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Dismantling barriers and advancing disability-inclusive education: an examination of national laws and policies across 193 countries

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ABSTRACT

Disability-inclusive laws and policies – while not sufficient on their own to advance substantive equality – are an essential step that all countries can take to advance non-discrimination and equity in education for children and youth with disabilities. This is the first study to comprehensively review national law and policy guarantees in 193 countries to assess the extent to which countries have harmonized national laws and policies with international commitments to inclusive education articulated in the Convention on the Rights of Persons with Disabilities and the Sustainable Development Goals. While strong guarantees exist across diverse countries, we find that notable gaps remain. Forty-six percent of countries do not broadly prohibit disability-based discrimination through the completion of secondary education. Legislation in 35% of countries does not guarantee persons with disabilities access to integrated education in mainstream education environments along with necessary individualized accommodations through the completion of secondary school. Thirty-one percent of countries that make primary education compulsory do not pair compulsory education with guarantees to integration in mainstream education environments and individualized supports for students with disabilities. These findings can inform reforms in countries without national guarantees and bolster support for implementation in countries where strong legal guarantees to inclusive education already exist.

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Introduction

The fundamental right to education

Education has long been recognized as a fundamental human right – one central to the construction of inclusive, equitable societies where all people have needs met, access to dignified work, and full participation in political and public life. A range of international treaties and global agreements explicitly recognize persons with disabilities' right to education – chiefly the Convention on the Rights of Persons with Disabilities (CRPD). Driven by the global disability rights movement and adopted in 2006, the CRPD

advanced an understanding of disability that went beyond the prevailing medical model and recognized the myriad socially constructed barriers that preclude full participation. Article 24 of the CRPD calls on nations to ‘recognize the right of persons with disabilities to education’ and to ‘ensure an inclusive education system at all levels’ to realize this right without discrimination. To this end, Article 24 further calls on States Parties to take affirmative steps such as ensuring that ‘reasonable accommodation of the individual’s requirements is provided,’ and ‘effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion’ (UN General Assembly 2006).

Likewise, with a core commitment to resolving and expanding upon the unfinished work of the Millennium Development Goals (2000–2015) and ‘leaving no one behind,’ when the Sustainable Development Goals (SDGs) were launched in 2015 they explicitly called on countries to ‘ensure equal access to all levels of education and vocational training for ... persons with disabilities, indigenous peoples and children in vulnerable situations’ (SDG 4.5) (UNESCO 2016). Like the CRPD, SDG 4.5 calls on countries to take proactive steps to provide education in inclusive settings and dismantle existing barriers to education for persons with disabilities.

Alongside global accords like the CRPD and SDG 4.5 that explicitly outline the education rights of persons with disabilities, persons with disabilities have the same education rights that are extended to all persons in agreements like the Universal Declaration of Human Rights (UDHR), the UNESCO Convention against Discrimination in Education, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC). Article 26 of the UDHR states that ‘everyone has the right to education’ (UN General Assembly 1948) and Article 3 of the UNESCO Convention against Discrimination in Education asserts that States Parties must ‘discontinue any administrative practices which involve discrimination in education’ (UNESCO 1960). Article 13 of the ICESCR calls on parties to the Covenant to ‘recognize the right of everyone to education,’ at all levels, available and accessible to everyone (UN General Assembly 1966). Similarly, Article 28 of the CRC calls on countries to ‘recognize the right of the child to education ... on the basis of equal opportunity,’ a right that applies equally to all children irrespective of disability or other status (Article 2, CRC) (UN General Assembly 1989).

Persistent educational disparities on the basis of disability

Countries that have ratified these agreements have expressed a commitment to ensuring that all children – including children with disabilities – have access to inclusive, quality education. However, children with disabilities still remain more likely to be out of school than their non-disabled peers in low-income and high-income countries alike. In a 2018 study across 15 developing countries, Mizunoya, Mitra, and Yamasaki (2018) found that disability is linked to a 31% reduction in the probability of school attendance – a consistent, significant gap that remained after controlling for relevant individual and household characteristics. At the same time, 32% of students with disabilities did not complete secondary school across the European Union, compared to 12% of students without disabilities (Eurostat 2018). Moreover, evidence shows that the disability gap has widened over time. A World Bank study drawing on census data for 19 countries illustrates that the

absolute gap in enrolment between students with and without disabilities has increased over 47 years (Male and Wodon 2017).

