

Declaration and Convention: Special Needs Education in International Policy

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Abstract

This presentation historically and critically examines the social and educational movements from 1990 to 2006 that led to international special education policies from a Disability Studies in Education perspective using policy archaeology and Policy Design Theory methods. These methods place policies in historical contexts that identify accepted social, political, economic, and educational perspectives, i.e. social regularities, leading to the development of special education policies. Policy analysis consisted of close coding and analysis of data from the examination of United Nations and Organization of American States adopted policies on education, disability, and special needs education as well as archives tracing the development of these policies including documentation from governmental organizations and NGOs. The results of the analyses revealed a dominant regularity of human rights in the development of policies on special needs education with a second regularity of social development. The results have implication for implementation studies and future policy development.

## Declaration and Convention: Special Needs Education in International Policy

The disability rights movement for social, political, economic, and educational equality for individuals with disabilities emerged with noticeable strength in the 1960s and 1970s with Civil Rights and Disability Rights movements in Western Europe and North America impacting thinking about hegemony and marginalized groups including individuals with physical and intellectual impairments (Longmore, 2009; Scotch, 2009; Taylor, 2008), as individuals with disabilities worldwide assumed a minority identity rather than a “patient” identity through the 1990s and into the 21<sup>st</sup> century. The strength of the Disability Rights Movement continued to increase as the marginalization of individuals with disabilities took a broad international perspective with Disability Rights movements growing worldwide. The results of these movements are enshrined in several international policy statements (Peters, 2007). The purpose of this study is to investigate the Disability Rights social and cultural movements and to determine the social regularities leading to the 1) identification of education of children with disabilities as an international social problem and 2) the legislation of the policy solutions set forth in five international documents regarding the education of children and the education of children with disabilities.

### **Melding History, Policy, and Education**

#### **Paradigms in History and Theoretical Frame**

Taylor (2008) contends that Disability Studies and Disability Studies in Education is a multi-disciplinary field “drawing on fields as diverse as sociology, literature, critical theory, economics, law, history, art, philosophy, and others” (p. xiii). My perspective as a researcher

draws me to this arena to analyze policies on special education from a historical perspective. The discipline of history, however, has a long tradition of positivist orientation (Sewell, 2005; Steinmetz, 2005a), an orientation contrary to my interpretivist positioning. I draw on the writings of Sewell (2005) and Eley (2005) to position a critical, post-structuralist historical analysis of international special education policy within accepted research paradigms of history and by extension, of policy analysis (Scheurich, 1994). Sewell and Eley described the literary traditions of Foucault and Derrida as being influential in establishing a qualitative paradigm in the history discipline. Foucault, in particular, is foundational to my theoretical frame and methodology, making my alignment with cultural historians' epistemologies and methods of import for my work .

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The social history movement of the 1960s and 1970s changed the focus of the field of history from a study of events, leaders, and thinkers of various eras to a focus on groups of people long without voice (Sewell, 2005). For Sewell (2005) this change in focus was a paradigm shift for the field of history, a movement in keeping with the social movements of the 1960s and 1970s. Methodologies associated with this movement were primarily quantitative, seeking to establish patterns and structures in the lives of ordinary people based on their interactions with government and religious authorities as well as tradesmen and others whose records remained accessible to historians. Sewell further suggested that social historians' ontology was based on the structuralist concept that "structures were ontologically prior to thought and action and that various forms of hard data afforded privileged access to these structures" (p. 190). The post-structuralist qualitative paradigm of cultural history quickly replaced the quantitative structuralism of the social historians (Eley, 2005; Sewell, 2005). Sewell, in tracing this paradigmatic shift, noted that E. P. Thompson, an early social historian, led this movement in adopting the theories and methodological concepts of social anthropologists such as Clifford Geertz. He further noted the strong influence of the French historian and philosopher, Michel Foucault as well as the literary work of Jacques Derrida and Jacques Lacan. Foucault's writings on the historical context of social problems, their emergence, and social policies formed the basis of Scheurich's (1994) policy archaeology.

## **Policy and Education**

Foucault (1972) posited a method of studying history based on the practices from archaeology. This method involves the excavation and study of social and cultural factors influencing historical events, political movements, and policies, just as an archaeologist studies evidence from a given time period to describe the culture, social structures, language, and events of a given time period. As the archaeologist digs through layers of artifacts, categorizes, and studies them, evidence of culture and society emerges. The archaeologist interprets the evidence to create a model of the culture. The interpretivist nature of the model is important to consider, as the model is based not only on the artifacts but also more recent historical events, philosophies, and the archaeologist's personal biases. Multiple historical truths, socially and individually constructed, exist for any historical event or time period (Foucault, 1970, 1972; Sewell, 2005).

