CHAPTER ONE
INTRODUCTION

How best to educate students with special educational needs (hereafter referred to as SWSEN) is one of the most dominant and controversial issues confronting educators around the world today. It is a complex and dynamic issue that demands careful and systematic analysis. It requires that we examine such fundamental questions as: What is education? What are schools for? How best to teach diverse learners? How should they be assessed? How should they be classified; indeed, should they be classified at all? How important is the place in which they are educated? What choices should their parents have? What supports do they require? How should they be funded? How can the agencies that are involved with their education, health and welfare be coordinated? Some of these questions are common to general education, but some are specific to the education of students with special educational needs. In many respects, special education is a microcosm of education more generally and, indeed, of society as a whole. How we address issues to do with SWSEN provides us with significant leads as to how similar issues can or should be addressed in the broader contexts.

The purpose of this review is to outline international trends in the education of SWSEN, with the aim of informing the Ministry of Education’s current review of special education. The review does not include early childhood or post-school sectors, behaviour services or giftedness, as these fall outside the scope of the current review of special education for which this review is intended to be a companion piece. Other topics not considered, because of time and space limitations, include the brain and learning, support staff, the role of organisations representing persons with disabilities, full service schools, NGOs and ICT. Some of these will be mentioned in the context of other topics, but deserve lengthier consideration.

1.1 Issues to be Explored in this Review

This review will outline some of the principal issues in the education of students with special educational needs, with reference to countries other than New Zealand, particularly the UK\(^1\), the US, Australia, Canada, and those in continental Europe. The topics that will be covered are as follows:

\(^1\) Since this review will make frequent references to the UK, it is necessary to enter a caveat from the outset. All UK education websites contains the following statement: ‘A new UK Government took office
1. Paradigms of special educational needs
2. Definitions, categorisation and terminology
3. Disproportionality in special education
4. Response to intervention and graduated response
5. Educational contexts
6. Funding and resourcing
7. Curriculum
8. Assessment
9. Evidence-based pedagogy
10. Inclusive education
11. Non-inclusive educational settings
12. Teacher education
13. Collaboration
14. Parent involvement
15. Universal design for learning

1.2 Sources of Information
This review will draw heavily on the writer’s earlier publications (Mitchell, 1999; 2004 a, b, c, d; 2005; and 2008; Mitchell et al., 2010). Other significant sources include recent literature reviews carried out by Riddell et al. (2006) and by Shaddock et al. (2009); and reviews carried out by the Organisation for Economic and Co-operative Development (OECD, 1999, 2003, 2007), the European Agency for Development in Special Needs Education (EADSNE) (2003, 2009), and the influential President’s Commission on Excellence in Special Education in the US (2002). As well, various reports, journal articles, books and Internet sites will be referred to when relevant.

It should be noted that, apart from occasional references, the New Zealand situation will not be discussed in any detail in this report

1.3 A Note on Nomenclature
As we shall see in Chapter Three, there is no universal agreement as to how students with special educational needs should be referred to, how they should be defined and what, if any, categories they should be divided into. However, for the purposes of this review, the term ‘students with special educational needs’ (SWSEN) will generally be employed. This is in accord with the definition used in the current New Zealand Review of special education 2010: Discussion document, which states that ‘students may have special education needs because they have a physical impairment, a learning disability,
hearing or vision difficulties, or struggle with learning, communication or getting along with others’ (New Zealand Government, 2010, p.6).

Given that the term ‘special education’ historically and even contemporaneously, has been widely interpreted to refer solely or mainly to special schools and special classes, with an emphasis on students with disabilities, it will be used sparingly in this report, except where the context determines otherwise. Rather, the broader term ‘education of students with special educational needs’ will be preferred as it covers both a broader group of students and a greater range of educational provision.

Finally, a note on the title of this report: Education that Fits. This was chosen because the writer believes that it draws attention to the importance of education systems adapting to SWSEN, and, conversely, it draws attention away from the notion of fitting students to existing education systems. It also draws attention to the importance of determining learning outcomes for such students, the curriculum and pedagogy that contribute to the desired outcomes, and the means of determining whether or not they have been achieved. As we shall see in the present review, decisions being made in all of these areas are increasingly evidence-based and data-driven.

