers, and school administrators who focus on exclusionary barriers from 16 selected countries inclusive education policies. The results of this study provided insights to the status of these countries' policies in reference to the core concepts of disability law and exclusionary language, both implicitly and explicitly, found within the laws and policies.

One implication for policymakers and advocates, is that currently none of the 16 countries' policies meet the full requirements of the UNCRPD (2006). The majority of countries'

governments have made improvements through better alignment with the UNCPRD (2006) but continue to fall short by missing core concepts and by use of exclusionary language which can translate into practices of exclusion. Therefore, all countries have a continued need to implement new policies to better align with the UNCRPD (2006), improve the application of the core concepts, and remove language text which create exclusions.

The second implication for policymakers and advocates is that five countries' policies do not provide any antidiscrimination rights for people with disabilities. The lack of rights for people with disabilities influences education rights, because if students with disabilities are not seen as equal citizens and have equal protections to ensure equitable practices, then inclusive education is a futile concept. Without such rights, students with disabilities have no legal backing within the courts to gain access and participation to the general education classroom, supports and services, or perhaps even to any education. The United Nations (2016) promotes education as a human right and countries without antidiscrimination rights void this right; thus, making an urgent need for these laws to be changed.

For policymakers, disability advocates, and educational leaders, another implication that individualized and appropriate services is the most neglected area in both the core concepts and as an exclusionary indicator. Without policies promoting access to individualized services, students are neglected opportunities to be active participants within their own learning environments. Inclusive education then reverts back to being a placement where children with disabilities are required to adapt to the learning environment and excludes those who could easily be successful with the right supports; thus, negating the purpose of inclusive education and all that it stands for.

The exclusionary indicator implications, for policy makers, disability advocates, and education leaders, indicate that segregated learning systems are still commonly utilized. The use of a system places students with specific disabilities and severities limits the ability for those students to access the least restrictive learning environments, which could be the general education setting when individualized and appropriate supports are provided. Systems which use on system where students can be afforded the least restrictive learning environment with the needed supports allows for students with disabilities to access all types of education settings, just as the United Nations (2016) requires.

For implicit exclusions, the lack of accountability occurs through two primary concepts. First vague policies allow for a lack of implementing appropriate services because there is no checks and balance system. Secondly, parents' rights and their ability to support their children through participation and collaboration of developing individualized planning, placement settings, and having a recourse to file a complaint when the child is not receiving adequate, or no supports, are missing concepts. Parents are the most valuable source of input about their child's needs and strengths; therefore, should be able to support their child and the school personnel to develop an appropriate plan. Additionally, parents need to be empowered to hold school administrators to ensure the rights of their child are being protected.

Recommendations

The findings of this study provide insights to the current status of inclusive education policy in 16 selected countries at the national level. This study's findings are limited and not able to be generalized to the 182 UNCRPD signatory countries. However, these findings can be useful in providing a foundation for future studies. Disability advocates and education leaders may find these gaps in core concepts and exclusionary indicators to be useful in advocating or

assessing future policy initiatives. Policymakers can work with advocacy groups and educational leaders who are well versed in this area to strengthen the application of the core concepts, integrate all aspects required by the UNCRPD, and remove language which promotes practices of exclusions for students with disabilities.

Future researchers can focus on more countries' national level policies to create a stronger basis of findings in order to generalize and provide a better understanding of transnational outcomes for Shogren and Turnbull's (2014) core concepts and exclusionary indicators. As stated in the literature review, there are other UNCRPD (2006) articles that support inclusive education. Further examination of these supporting articles with the countries' policy alignment could add to the rigor of how inclusive education is implemented within each country's policies to assess if other gaps exist. Additionally, as newer inclusive education policies are created, further policy research is needed to keep current with the more recent policies to determine their alignment with the UNCRPD (2006) and the use of exclusionary indicators. Lastly, the HDI samples give limited insights as to which countries' rankings hold missing core concepts or specific exclusion indicators. Therefore, future researchers could expand upon the HDI rankings to further analyze as to if and how HDI rankings influence inclusive education policies. Additionally, researchers could focus on practices within the countries used for this study to determine if the policy language is in fact creating such exclusions within the schools and classrooms.