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Scheurich (1994) applied Foucault's historical archaeology theory to educational policy analysis to develop a "policy archaeology" methodology using a poststructuralist, interpretivist paradigm. Policy archaeology places the definition of a social problem and policy solutions for consideration in a social and cultural context. The methodology is based on discovering social regularities using metaphorical grids such as those used by archaeologists to excavate sites of ancient civilizations. Social regularities are the artifacts of the policy archaeologist's dig and define which social problems can be identified, and named at a given point in time and social context. The policy archaeologist excavates social regularities through analysis and interpretation of primary and secondary historical sources. The social regularities then define which policy solutions can be considered for solving the social problem. The policy archaeologist discovers regularities through qualitative methods and hermeneutic interpretation using broad neo-Marxist theories rooted in Weberian sociology, post-structuralist, post-modern, and critical theory to place policies, particularly education policies, in historical, cultural, political, economic and social contexts. In keeping with Hegelian epistemology, Scheurich acknowledged the complexities in identifying social regularities and the multiple interpretations and understandings of education policy when analyzed through the lens of policy archaeology. From this interpretivist paradigm I approach the task of analyzing international policies as they relate to the education of children with disabilities throughout the world.

### **Purpose and Research Questions**

The goal of this study is to historically and critically examine the social and educational movements from the 1950s to the 1990s that led to the five foundational international special education policy statements selected for analysis: (a) the Convention on the Rights of the Child (UNESCO, 1989), (b) the World Declaration on Education for All (UNESCO, 1990a), (c) the

Salamanca Statement and Framework for Action on Special Needs Education (UNESCO, 1994), (d) the Convention on the Rights of Persons with Disabilities (UN Enable, 2006a), and (e) the Organization of American States' Declaration of the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (OAS, 2006). I selected the first four documents because of the breadth of their acceptance worldwide and their influence on United Nations member States. I selected the last document, a regional declaration, to investigate possible regional differences in social regularities that might influence policy. An additional factor in the selection of the last two documents was their chronological proximity. I further examined the international movements that continue to disrupt the medical model of special education. These movements have significant influence on recent international policy based on precepts from Disability Studies and especially Disability Studies in Education. Specifically, the research questions addressed in the study are:

Research Question 1: What changes in social regularities led to the definition of the education of children with disabilities as a social problem and defined the policy solutions in the selected international policies of 2006?

Research Question 2: What are the social regularities that led to the definition of the education of children with disabilities as a social problem and the development of international policies enacted in 1994, 1990, and 1989?

Research Question 3: How can we use this information to inform the development of new social policies to improve the education of children with disabilities from an international Disability Studies in Education perspective?

## **Methods**

I approach this investigation as a disability studies researcher with the perspective that disability is socially constructed (Bogdan, 1988; Ferguson & O'Brien, 2005; Longmore, 2009). Drawing on the traditions of historical and policy research in education, my historical and policy analyses rely on qualitative interpretation, using coding and analysis of the articles and sections related to education of individuals with disabilities and/or universal education in five international policy statements. To put these policies in historical and cultural contexts, I examined minutes, transcripts of presentations, reports, and other documents (Rury, 2006) from the United Nations, United Nations Education, Scientific and Cultural Organization (UNESCO), and the Organization of American States (OAS) prepared in the development of these policy statements. I also examined primary and secondary sources from the International Disability Rights movement and international movements in support of education for individuals with disabilities. This study sought an interpretation of these events as well as the movements, and sociopolitical forces that led to the identification of education of children with disabilities as an international social problem. The study further examined how these same events, movements, and sociopolitical forces influenced policy choices for the UN, UNESCO, and the OAS.

### **Policy Archaeology**

**Archaeology in the field.** A standard of fieldwork in archaeology is the establishment of an excavation grid (Heizer & Graham, 1967). The archaeologist's grid begins with a datum line, a primary grid line from which forms a reference point for other grid lines and for identifying the location of artifacts. The datum line, with a north/south directional orientation, and the baseline, with an east/west orientation, are the principal orientations for the archaeologist (Heizer & Graham, 1967; Jukowsky, 1980). The locations of artifact discoveries are identified by the

intersection of grid lines with reference to their distance from the datum and baseline grid lines. (Heizer & Graham, 1967).