1.4 Transfer of Ideas Across Countries
Before exploring specific issues, it is relevant to consider why developments in special and inclusive education, indeed education more broadly, show similar trajectories across countries, especially those in the developed western world.

Recent years have seen what McNeely & Cha (1994) refer to as a remarkable degree of convergence in both educational ideology and educational structures across all types of nation states. This phenomenon has also been noted by writers such as Adick (1992) and Meyer et al. (1992) who observed that ‘modern’ schooling systems have already spread throughout the world at the expense of ‘autochthonous’ systems. According to Adick (1992), the modern form has in common features such as:

- a more or less differentiated school system with sub-divisions into school classes, levels and graduation qualifications;
- teaching according to a pre-arranged curriculum;
- a systematic differentiation between teaching and learning, so that a professional staff of teachers appears before a class of school children at scheduled time intervals;
- a state controlled, public, legal regulation of educational practices in schools; etc.
To a large extent, this convergence of educational policies and practices reflects the trend towards nation-states becoming increasingly subject to world-level ideological prescriptions and practices, as mediated by such agencies as the UN and the OECD. Such agencies exercise considerable authority, according to McNeely and Cha (1994), influencing national systems through a number of normative and rule-creating activities - four in particular. Firstly, international organisations act as a major forum for the transnational exchange of ideas and information via their publications, through the provision of consultants, and by sponsoring various types of conferences, meetings, and workshops. Secondly, in order to become members of these international organisations, countries have to sign up to their charters and constitutions, which typically contain professions of adherence to global principles, norms, and procedures. A third and related means of bringing about international convergence can be found in standard-setting instruments such as declarations and recommendations. Although these may not be legally binding, ‘they may be both inspirational and educational’. Finally, and in some circumstance perhaps most importantly (e.g., in developing countries), international organisations exert their influence through direct financial assistance or through the provision of development experts, both of which are usually linked to the adoption of certain ideas and policies.

Certainly, the UN agencies do aspire to influence global values. For example, the *World Commission on Culture and Development* (1995) identified ‘recurrent themes that appear in nearly all cultural traditions’, and went on to argue that these could ‘serve as an inspiration for a global ethics’ (p.36). Five such principles are adduced: human rights and responsibilities, democracy and the elements of civil society, the protection of minorities, commitment to peaceful conflict resolution and fair negotiation, and equity within and between generations. With a more specifically educational focus, the report of the *International Commission on Education for the Twenty-first Century* (UNESCO, 1996) put forward the notion that quality education should have four pillars:

- *learning to know*: broad general education and in-depth work on selected subjects, learning to learn to continue education through life;
- *learning to do*: ability to face a variety of situations, often unforeseen; to work in teams - hence work experience incorporated with education;
- *learning to be*: exercising independence and judgment, combined with sense of personal responsibility for attaining common goals; understanding and realising one's talents: memory, reasoning, imagination, aesthetic sense, physical, leadership;
- *learning to live together*: among individuals, groups, nations; developing an understanding of others and their history, traditions and spirituality (pp.7-8).
Of these pillars, the fourth is given priority. In the words of the Commission, the far-reaching changes the traditional patterns of human existence require of us a better understanding of other people and the world at large. There is a need for mutual understanding, peaceful interchange and, indeed, harmony - the very things that are most lacking in our world today (p.7).

More specifically, the writer has elsewhere analysed the ways in which beliefs, principles, knowledge and practices relating to special education are transferred between countries, resulting in what he considers to be a remarkable degree of convergence, both in ideology and in practices, across all types of nations (Mitchell, 1999). Broadly, there are four main sources of influence: international conventions, the dissemination of influential legislation, especially from the US and the UK, the research literature and, more recently, the Internet. The first two of these influences will be outlined below.