For those researchers and disability advocates who desire to influence inclusive education policies and practices, caution should be taken to recognize that cultural factors do influence how policies are developed in each country (Stephens, 2019). Policy language can be useful because it provides insights as to cultural values. However, it is important to ensure that Western values

are not pushed upon other countries. Therefore, such cultural and contextual settings need to be examined to ensure the work being done is effective to that country.

Conclusion

Many countries' which have become voluntary signatories of the UNCRPD have made improvements within the national level policies to support inclusive education for students with disabilities. However, the outcomes of this study indicate that there are still some governments which have not implemented any new policies. There are additional concerns that not all people with disabilities are considered equal citizens due to the lack of antidiscrimination rights which could void people with disabilities from having access to and participating in any education, let alone an inclusive education.

Despite being signatories of the UNCRPD, all of the countries' policies continue to hold exclusionary language both explicitly. In order for countries' governments to promote fully inclusive schools, laws must be developed to ensure rights of students with disabilities to access and participate. Secondly, without the provisions of individualized supports, the general education classroom is merely a placement and not one of engaged learning for students who need supports. Additionally, policies must provide explicit guidance to processes and procedures and be developed to fully align with all aspects of the UNCRPD under article 24. Last of all, policymakers must work with advocacy groups and education leaders to create policies which remove the barriers of exclusions. With the strengthening of national level policies, inclusive education practices will become equitable for all students, not just those categorized with disabilities.

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APPENDIX

APPENDIX A

Alignment of the Core Concepts and the UNCRPD

16 Core Concepts	UNCRPD Article
Accountability	31-50
Autonomy	Preamble
	3-General principles
	19-Independent living and community participation
Antidiscrimination	Preamble
	2-Definition
	3-General principles
	4-General obligations
	5-Equality and nondiscrimination
	9-Accessibility
	10-Right to life
	11-Risk and humanitarian emergencies
	12-Equal recognition before the law
	13-Equal access to justice
	21-Freedom of expression and opinion
	24-Education
	25-Health
Capacity-based services	4-General obligations
Empowerment and participatory decision making	4-General obligations
	29-Participatoin in political and public life
Family centeredness	23-Respect for home and family
Family integrity and unity	23-Respect for home and family
Individualized and appropriate services	2-Definition
	24-Education
	26-Habilitation and rehabilitation
Integration	Preamble
	3-General principles
	19-Independent living and community participation
	24-Education
	26-Work and employment
	30-Participation in cultural life
Liberty	14-Liberty and security of person
	18-Liberty of movement and nationality
	20-Personal mobility
Privacy and confidentiality	22-Respect for privacy
Prevention and amelioration	**24-Education**
	25-Health
	26-Habilitation and rehabilitation
Productivity and contribution	Preamble
	27-Work and employment
Protection from harm	4-General obligation
	15-Freedom from torture
	16-Freedom from exploitation

Appendix A Continued

16 Core Concepts	UNCRPD Articles
	17-Protecting the integrity of the person 28-Adequate standard of living and social protection
Service Coordination/collaboration	4-General obligation
System, professional, person/parent/capacity development	4-General obligation

Note. Adapted from "Core Concepts of Disability Policy, the Convention on Rights of Persons with Disabilities, and Public Policy Research with Respect to Developmental Disabilities", p. 24, by Shogren, K. A., & Turnbull, H.R., 2014, *Journal of Policy and Practice in Intellectual Disabilities, 11*(1). The copyright approval to use this graph located in Appendix B.