When children and youth with disabilities are enrolled in education, they continue to face documented disadvantages in learning (Filmer 2008; Fuchs et al. 2018; WHO 2011), and too often access education in segregated environments. For example, an average of 19% of children with disabilities are in segregated primary schools across 21 countries and territories in the Asia and Pacific region (UN 2019), while a 2012 study of Organisation for Economic Cooperation and Development (OECD) countries found that the percentage of students with special educational needs attending segregated schools varied widely – from a low of .5% in Italy to over 60% in the Netherlands (OECD 2012).

At the same time, some children and youth with disabilities are at greater risk of exclusion and disadvantage in education than others. Poor children and girls with disabilities can face cumulative discrimination (Hui et al. 2018). Persons with intellectual disabilities or multiple disabilities, and persons who are deafblind often face more exclusionary attitudes and barriers in education and broader society than persons with other physical disabilities (Van Mieghem et al. 2020; WHO 2011).

Given the existence of widespread global commitments, these persistent disparities raise important questions. Have all countries taken steps to make their global commitments a reality domestically? Are existing national education laws and policies disability-inclusive? How far have countries come in legally extending the promise of quality education without discrimination to all children with disabilities?

Aims of this study

The purpose of this study is to measure the extent to which the 193 UN member states have taken steps to advance education rights for persons with disabilities by enacting national legal and policy guarantees to advance disability-inclusive education at primary, beginning of secondary, and completion of secondary school. Grounded in the core educational rights articulated by the CRPD and elaborated in the General Comment 4 on the Right to Inclusive Education (2016), this quantitative, globally comparative policy analysis focuses on national guarantees to:

- tuition-free education
- compulsory education
- non-discrimination in education on the basis of disability
- provision of education in integrated, mainstream education environments
- individual supports and reasonable accommodations for students with disabilities

Methods and materials

Data sources

To assess the extent to which countries are enacting laws and policies to advance inclusive education for children and youth with disabilities, we created and analysed a globally comparative law and policy database for all 193 UN member states. To construct the

database, WORLD analysts reviewed hundreds of national law and policy guarantees extended to public education. WORLD analysed:

- Original, legislative texts (education acts, child protection legislation, disability rights acts, and anti-discrimination legislation) identified primarily using the UNESCO Observatory on the Right to Education and the International Labour Organization's (ILO) NATLEX database, current as of June 2018.
- Non-legislative policy and government commitments, identified via the UNESCO Observatory on the Right to Education, UNESCO's Planipolis Portal of Education Plans and Policies, country questionnaires fielded and published by UNESCO Institute for Statistics, the European Commission's review of National Education Systems, and government education websites in place as of June 2018.
- Full constitutional texts and all amendments as of May 2017 from official government websites, supplemented with Constitution Finder (University of Richmond), and other sources. For countries that did not have a written codified constitution, analysts reviewed all laws considered to have constitutional status.

All indicators reflect national-level constitutional, legislative, or policy guarantees. In countries where guarantees are set at the state or provincial level, the database captures information for the state or province with the lowest level of protection. For example, length of compulsory education varies by state in the United States. Some states require completing twelve years of education (including all of secondary), while others (including Massachusetts and Wyoming) do not. In this analysis, the United States is coded as guaranteeing compulsory for the beginning (not the completion) of secondary education, to reflect the gaps in guarantees across states. Law and policy documents were systematically reviewed in original language or translation to a UN language by a multi-lingual team of researchers. Sources for each country were independently assessed by two analysts using a common coding framework designed to consistently identify key features of disability-inclusive policy, and additional verifications and quality checks were conducted after database construction was complete.