**International conventions and agreements.** International bodies such as the UN have actively promoted the rights of persons with disabilities and the principles of inclusion. For example, The Declaration of the Rights of Disabled Persons, adopted by the UN General Assembly in 1975, stands out as an early landmark in the international context (United Nations, 1975). Its 13-point proclamation has influenced many countries in their formulation of policies for persons with disabilities, including special education policies. *Inter alia*, the Declaration asserts that disabled persons have the right to respect for their human dignity, to measures designed to enable them to become as self-reliant as possible, and to a range of services, including education, which will enable them to develop their skills. Most recently, in 2006, the UN General Assembly confirmed a Convention on the Rights of Disabled Persons, which included a significant commitment to inclusive education².

With regard to the education of SWSEN, the 1994 *Salamanca Declaration* was even more specific. At a 1994 conference held in Salamanca, Spain, and sponsored by UNESCO, representatives of 92 governments and 25 international organisations proclaimed that every child has a fundamental right to education and has unique characteristics, interests, abilities and learning needs which should be taken into account by child-centred education systems (UNESCO, 1994).

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² New Zealand ratified this Convention in 2008.
More recently, the thrust of the *Salamanca Declaration* was reiterated and expanded at the meeting at the forty-eighth session of the UNESCO *International Conference on Education*, held in Geneva in 2008. This conference was attended by Ministers of Education, heads of delegation and delegates from 153 Member States, along with representatives of 20 intergovernmental organisations, 25 NGOs, foundations and other institutions of civil society. At the conclusion of their work, participants recalled Article 26 of the United Nations Declaration of Human Rights that states that everyone has a right to education and affirmed that inclusive quality education is fundamental to achieving human, social and economic development. Importantly for the current review, it was recommended that States should recognise the importance of a broadened concept of inclusive education that addresses the diverse needs of all learners and that is relevant, equitable and effective. Member States were called upon to adopt an inclusive education approach in the design, implementation, monitoring and assessment of educational policies as a way of contributing to building more inclusive societies (UNESCO, 2009).

*Influential legislation and policy documents.* Given that the US and the UK have played, and are playing, dominant roles in influencing worldwide provisions for SWSEN, it is relevant to outline some of the important developments in these jurisdictions. As noted by Mitchell (1999), the US *Public Law 94-142* of 1975 and its successors, the *Individuals with Disabilities Education Act* of 1997 and the *No Child Left Behind Act* of 2002, have played influential roles in promulgating the principles of inclusive education worldwide and other matters to do with such themes as all students having access to the general curriculum and to their country’s or state’s assessment regimes.

A related influential document from the US is the report of the *President’s Commission on Excellence in Special Education* (2002). In the preamble to its report, the Commission noted that young people with disabilities drop out of high school at twice the rate of their peers; that most public school educators do not feel well prepared to work with students with disabilities; that of the 6 million students in special education, half are identified as having a ‘specific learning problem’, mostly because they have not learned how to read; and students of minority status are over-represented in some categories of special education. The Commission brought down nine major findings, including the following: (1) the implementation of the Individuals with
Disabilities Education Act (IDEA) is overly bureaucratised; (2) too little emphasis is placed on prevention, early identification, and aggressive intervention using research-based approaches; (3) general and special education are seen as separate systems; (4) many of the current methods of identifying students with disabilities lack validity; and (5) research in special education needs to be more rigorous, the current system not always implementing evidence-based practice. These major findings led to a wide range of recommendations, with three underlying themes: focus on results - not on process, embrace a model of prevention not a model of failure, and consider children with disabilities as general education children first.

In the UK, the landmark event was the 1978 report of the Committee of Enquiry into the Education of Handicapped Children and Young People (the Warnock Report). Lady Warnock (1991) has recounted some of the features of that Committee’s recommendations and the background to them. She noted, for example, the significance of the early 1970s transfer of responsibility for the hitherto designated ‘ineducable’ severely handicapped from the Department of Health to the Department of Education and Science. This led directly to the setting up of the Committee of Enquiry. Among the Committee’s central tenets were the beliefs that every person had the right to education; that the goals of education should be independence, the ability to do useful work and the ability to enjoy life; that the concept of ‘special needs’ should replace diagnostic categories; and that while 2 per cent of children had ongoing significant special needs, as many as 20 per cent had less significant special needs which still required special help. The committee saw equality as equality of entitlement, not identity of provision. Writing some 13 years after presenting the report, however, Warnock painted a bleak picture of progress in the achievement of this notion of equality, blaming the then financial crisis and the new ideal in education, that of cost-effectiveness.