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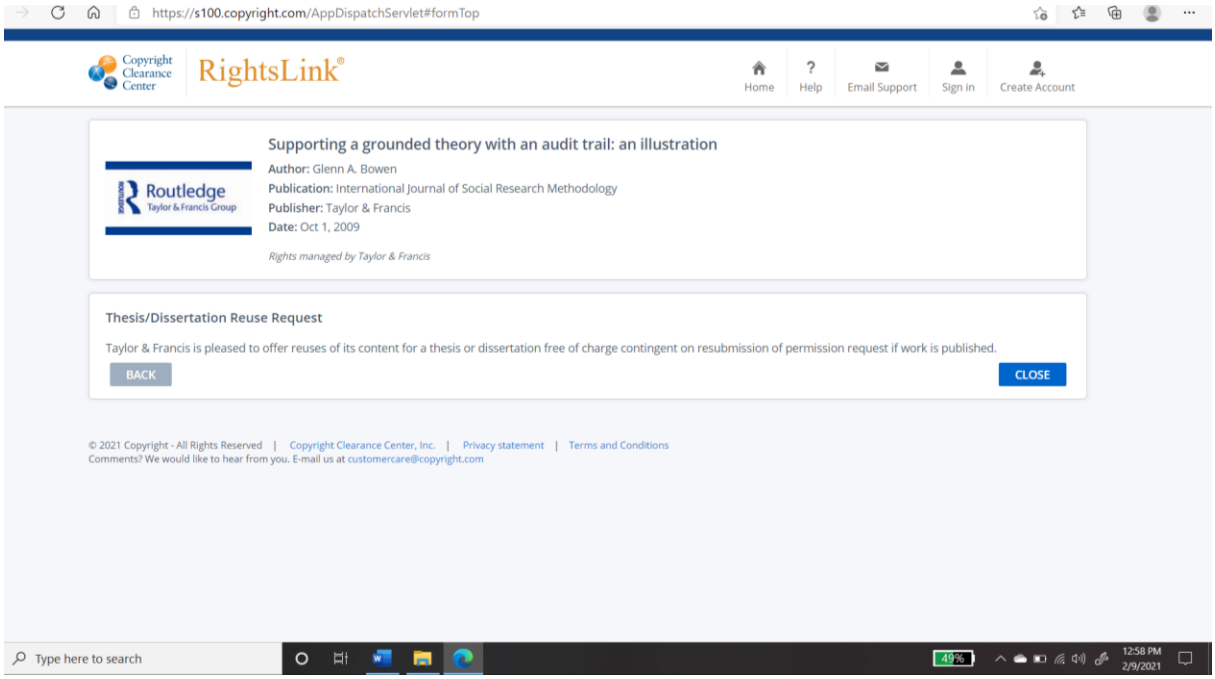

APPENDIX C

List of Laws and Policies Reviewed for Each Country

Country	Laws and Policies Reviewed
Trinidad and Tobago	The Constitution of the Republic of Trinidad and Tobago (amended 2016) Education Act, Chapter 39:01 Children Act, Chapter 46:01 Children Authority Act, Chapter 46:10 Education Policy Paper 2017-2022 Equal Opportunity Act (69 of 2000) National Policy on Persons with Disabilities, 2018 National School Code of Conduct, 2018
Philippines	The Constitution of the Republic of the Philippines (1987) Enhanced Basic Education Act of 2013 Governance of Basic Education Act, 2001 (R.A. No. 9155) Administrative Code of 1987 Executive Order No. 2929 Filipino Sign Language Act of 2018 Magna Carta for Disabled Persons, 1992 Special Education Act, 2008 The Children and Youth Welfare Code, 1974 Inclusive Education Children and Youth with Special Needs Act, 2018
Singapore	Singapore Constitution (amended 2016) Compulsory Education Act, 2001 Education Act of 1985 Children and Young Persons (Amendment) Act, 2019 Private Education Act (informally consolidated by Act 24 of 2-16-SkillsFuture Singapore Act, 2016) Act 16 of 2016 (Misc. Amendments) Universal Design, 2016 Construction Authority (BCA)'s Code of Accessibility in the Built Environment, 2019
South Africa	The Constitution of the Republic of South Africa (Act No. 198 of 1996) Education White Paper 6 on Special Need Education: Building an Inclusive Education and Training System (2001) The Children's Act (Act No. 38 of 2005) The National Curriculum and Assessment Policy Statement, Gr R-12 (2011) Mental Health Care Act (Act 17 of 2002) Education and Training Act of 1979 (last version 1992)