Measuring inclusion: law and policy indicators

Terminology

Throughout this paper, the term 'disability' is used. This term refers to guarantees outlined in the terminology used in each country's legislation, and includes general references to 'disability,' 'special education needs,' 'handicap,' or guarantees extended on the basis of mental, physical, sensory, intellectual, developmental, emotional, and behavioural impairments or disabilities.

This comparative analysis of law and policy guarantees is grounded in the rights enshrined in the CRDP and the concept of inclusive education outlined by the Committee on the Rights of Persons with Disabilities in their General Comment No. 4 on the right to inclusive education – which draws important distinctions between exclusion, segregation, integration, and inclusion (2016). The education indicators examined in this paper do not encompass all components critical to the full realization of inclusive education, but they represent 'minimum core obligation[s] to ensure the satisfaction

of, at the very least, minimum essential levels of each of the rights' to education (UN CESCR 1990) for which comparative law and policy data are available.

Levels of education

In some cases, countries extend legislative guarantees in laws or policies dedicated to specific education levels (e.g. the levels covered in an 'Elementary School Act'), and in other cases, legislative guarantees are explicitly extended to all educational institutions/schools in that country, or the public sector broadly (thereby encompassing public education). All indicators are assessed at primary, beginning of secondary, and completion of secondary school levels. A small number of countries with eight or more years of primary school split primary education into two levels (e.g. 'lower primary' and 'upper primary') but do not split secondary school into levels. In these cases, we categorize 'upper primary' as the 'beginning of secondary' for comparability.

Guarantees to tuition-free and compulsory education

In legal frameworks, guarantees to tuition-free education and requirements for compulsory education are typically specified by level (e.g. primary school), or by an age range, or by the number of years children are required to attend school. To create comparable indicators by level, we reviewed constitutional, legislative, and policy guarantees to tuition-free and compulsory education and consulted country-specific information on the length of each stage of education and the standard age of beginning school. Countries are categorized as extending a 'Legislative or constitutional guarantee' when guarantees to tuition-free or compulsory are outlined in legislation or the constitution and countries are categorized as extending a 'Policy guarantee' when tuition-free or compulsory requirements are outlined in non-legislative government commitments. If national legislation or the constitution commits to gradually realizing tuition-free or compulsory education at a specific level, this is categorized as 'Subject to progressive realization.' Countries are categorized as extending 'No guarantee' to tuition-free or compulsory education if neither the constitution, nor national legislation, nor government policy included an explicit guarantee to tuition-free or compulsory education at the level in focus. For compulsory guarantees, in some cases, legislation uses authoritative language to assert the parents' (or guardians') responsibility to ensure children of a certain age are enrolled in or attending school; these cases were categorized as a guarantee to compulsory education.

Prohibition of disability-based discrimination at school

This indicator measures whether or not national legislation explicitly prohibits disability-based discrimination in education. In addition to capturing explicit prohibitions of disability-based discrimination, this indicator captures cases when countries affirmatively guarantee persons with disabilities access to education on an equal basis with others, and cases where legislation asserts that the state 'aims to protect or promote equality' on the basis of disability in education. In some cases, national legislation does not broadly prohibit disability-based discrimination in education, but it does explicitly prohibit disability-based discrimination more narrowly in school admissions alone. For the purposes of this variable, 'Discrimination prohibited in admissions' means that legislation prohibits disability-based discrimination in admissions, or specifically prohibits

disability-based discrimination in requirements, exams, or terms and conditions linked to admissions.

In some countries like Canada, case law has extended less explicit legislative guarantees (i.e. guarantees to non-discrimination in ‘the provision of goods, services, facilities, or accommodations customarily available to the general public’) to education (*Moore v. British Columbia* 2012; Canadian Human Rights Act 1985). However, comprehensive, systematic analysis of the varying role of case law across countries is outside the scope of this analysis.