The grid system operates horizontally, but archaeological excavations also operate vertically. Not only does the archaeologist identify artifact location based on the horizontal plane, but also based on stratigraphy, the study of stratified deposits.

As the archaeologist digs and recovers artifacts, she carefully records the coordinates of their locations, both horizontal and vertical. The intersections of these grid coordinates are critical for analysis and interpretation (Jukowsky, 1980). The archaeologist analyzes and interprets his data based on chronological data and cultural data derived from the nature and location of the artifacts (Heizer & Graham, 1967; Jukowsky, 1980).

Chronological and cultural taxonomies establish the framework for the archaeologist's analysis of data (Jukowsky, 1980). Brew (1971), however, reminded us that taxonomies are not absolute and are influenced by the archaeologist's paradigm, lens, and biases.

In following Foucault's metaphor of archaeology in the search for knowledge and in Scheurich's (1994, 1997) frame for policy analysis, we find many parallels with field archaeology. In placing policy within historical and social environments, we can establish a grid of regularities or social norms that define a culture, social movements, or reflect the effects of historical events. When these regularities intersect, we see definitions of social problems and potential policy solutions (Scheurich, 1997). Just as the archaeologist finds cultural, social, and historical artifacts in the field grid, the policy analyst finds cultural, social, and historical evidence in the regularities. Both researchers then embark on a journey of interpretation to

construct meaning from the artifacts (Heizer & Graham, 1967; Jukowsky, 1980; Scheurich, 1994, 1997).

**Policy analysis as research.** Policy analysis as a field of research seeks to investigate policy from three frames: process, product, and performance (O'Connor & Netting, 2008). Process analysis investigates the development of policy, the process leading to its acceptance as a solution to a social problem. Product analysis investigates the final content of the policy, content selected from a menu of options available to the policymakers. Product analysis investigates the values embedded in the policy, its costs, its acceptability to policymakers and various stakeholder groups, and the functionality of the policy. Finally, performance research is an examination of program effects and outcomes (O'Connor & Netting, 2008). This study researched policy from process and product frames, examining the social and cultural regularities, i.e. "the deepest foundational rules, the deepest foundational assumptions for a particular culture" (Scheurich, 1997, p. 163) that led to the naming of education of children with disabilities as a social problem and the subsequent selection of a policy solution, a solution influenced by these same regularities. I examined policy structures from the frame proposed by Schneider and Ingram (1997), examining such features as opacity, deceptivity, inclusiveness, and directionality (top-down versus bottom-up). Following Schneider and Sidney's (2009) suggestion, I then examined the social constructions of the selected policies separately from their structures. In examining the social constructs of these international policies on special education, I used the frame developed by Scheurich (1994) as adapted from Foucault (1972). I engaged in a systematic investigation of historical, social, and cultural events and movements as well as social regularities that led to the five selected international policies on special education

identified above. O'Connor (2005) stated that this type of analysis "requires complex critical thought . . . and may, therefore, be confusing, contradictory, or even paradoxical" (p. 8).

**Scheurich's policy archaeology methodology.** My methodology followed Scheurich's (1994, 1997) policy archaeology methods adapted from Foucault (1972). Scheurich (1994) posited four arenas for investigation :

- Arena I: The social problem definition
- Arena II: Social regularities
- Arena III: Policy solutions
- Arena IV: Policy analysis as it influences policy

In the social problem arena, I defined and named the social problem under investigation and question how this problem came to be identified as a problem. I examined the "numerous, complex strands and traces of social problems prior to their naming as social problems" (Scheurich, 1994, p. 300). I examined how these strands intersected to name the education of children with disabilities around the world as a social problem. Central to this part of the investigation were documents, some of which were in the minutes and notes of meetings, but others were less transparent, accessible mainly as literature, newspaper articles, published anecdotes and interviews, and photographs, and media clips. Breadth and diversity of historical documents helped define the social regularities as well as historical, social, and cultural movements that lead to the naming of the social problem; of particular import is the definition of the deepest level of influence, the social unconscious, the social regularities (Scheurich, 1997).