Appendix C Continued

Country	Laws and Policies Reviewed
Zimbabwe	Constitution of Zimbabwe (2013-Bill Revisions in 2019) Disabled Persons Act of 1992 (Amended 2001) Zimbabwe 1987 Education Act (Amended 2019) Manpower Planning and Development Act, 2001 Persons with Disabilities Act, 1996
New Zealand	New Zealand's Constitution of 1852 (Amended 2014) New Zealand Bill of Rights Act, 1990 (Amended 2020) Human Rights Act, 1993 (Amended 2020) Education Act of 1989 (Amended 2020) Collaboration for Success: Individual Education Plans, 2011 New Zealand Curriculum New Zealand Sign Language Act of 2006 Education Legislative Act 2016
Liberia	1986 Constitution of Liberia New Education Reform Act of 2011 An Act to Establish the Children's Law of Liberia, 2011 Inclusive Education Policy, 2018
Sierra Leone	The Constitution of Sierra Leone 1991 (Amended 2016) Act ii Education Act of 2004 The Persons with Disabilities Act, 2011 The Child Rights Act, 2007 The Human Rights Commission of Sierra Leone Act, 2004 Local Government Act, 2004 National Education Policy, 2010 National Policy on Technical Vocational Education and Training National Youth Policy Code of Conduct for Teachers, 2009
India	India's Constitution of 1949 (Amended 2015) The Rights of Persons with Disabilities Act, 2016 National Education Policy, 2020
Bangladesh	The Constitution of the People's Republic of Bangladesh Act of 1972 (Amended 2018) The Primary Education (Compulsory) Act, 1990 National Education Policy, 2010 Rights and Protection with Disabilities Act, 2013 (User-Friendly Booklet in English) Protection of Persons with Neuro-developmental Disability Trust Act, 2013 National Child Policy of 2011 National Building Code of 2008

Appendix C Continued

Country	Laws and Policies Reviewed
Namibia	Namibia Constitution, 1990 Sector Policy on Inclusive Education, 2013 Basic Education Act, 2020 Vocational Education and Training Act 1 of 2008 Child Care and Protection Act 3 of 2015 National Disability Council Act, 2004 National Policy on Disability National Policy on Orphans and Vulnerable Children, 2004 The National Curriculum for Basic Education, 2016
Nigeria	Constitution of the Federal Republic of Nigeria, 1999 (Amended 2011) National Policy on Special Needs Education in Nigeria, 2015 National Policy on Education, 6th ed. (2013) Compulsory, Free Universal Basic Education Act, 2004 Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 Children's Rights Act, 2016
Sri Lanka	The Constitution of the Democratic Socialist Republic of Sri Lanka (Amended 2015) Education Ordinance No. 31 of 1939 Protection of the Rights of Persons with Disabilities, 1996 Proposals for a National Policy on General Education in Sri Lanka, 2016 Special Educational Society (Act 3 of 1999) Towards a New Education Act, 2017
Pakistan	The Constitution of the Islamic Republic of Pakistan, 2018 A Guide to Services for Persons with Disabilities in Pakistan (based on the National Policy for Persons with Disability, 2002) National Plan of Action, 2006 Disabled Person's (Employment and Rehabilitation) Amendment Act, 2012 (XIII of 2012) The Accessibility Code of Pakistan, 2006 National Education Policy, 2017 Right to Free and Compulsory Education Bill, 2012
Ghana	Constitution of the Fourth Republic of Ghana (Amendment) Act, 1996 Inclusive Education Policy, 2015 Education Act, 2008 Educational Strategic Plan 2018-2030 The Children's Act, 1998 Act 560 Persons with Disability Act,2006 National Youth Policy, 2010