Guarantees to education for persons with disabilities

This indicator measures whether or not national legislation explicitly guarantees access to education to persons with disabilities. A lack of an explicit guarantee does not mean that legislation denies access to education to persons with disabilities; in some cases, legislation includes provisions which reference educational resources available for students with disabilities, but the law does not include language strong enough to be considered a guarantee. In three countries (Oman, Mali, and Iraq), education is only narrowly extended on the extent of students’ capacity; this was not categorized as an ‘educational guarantee.’

Guarantees to education in mainstream environments

To assess the extent to which integration is enshrined in national law, we analysed whether or not legislation explicitly guaranteed children and youth with disabilities access to: 1) education within mainstream schools; 2) education within mainstream classrooms; or 3) education within ‘the least restrictive environment.’ Legislation that included a clear commitment to integrated or inclusive education was also categorized as a guarantee to ‘integration in mainstream schools.’ In some cases, country legislation explicitly guaranteed students with disabilities access to education but did not contain any explicit details on access to mainstream education environments. In these cases, countries were categorized as ‘Guarantee to public education, unclear level of integration.’

Guarantees to individualized supports and reasonable accommodations

To assess presence or absence of legislative ‘guarantees to individualized supports and reasonable accommodation’ to students with disabilities, we analysed whether or not legislation explicitly and authoritatively guarantees students with disabilities individualized supports and/or reasonable accommodations to support their education. In practice, individualized supports and reasonable accommodations include assistive devices, curricular adaptations, adjustments in exams or schedule, support of a note taker or interpreter, and more. In some cases, legislation articulates a range of specific adaptations available. In other cases, legislation guarantees students an individualized education plan, and in still others legislation extends a broad, general guarantee to personalized support or reasonable accommodation.

As interpreted by the Committee on the Rights of Persons with Disabilities in General Comment No. 4, the CRPD mandates that countries’ duties to provide individualized supports and accommodations are ‘immediately applicable and not subject to progressive realization’ (Committee on the Rights of Persons with Disabilities 2016, 10); therefore,

this indicator does not include legislative language which makes provision of supports subject to progressive realization. Nor does this category include legislative guarantees to accommodations that explicitly require financial contributions or cost-sharing to cover provision of supports, as does legislation in St. Kitts and Nevis which outlines, ‘Where it has been determined that a student will require an individual education plan, the cost of developing, providing and maintaining that plan shall be apportioned between the student, if the student is above 18 years of age, or the parent of the student, where the student is below 18 years of age,’ (Education Act of St. Kitts and Nevis 2005). Finally, this categorization does not include guarantees to narrow forms of support (e.g. materials made available in Braille when no other supports or accommodations are guaranteed).

Analysis

To assess the global landscape of disability-inclusive law and policy frameworks, indicators were measured across 193 countries by level (primary, beginning of secondary, and completion of secondary). Differences were assessed by country income group to address whether or not strong models for disability-inclusive policymaking exist in high-resource and low-resource settings. Country income level was categorized according to World Bank country and lending groups as of 2018. Analysis was conducted in STATA 14.

Results

Guaranteed access to education for persons with disabilities

The CRPD commits states to taking steps to ensure that ‘persons with disabilities are not excluded from the general education system on the basis of disability’ (Art. 24(2)(a)). Given documented disparities and persistent patterns of exclusion, it is critical that legislation affirmatively make clear that all people with disabilities are guaranteed access to education. In legislation, a vast majority of countries explicitly guarantee persons with disabilities access to public education at each level: 88% do so at primary, 88% do so at the beginning of secondary, and 85% do so through the completion of secondary education. (Table 1)

Guarantees to tuition-free education

In Article 24(2)(b), the CRPD states that persons with disabilities shall not be ‘excluded from free and compulsory primary education, or from secondary education,’ and in

Table 1. Extent of legislative guarantees to integration & individualized support for persons with disabilities, by education level.