The naming of a social problem and the definition of possible solutions are not determined specifically by the historical, social and cultural strands, but rather by the complex

interactions and intersections of these strands and the deeper social regularities. These intersections create a complex, multi-layered grid leading to varied ways of viewing a social problem. Another way of thinking about this concept is to imagine a Rubik's cube with squares of six colors scattered in a seemingly random manner across the surfaces. In this representation, the colored squares represent the social forces, movements, and conditions working within a culture or society. The social policy analysis takes the role of the Rubik's cube player, moving, twisting, and looking at the cube and squares from different perspectives until each surface is a solid color; the surfaces represent the regularities, each driven by different social movements and forces. What we do not see in this model are the interconnections within the cube, the interactions between regularities. To see these connections, the analysis deconstructs the cube to understand the regularities as well as how they are connected. The emergence of dominant patterns of thinking, intersecting with deep regularities, allows an issue to be formally defined or named as a problem (Ramsuran & Malcolm, 2007). This concept defines Arena II of policy archaeology. Scheurich (1994) defined four specific points about regularities:

- They are not intentional, and no individual or group created them.
- They do not name social problems or solutions from outside, but rather by creating a set of conditions that allow a particular issue to become a social problem in need of a policy solution
- Regularities change over time, that is, they are historical.
- Human actions that create and define the regularities are not conscious actions but occur as part of daily activities.

In addressing Arena II of the policy archaeology, I examined the historical and

sociocultural strands to determine the social regularities at play in the definition of the social problem.

In Arena III I investigated how the social and cultural contexts and social regularities determined which methods or policies were considered as potential solutions to the social problem of the education of children with disabilities problems. As with the definition of social problems, social regularities that influence movements, culture, and social structures, are principal in determining policy options. My role in Arena III was to examine the regularities that intersected to determined policy choice and selection.

Arena IV directs the policy analyst to reflexively examine policy analysis as a social regularity itself. Scheurich (1994) stated that policy analyses are created by the grid where social regularities intersect and reproduce the hegemony of the social order and the grid. He noted that, “when policy analysts repeatedly conclude that a particular policy has not worked, as they often do, this judgment rarely leads to a larger critique of policy studies themselves or of the social order itself” (p. 311). He further suggested that the role of policy analysis is to maintain social order and control through the legitimizing of solutions to socially defined problems. Policy analysts must be critically aware of this socially-defined role as they engage in their work. Working in Arena IV I critically examined the role of the two early policies, the World Declaration on Education for All (UNESCO, 1990a), and the Convention on the Rights of the Child (UNESCO, 1989) in influencing the later three policies, specifically the Salamanca Statement and Framework for Action on Special Needs Education (UNESCO, 1994), the Convention on the Rights of Persons with Disabilities (UN Enable, 2006a), and the Organization of American States’ Declaration of the Decade of the Americas for the Right Rights and Dignity of Persons with Disabilities (OAS, 2006). I selected the four United Nations documents for

inclusion in this study because of their broad acceptance by the international community, either by signature or ratification, and their specific references to the education of children with disabilities. I believe that these documents give a broad perspective of officially sanctioned policies by a large number of the countries of the world. I selected the fifth document, the OAS Declaration, as an example of a regional policy on special education. I compared this policy with the United Nations policies and excavate the social regularities as well as the historical, cultural, and social factors to account for policy differences.

## **Results**

Schneider and Sidney (2009) described nine areas for analyzing policy:

- Definition of the problem and goals
- Definition of the population to benefit from the policy
- Benefits and costs of the policy
- Rules, directives, actors, and resources necessary for implementation
- Rewards or incentive for compliance, disincentives for non-compliance
- The implementation plan including resources and ways to ensure compliance
- Social constructions of policy
- Justification and legitimization of policy
- Assumptions about the causes and the ability of people or organizations to implement the policy

Table 1 below summarizes five of the nine areas for each of the five international policies.

Because of the broad nature of these international policies, difficulty with enforcement, and reliance on states' voluntary compliance (Thakur & Weiss, 2009), I incorporate a sixth analysis

area, the implementation structure, incentives for compliance, and resources, into the discussion of analysis area 5. I examine and summarize the remaining three aspects of Policy Design Theory as part of my archaeological analysis of the social constructions and regularities influencing these policies in Table 2 in the following section. The analysis areas addressed in this section are:

- Definition of the problem(s) the policy addresses
- Definition of the population impacted by the policy
- Benefits and potential burdens to groups or individuals
- Directives and rules: who are the actors, when do they act, and with what resources
- Incentives or disincentives for compliance with the conditions of the policy.