APPENDIX D

Countries' Laws and Policies used for this Study

Country	Laws and Policies Not Accessible for this Study
Sri Lanka	New Education Act, 2009
Kenya	Disability Mainstreaming Policy, 2012 Persons with Disability Act, 2003

APPENDIX E

Table of Countries' Studied with Singature and Ratification Years, along with HDI Index and Population

Country	Signature Year[a]	Ratification Year[a]	HDI[b]	Life Ex.[b]	Ex. Yrs. School[b]	Mean Yrs. School[b]	Gross Nat. Income[b]	Population[c]
Trinidad and Tobago	Sept. 2007	June 2015	.796	73.5	13.0	11.0	26231	1.4 M
Philippines	Sept. 2007	April 2008	.718	71.2	13.1	9.4	9,778	109.58 M
Singapore	Nov. 2012	July 2013	.938	83.6	16.4	11.6	88,155	5.85 M
South Africa	March 2007	Nov. 2007	.709	64.1	13.8	10.2	12,129	58.56 M
Zimbabwe	n/a	Sept. 2013	.571	61.5	11.0	8.5	2,666	14.86 M
New Zealand	March 2007	Sept. 2008	.931	82.3	18.8	12.1	52,085	4.82 M
Liberia	March 2007	July 2012	.480	64.1	9.6	4.8	1,996	5.09 M
Sierra Leone	March 2007	Oct.2010	.452	54.7	10.2	3.7	1,668	7.98 M
India	March 2007	Nov. 2011	.645	69.7	12.2	6.5	6,681	1.38 B
Bangladesh	May 2007	Nov. 2007	.632	72.6	11.6	6.2	4,976	164.69M
Namibia	April 2007	Dec. 2007	.646	63.7	12.6	7.0	9,357	2.54 M
Nigeria	March 2007	Sept. 2010	.539	54.7	10.0	6.7	4,910	206.14 M
Sri Lanka	March 2007	Feb. 2016	.782	77.0	14.1	10.6	12,707	21.41 M
Pakistan	Sept. 2008	July 2011	.557	67.3	8.3	5.2	5,005	220.89 M
Ghana	March 2007	July 2012	.611	60.2	11.8	6.9	7,919	31.07 M
Kenya	March 2007	May 2008	.601	66.7	11.3	6.6	4,244	53.77 M

Note. [a]The cutoff-points are HDI of less than 0.550 for low human development, 0.550-0.699 for medium human development, 0.700-0.799 for high human development and 0.800 or greater for very high human development. Retrieved from “Global Human Development Indicators” by United Nations Development Programme (2020a). [b] Retrieved from “Latest Human Development Index Ranking” by United Nations

Appendix F

Codebook Example

Core Concept	Concept Definition	Law and Policy Examples	Implicit or Explicit	Sub-Concept
Antidiscrimination	Zero rejection policies; equal treatment and equal opportunities to educational participation and benefit	Singapore Constitution 16. Rights in respect to education.1. Without prejudice to the generality of Article 12, there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth-	Implicit	Exclusion in educational exclusion
Individualized and Appropriate Services	Provides individualized modifications, accommodations, and supports services based on the student's needs; teaching techniques based on learner's needs	National Policy on Education, 2013, 117. Special Education is a customized educational programme, designed to mee the unique needs of persons with special needs that the general education program cannot cater for.	Explicit	Exclusion to individualized supports
Integration	Students with disabilities can participate in their own communities and schools with the use of aids and services as needed	The education for the handicapped depends on their types and degrees of challenges. With the adoption of some necessary measures, many of them can be inducted into mainstream education. But special education will be provided for those acutely handicapped children who cannot be enrolled in the general school system.	Explicit	Exclusion through disability type Exclusion through level of severity
Prevention and Amelioration	Primary Level: Use of interventions to decrease the number of disabilities	A Guide to Services for Persons with Disabilities in Pakistan: The prevention of disabilities, to a large extent, is the domain of the medical profession, family counselors, psychologists, and social workers and has its	n/a	n/a due to realizing that this concept will be primarily found