	Primary (N = 188)	Beginning secondary (N = 188)	Completing secondary (N = 188)
No educational guarantee	23 (12%)	23 (12%)	29 (15%)
No integration guaranteed	12 (6%)	12 (6%)	11 (6%)
Integration in mainstream schools	17 (9%)	18 (10%)	18 (10%)
Integration in mainstream schools and guaranteed individualized support	126 (67%)	125 (66%)	122 (65%)
Guaranteed, unclear level of integration	10 (5%)	10 (5%)	8 (4%)

General Comment No. 4, the Committee on the Right of Persons with Disabilities has interpreted that ‘For Article 24(2)(b) to be realized, persons with disabilities must have access to inclusive, quality and free primary and secondary education’ (2016, 6). Globally, guarantees to tuition-free primary education are nearly universal – 96% of countries explicitly guarantee tuition-free education at the primary level in their constitutions, legislation, or national policy. This proportion drops to 84% at beginning of secondary and decreases further to 68% at the completion of secondary education. (Table 2). Guarantees to tuition-free education through the completion of secondary school are more commonly found in high-income countries relative to low-income countries; 88% of high-income countries extend a tuition-free guarantee through the completion of secondary, while 65% of middle-income countries and 39% of low-income countries do so (Table 3).

Guarantees to compulsory education

Within General Comment No. 4, the Committee on the Rights of Persons with Disabilities recommends that States Parties immediately implement at least nine years of compulsory education as outlined in the Education 2030 Framework for Action (2016). Countries can align their domestic legal frameworks with this recommendation by ensuring that beginning secondary education is compulsory. A majority of countries at all income levels extend a guarantee to compulsory education to the beginning of secondary, including 59% of low-income countries, 80% of middle-income countries, and 100% of high-income countries. (Table 4)

Globally, 94% of countries make legislative or constitutional guarantees to primary education, and an additional 3% outline guarantees in less permanent (but often far-reaching) policy commitments at the primary level. While legislative, constitutional and policy guarantees to tuition-free primary are nearly universal (97%), this proportion decreases to 83% at the beginning of secondary. Guarantees to compulsory education sharply decline between the beginning and the completion of secondary school; while 83% of countries make it compulsory to begin secondary education, only 28% do so through the completion of secondary (Table 5).

Table 2. National guarantees to tuition-free education, by education level.

	Primary (N = 192)	Beginning secondary (N = 191)	Completing secondary (N = 191)
No tuition-free guarantee	5 (3%)	24 (13%)	53 (28%)
Subject to progressive realization	2 (1%)	7 (4%)	9 (5%)
Policy guarantee to tuition-free	17 (9%)	16 (8%)	17 (9%)
Legislative or constitutional guarantee to tuition-free	168 (88%)	144 (75%)	112 (59%)

Table 3. National guarantees to tuition-free education through the completion of secondary, by country income level.

	Low-income (N = 33)	Middle-income (N = 100)	High-income (N = 58)
No tuition-free guarantee	15 (45%)	31 (31%)	7 (12%)
Subject to progressive realization	5 (15%)	4 (4%)	0 (0%)
Policy guarantee to tuition-free	1 (3%)	6 (6%)	10 (17%)
Legislative or constitutional guarantee to tuition-free	12 (36%)	59 (59%)	41 (71%)

Table 4. National guarantees to compulsory education through the beginning of lower secondary, by country income level.

	Low-income (N = 32)	Middle-income (N = 98)	High-income (N = 58)
No compulsory guarantee	12 (38%)	18 (18%)	0 (%)
Subject to progressive realization	1 (3%)	2 (2%)	0 (0%)
Policy guarantee to compulsory	3 (9%)	2 (2%)	0 (0%)
Legislative or constitutional guarantee to compulsory	16 (50%)	76 (78%)	58 (100%)

Prohibition of disability-based discrimination at school

Art. 5 of the CRPD calls on States Parties to ‘prohibit discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.’ Ensuring equality in education is fundamental to building disability-inclusive societies, and embedding guarantees to non-discrimination and equality in national education legislation is an important first step to breaking persistent patterns of disability-based discrimination in education and beyond. From primary through the completion of secondary, legislation in more than half of all countries (54%) broadly prohibits disability-based discrimination in education while 6% of countries prohibit discrimination in admissions but do not more broadly prohibit disability-based discrimination at school (Table 6). Prohibitions of disability-based discrimination at school are found in 39% of low-income countries, 57% of middle-income countries, and 57% of high-income countries through the completion of secondary (Table 7).