Table 1

*Summary of Basic Policy Components for the CRPD, Salamanca Statement, EFA, CRC, and the OAS Declaration*

	<b>Problem</b>	<b>Benefits/Burdens</b>	<b>Target Population</b>	<b>Rules/Protocol</b>	<b>Incentives</b>
<b>CRPD</b>	Persons with disabilities do not have access to services, political and economic systems, and education.	Improved living conditions, social integration.	Persons with disabilities with particular attention of women and girls with disabilities.	Ratifying states will implement the policies and actions set forth in the convention including access to inclusive education.	Legally binding on ratifying states. Moral obligation, international pressure to adhere to policy and action plan. Committee on the Rights on Persons with Disabilities investigates reported violations

					and provides support.
<b>Salamanca Statement</b>	Persons from marginalized populations, including persons with disabilities, do not have access to education in inclusive environments.	Access to education in inclusive environments for all children.	Persons with special education needs, in particular children. Special focus on girls.	States in attendance at the World Conference on Special Needs Education agree to provide inclusive education for all children with particular focus on children with special educational needs.	Moral and ethical obligation to states agreeing to the policy and action plan.
<b>EFA</b>	Children in many parts of the world, particularly from marginalized populations, do not have access schools and educational opportunities.	Meet basic educational needs of all children through equitable access. Results in improved social, political, and economic development.	All children, youth, and adults. Special focus on girls and women.	States parties of the UN agree to provide basic, primary education for all children by.	Moral and ethical obligation to member states of the UN. International pressure.
<b>CRC</b>	Children need special protections as a vulnerable population. Children living in oppressive or difficult conditions may not have adequate access to services including education.	Children's human rights are protected, including the right of all children to an education.	Children of the world	Ratifying states agree to uphold human rights for all children including the basic right to an education for all children.	Legally binding on ratifying states. Moral and ethical obligation to uphold human rights for all children. International pressure.
<b>OAS</b>	Barriers posed	Full social,	Persons	Member states	Member