Appendix F Continued

Core Concept	Concept Definition	Law and Policy Examples	Implicit or Explicit	Sub-Concept
		basis in research and training within those disabilities. However, educational services has a role to play through the provision of courses of study in schools/colleges for students in the areas of health, education and child development. This would supplement information provided to the families and could improve their knowledge and skills for prevention of disabilities.		within other documents
Prevention and Amelioration	Secondary Level: Early detection and early identification	Inclusive Education for C & Y with Special Needs Act: SEC 19. Parent, Sibling, and Caregiver Education. A formal training and counseling program shall be developed and initiated by the LGUs, in coordination with Dep of Ed, DSWD….to equip parents, siblings, and caregivers of CYSNs with working knowledge of special education, an understanding of the psychology of CYCNs, and the awareness of their crucial role as educators so that they, in turn, can maximize their knowledge and skills to fully participate in developing the potentials of CYSNs.	Parent training is missing	Exclusion of parent support through training
Prevention and Amelioration	Tertiary Level: Intensive services of rehabilitation and interventions to improve independence	G2B-ESP: Strategies: 8. Improve the quality and relevance of technical and vocational education and training	Implicit	Current exclusion to vocational rehabilitation

Appendix G

The peer reviewer was an active participant throughout this study. Initially, the peer reviewer recommended changes to original questions to remove biases and use critical policy analysis in order to address the social issues around exclusion. She helped to develop the most appropriate method to research exclusionary indicators and how to assess if the policies were inclusive through a process to rate each countries' policies based on the number of indicators, rather than making my own assumptions about the status of inclusivity. Throughout the study, the peer reviewer challenged my biases and assumptions to help remove my personal biases. For the findings, my chair and the peer reviewer collaborated with me to review the outcomes of this study. At the end of the study, the peer reviewer gave feedback on the final outcomes.

Appendix H

Audit Trail Steps

Step	Action
Literature Review	Annotated literature initially (extending base knowledge for research about exclusion and policy language); detailed literature review as part of research proposal; research related to exclusionary practices in policy language, exclusionary language and practices, and core concepts of disability law
RQ1 Alignment Framework	Based upon the use the four core concepts which Shogren and Turnbull (2014) found in the UNCRPD article 24
RQ2 & 3 Framework	Decided to use policy analysis since 2010 to assure time for UNCRPD to be applied to laws; critically analyzed those policies to develop an appropriate framework for study and the exclusionary explicit and implicit assumptions to apply.
Raw Data	National level laws and policies, news articles, advocacy reports, peer reviewed articles, and UN and other international reports
Data Collection and Storage	Education policies were pulled from the internet and categorized within a folder made for each country.
Data Scheme	Q1-The four core concepts of antidiscrimination, individualized and appropriate services, integration, and prevention and amelioration. RQ 2 & 3- explicit and implicit exclusionary indicators were derived from the critical analysis of 20 past policy studies which provide four original indicators, additional indicators were derived from the study.
Trustworthiness Techniques	Triangulation of data collection (raw data and policies), peer debriefing, audit trails, and reflexivity.
Research Report	Finalized dissertation with context, problem statement, significance, methodology, research design, data collection, data analysis with coding process, answers to original research questions, graphic displays through tables and figures, limitations, implications, recommendations for future research, references, and appendices.

Note. Adapted from "Supporting A Grounded Theory with an Audit Trail: An Illustration", p. 312-313, by Bowen, G.A., 2009, *International Journal of Social Research Methodology*, *12*(4).

Appendix I

Reflective Journal/Research Decisions

After researching the countries', it is important to remember that each country has its struggles with implementing quality education. The use of my language needs to be truthful but not overly critical because these factors make education for complicated situations.

I have decided to not use frameworks, circulars, action plans, strategic plans, and guidelines unless the government has made the document legally binding.