Mittler (2002) reviewed some of the significant developments in the education of students with intellectual disabilities that had taken place in England since responsibility for their education passed from health to education authorities. These included the shift from a categorical to a non-categorical, needs-based approach to teaching; a greater emphasis on changing the environment rather than the child; a shift from exclusion to inclusion (although the majority of children with intellectual disabilities remained in some form of segregated provisions, with considerable
variations between local education authorities); and developments in making the National Curriculum and its assessment more accessible to SWSEN.

Also of significance outside as well as inside the UK has been the *Special Educational Needs and Disability Act* of 2001 and the related policy document the *Special Educational Needs Code of Practice*. The latter replaced an earlier *Code of Practice* issued in 1994. These Codes are intended to provide practical advice to schools and local authorities on ‘carrying out their statutory duties to identify, assess and make provision for children’s special educational needs’ (Department for Education and Skills, 2001, p.iii).

Finally, it must be recognised that while countries can learn much from other countries, the transfer of knowledge, beliefs and experiences raises the cultural propriety of making such transfers. Mitchell (1999) noted that the challenge to both exporters and importers of philosophies and practices is to determine how far indigenous philosophies, ideologies and practices should be encouraged, respected, challenged, overthrown, or blended with those from ‘outside’.

1.5 Summary

1. The purpose of this review is to outline international trends in the education of students with special educational needs, with the aim of informing the Ministry of Education’s current review of special education.

2. The review does not include early childhood or post-school sectors, behaviour services or giftedness, as these fall outside the scope of the current review of special education for which the current review is intended to be a companion piece.

3. This review examines 15 issues, ranging from paradigms of special educational needs through the administration of special education, to school and classroom policies and practices.

4. Throughout the review, the term ‘students with special educational needs’ (abbreviated as SWSEN) will generally be employed.

5. Developments in special and inclusive education show similar trajectories across countries, especially those in the developed western world.

6. Broadly, there are four main sources of convergence of policies and practices: international conventions, the dissemination of influential legislation especially from the US and UK, the research literature and, more recently, the Internet.
7. In many ways, special education is a microcosm of education more generally and, indeed, of society as a whole.
CHAPTER TWO
PARADIGMS OF
SPECIAL EDUCATIONAL NEEDS

During its history, the broad field of special education has been the site of quite different paradigms, or models, which posit certain relationships between individuals with disabilities and their environments. This chapter will examine the three most dominant paradigms: the psycho-medical paradigm, the socio-political paradigm and the organisational paradigm. While most countries have a mix of all three underlying their educational provisions for SWSEN, the preponderant paradigm remains the psycho-medical model, which still retains its adherents even when other paradigms that place an emphasis on the environment have gained traction in recent years.

2.1 Psycho-medical Paradigm

Until recently, special education has been dominated by a psycho-medical paradigm, which focuses on the assumption that deficits are located within individual students (Clark et al., 1995). Historically, this paradigm has been the most widespread and has been used in both the diagnosis and educational treatment of children with disabilities. As noted by Ackerman et al. (2002), in this model students receive a medical diagnosis based on their psychological and/or physical impairments across selected domains and both strengths and weakness are identified for education and training. Those with similar diagnoses and functional levels are grouped together for instructional purposes. This model is problematic for several reasons, according to Christensen (1996). Firstly, it leads to the attribution of student failure to a defect or inadequacy within the individual, thus masking the role that highly constraining educational systems play in creating failure. Secondly, it wrongly suggests homogeneity within various diagnostic categories. Thirdly, many students enrolled in special education do not manifest demonstrable pathologies. Fourthly, as we shall see later in this report, studies show that instruction based on categories is generally not effective.