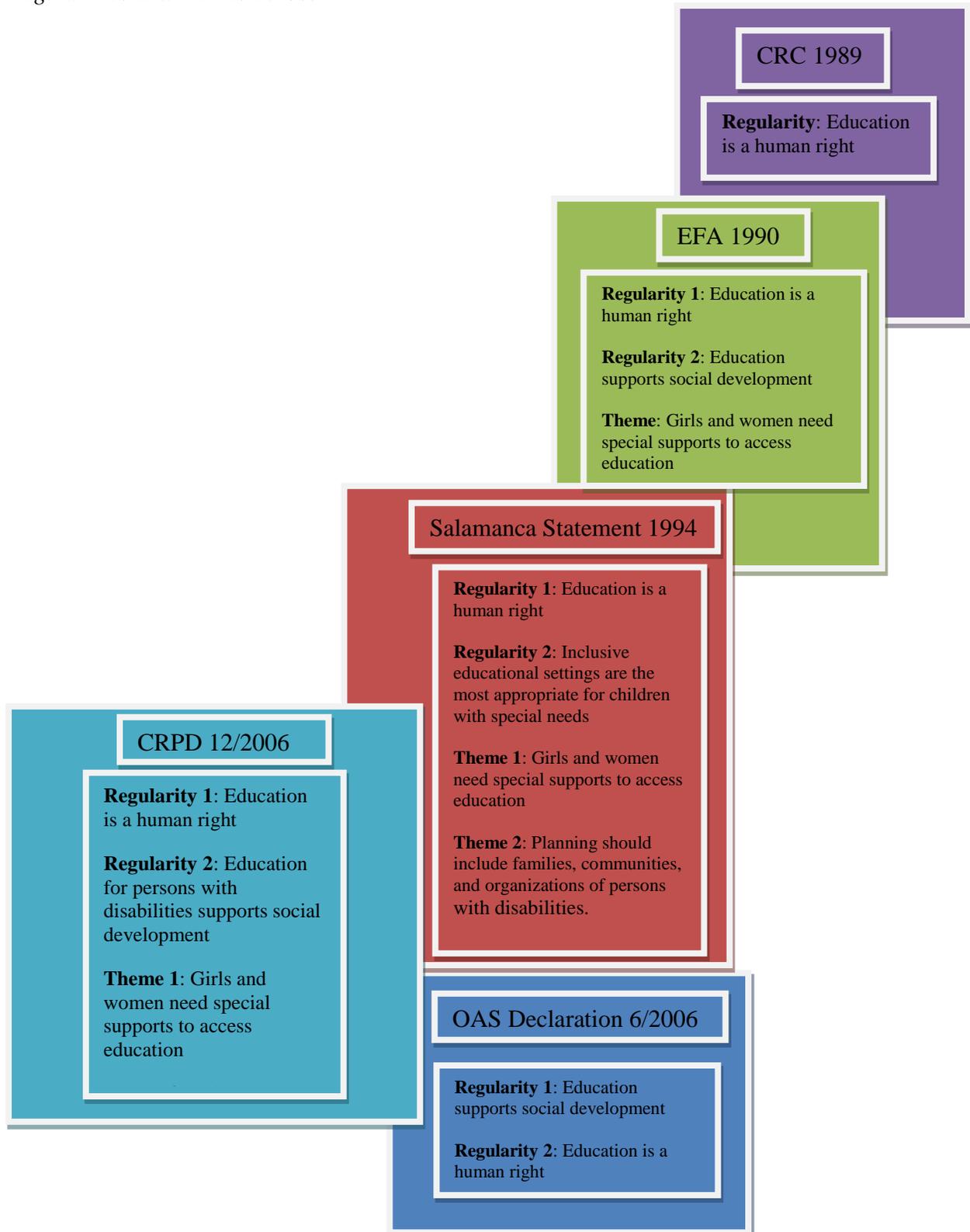
<b>Declaration</b>	by physical accessibility and socially based political, cultural, and economic attitudes isolate persons with disabilities, reducing their ability to access education and economic opportunities .	political, and economic inclusion of persons with disabilities. Access to inclusive education for children and adults with disabilities.	with disabilities living in the Americas. Education focus on all persons with disabilities including children, youth, and adults.	of the OAS agree to implement the action plan for inclusion of persons with disabilities including inclusive education for children, youth, and adults.	states of the OAS have a moral and ethical obligation to implement the policies and actions as set forth in the declaration. Regional pressure. Support from technical secretariat.
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**Regularities and themes.** Using the archaeological approach of Scheurich (1997), I examined the themes and regularities found in the 2006 United Nations document and excavated progressively earlier in time, tracing the themes and social changes in earlier decades that influenced the policies. For continuity I focused first on the United Nations documents, beginning with the Convention on the Rights of Persons with Disabilities, then the Salamanca Statement, the World Declaration on Education for All, and finally the Convention on the Rights of the Child. Using the archaeology metaphor, these policies may be considered to be layers or strata within one excavation site. After completing the excavation of a site, the archaeologist may want to investigate the influence of the first culture on other cultures with whom the members of the first group have contact. Continuing the archaeological metaphor, I moved to a nearby site and examined a regional policy found in the uppermost stratum, the Organization of American States’ (OAS) Declaration on the Decade of the Americas for the Rights and Dignity of Persons with Disabilities. In examining the OAS policy, I looked for influences from the United Nations policies, much as an archaeologist finds that one culture or society exerts an influence on

neighboring societies. In Figure 1 I summarize the regularities and major themes identified in each of the policies.

Figure 1

*Regularities and themes across time*



Analysis of the data revealed two significant regularities in the development of these policies. The first and most prominent regularity is that education of all children, youth, and adults is a fundamental human right. Because children and adults with disabilities are vulnerable populations, special efforts must be taken to ensure access to education. The chronology of access to education moved from requiring the states of the world to include special needs planning in government policy to inclusive education for all children.

The second significant regularity focuses on education for social development. Social thinking regarding this regularity dealt with the poverty and political and economic marginalization experienced by the majority of people with disabilities. Through education, people with disabilities could access jobs and move from being dependent on the state to included members of society. The goal for persons with disabilities is not only for personal improvement in social and economic, but also for the improved economic well-being of their communities and countries.

Focusing on policy archaeology, the language and epistemology reflected in these policies affects social thinking and future policy-making. As the policies are analyzed and implemented, the language reflected in the policies becomes ingrained in legislative and social language. These linguistic shifts affect social thinking about disability and the roles of persons with disabilities in society; policy archaeology predicts that these shifts will affect future social problem identification and future policies. Additional implications for this study include the policy analyses as a basis for studies of the implementation of policy in countries that have officially adopted the policies.

The international community explicitly stated the rights of many marginalized, vulnerable, and voiceless people in declarations, conventions, rules, and goals. The rights of

persons with disabilities and children with disabilities in particular are among these groups. The world commitment must now be to ensure that the rights and policies enshrined in these humanitarian and egalitarian documents not fall by the wayside of inaction, but that the policies are fully implemented for the benefit all people with disabilities.

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