Core concepts is an international framework which has been used for other policy analysis. Although, it has been used in analysis which report use of critical analysis, it appears that this framework will provide the appropriate information to assess through a critical lens.

Finding laws and policies at times became challenging because I had to use multiple resources to find the information-education department websites, news articles, humanitarian reports, other policies, and peer-reviewed articles. At times, the names or acts were called something different, and I had to consider if the policies were the same or different as to what I was reading about in the journal articles.

New Zealand took an interesting approach to transitional planning for individualized supports by focusing on times between classes and changing schools. Preparations for leaving school is a common practice in the U.S., so that was not as unique. However, these transitional times between classes and schools are an important time for students with disabilities and is a time when extra supports could be very beneficial.

RQ2 & 3

Untangling implicit and explicit policy language is hard as sometimes the two seem to be enmeshed with each other. For example, the use of deficit language tangles with the use of implicit meanings created the implicit language of othering and disablism. Initially, the concepts seem explicit because they are written, but further analysis using the implicit definition balances. Initially, I planned to not use the medial/social model issues, but it felt nearly inevitable since there is exclusions that come from this and it is a justice issue to ensure that barriers are removed.

The number of explicit outcomes to the implicit outcomes is a bit surprising, but this may be due to the fact that policies may use the UNCRPD and other countries' policies to help develop their written policies. The implicit language may be more subconscious due to cultural and language differences. In order to assess what exclusions can exist, I decided to focus my literature review on past policy analysis of education policies which consider the needs of students with disabilities. It seemed fair to give the countries' governments time to implement policies which aligned with the UNCRPD, so I choose to start with policy analysis which occurred after 2010 despite all countries within their research not being signatories.

In talking about individualized education planning, I hope not to create processes that are based on U.S. practices of IEPs, instead, I want to look at individualized services no matter what process the country's education system uses. However, looking at the child through their strengths, challenges, and cultural needs are important factors that are best practices, no matter the country. Integration became easier to convey once I thought more about the four themes of access to the school, general education, teacher training, and curriculum. All are important aspects to consider how students with disabilities have access and participate within inclusive settings.

Prevention and Amelioration were the hardest of the concepts to evaluate for primary and secondary education. First, the primary level is covered under many other policies. Early identification was noted for the secondary level, but to fully understand the application of early identification, these concepts need to be further examined in early childhood concepts.

I could not find a full definition for Prevention and Amelioration, so I had to look outside of Turnbull's work to find something more substantial to use for the parameters of this section.

See Appendix H for audit trail steps which outlines the steps to deciding these steps of this project.

VITA

Originally from Northwest Ohio, Julie A. Sears graduated from Continental High School in 1995. From there, she attended Cumberland College located in Williamsburg, KY, where she graduated with a double major in psychology and communications. Upon graduation and wanting to prolong adulthood, Julie traveled by working on a small cruise ship.

A few years later, she settled in Upstate New York. During that time, she became a substitute teacher for students with disabilities. Julie realized that her dream was to become a special education teacher. She later moved to Johnson City, Tennessee, to pursue her dream.

In Johnson City, TN, Julie graduated from East Tennessee State University (ETSU) with a master's in special education. After a brief stint in teaching, she was offered a job as a principal at a private residential school for children with emotional and behavioral challenges. Since Julie was not a certified administrator, she attended classes at The University of Tennessee in Knoxville (UTK) to gain an educational administrative license. After almost two years, she was promoted to be the executive director of Southwest Virginia operations where she ran three group homes and a therapeutic day school.

In 2014, she returned to ETSU to work on a two-year grant as a research associate. After that grant ended, she was hired as the East Tennessee Coordinator for the Vanderbilt Consortium LEND (Leadership Education in Neurodevelopmental and other related Disabilities) grant. This position allowed Julie to have a positive influence on the community, while also allowing her to complete her Doctor of Philosophy at UTK with a concentration in Educational Leadership and Policy Studies.