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3 This section draws heavily from Mitchell (2004a and 2004b).
2.2 Socio-political Paradigm

In contrast to the psycho-medical paradigm, several writers regard disability as a socio-political construct, which focuses on structural inequalities at the macro-social level being reproduced at the institutional level (Christensen, 1996; Clark, et al., 1995; Skidmore, 2002; Skrtic et al., 1996). Some writers are critical of this socio-political perspective, however, blaming it and its derivatives for what they consider to be an unscientific approach to special education (see Heward, 2003; Kauffman, 1999; Kavale & Mostert, 2003; and Sasso, 2001).

An interesting variant of the socio-political paradigm is a socio-cultural view presented by Danesco (1997) on the basis of her examination of international studies of parental beliefs about the nature and causation of childhood disabilities and about treatment and intervention. These studies revealed a commonly held duality of beliefs, with many parents in some cultures simultaneously holding both biomedical and socio-cultural views, the latter derived from magical, religious, supernatural, or metaphysical beliefs. Among the socio-cultural views is the belief espoused by cultural groups that adhere to the idea of reincarnation, where a disability is perceived as a condition affecting a present life but not necessarily the preceding or following lives. This duality of beliefs leads parents to pursue both formal biomedical help and support from informal networks, including eliciting the help of folk healers, performing religious rituals and changing their own behaviours to atone for past transgressions. Danesco argued that professionals need to identify where their and parents’ beliefs are convergent, divergent, or in conflict, and to develop strategies to deal with these circumstances.

Danesco’s argument is echoed by Kalyanpur et al. (2000), who contended that the equity and advocacy expectations embedded in mandates for parent participation in special education decision-making processes may well be in conflict with the values held by many families from culturally diverse backgrounds. This is particularly so in the case of those who do not share beliefs in the primacy of participatory democracy, individual rights and freedom of choice. Instead of equity, some cultures may believe that inequality is a right and proper principle; instead of asserting individual rights, some cultures emphasise social obligations; instead of valuing choice, some cultures accept the primacy of ascribed roles. It is therefore incumbent on professionals that they develop an awareness of their own cultural and ethical values and understand that these may not be universally shared.
2.3 Organisational Paradigm

To these two paradigms, Clark et al. (1995) have added a third, an organisational paradigm, which they have identified in the writings of scholars such as Ainscow (1995) and Lipsky & Gartner (1999). In this newly-emerged paradigm, special education is seen as the consequence of inadequacies in mainstream schools and, consequently, ways should be found to make them more capable of responding to student diversity. Disabilities are perceived as a function of the interaction between individual students and their physical, social and psychological environments. Instructional techniques and learning opportunities should be structured to compensate for environmental deficiencies to ensure that children learn and achieve skills of adaptive living. This can be achieved through such means as schools implementing findings from research into effective teaching, operating as problem-solving organisations, and supporting teachers through the change process.

While recognising that their own work has largely been based on many of the assumptions of the organisational paradigm, Clark et al. have come to have some concerns with certain aspects of it. These include the difficulty in bringing about even minor changes in schools, given their ‘actual complexity and messiness’, and an apparently absolutist position lurking beneath the paradigm. While their own research shows that in individual schools it is possible to identify one of the three paradigms as being dominant (i.e., held by the powerful members of staff, especially principals), subordinate perspectives invariably co-exist among less powerful members of staff (i.e., teachers) and have to be taken into account by policy analysts.

2.4 Summary

1. During its history, the broad field of special education has been the site of quite different paradigms, or models, which posit certain relationships between individuals with disabilities and their environments.

2. This chapter examined the three most dominant paradigms:
   (a) the psycho-medical paradigm, which focuses on the assumption that deficits are located within individual students,
   (b) the socio-political paradigm, which focuses on structural inequalities at the macro-social level being reproduced at the institutional level, and
   (c) the organisational paradigm, in which special education is seen as the consequence of inadequacies in mainstream schools.
3. While most countries have a mix of paradigms underlying their educational provisions for SWSEN, the preponderant paradigm remains the psycho-medical model, which still retains its adherents even when other paradigms that place an emphasis on the environment have gained traction in recent years.