Guarantees to education in mainstream environments

Providing instruction and support to students with disabilities in separate environments designed for specific forms of impairments is segregation—a practice now understood as inimical to non-discrimination in education. Integration is a form of placing students with disabilities in mainstream educational settings, rather than providing education for students with disabilities in separate facilities. Across levels, about three-quarters of countries explicitly outline access to education in mainstream education environments to students with disabilities: 76% do so at primary, 76% do so at the beginning of secondary, and 75% do so through the completion of secondary (Table 1).

Table 5. National guarantees to compulsory education, by education level.

	Primary (N = 191)	Beginning secondary (N = 188)	Completing secondary (N = 190)
No compulsory guarantee	5 (3%)	30 (16%)	132 (69%)
Subject to progressive realization	1 (1%)	3 (2%)	5 (3%)
Policy guarantee to compulsory	5 (3%)	5 (3%)	3 (2%)
Legislative or constitutional guarantee to compulsory	180 (94%)	150 (80%)	50 (26%)

Table 6. Legislative prohibitions of disability-based discrimination, by education level.

	Primary (N = 188)	Beginning secondary (N = 188)	Completing secondary (N = 188)
No prohibition	75 (40%)	75 (40%)	76 (40%)
Discrimination prohibited in admissions	11 (6%)	11 (6%)	11 (6%)
Discrimination broadly prohibited	102 (54%)	102 (54%)	101 (54%)

Table 7. Legislative prohibitions of disability-based discrimination through the completion of secondary education, by country income level.

	Low-income (N = 31)	Middle-income (N = 99)	High-income (N = 58)
No prohibition	19 (61%)	34 (34%)	23 (40%)
Discrimination prohibited in admissions	0 (0%)	9 (9%)	2 (3%)
Discrimination broadly prohibited	12 (39%)	56 (57%)	33 (57%)

Guarantees to individualized supports and reasonable accommodation

In General Comment No. 4, the Committee on the Rights of Persons with Disabilities recognizes that ‘integration does not automatically guarantee the transition from segregation to inclusion’ (2016, 4). The CRPD emphasizes that countries should ensure that ‘reasonable accommodation of the individual’s requirements’ and ‘effective individualized support measures’ are provided in education environments to advance the goal of full inclusion (Art. 24(2)). Pairing a commitment to integration with strong guarantees to individualized supports and reasonable accommodation is critical to dismantling barriers to learning that remain within mainstream educational environments. Across levels, around two-thirds of countries pair legislative commitments to integrated education with explicit guarantees to individualized supports and reasonable accommodations for students with disabilities: 67% do so at primary, 66% do so at the beginning of secondary, and 65% do so through the completion of secondary. (Table 1)

Guarantees to both integrated education and supports are less commonly found in low-income countries compared to high-income countries. Fewer than half of low-income countries (42%) explicitly guarantee integration in mainstream schools and supports to students with disabilities through the completion of secondary education, while 65% of middle-income countries do so, and over three quarters (78%) of high-income countries do so (Table 8).

Among the 181 countries that make primary education compulsory, nearly a third (31%) do not pair this obligation to attend with an explicit guarantee to integrated education in mainstream educational environments and individualized supports or reasonable accommodation. Among the 154 countries that explicitly make the beginning of secondary education compulsory, 27% do not guarantee integration and supports, and 24% of the 52 countries that make secondary education compulsory through completion similarly do not pair compulsory education with guarantees to integrated education and supports for students with disabilities (Table 9).

Table 8. Extent of legislative guarantees to integration & individualized support for persons with disabilities through the completion of secondary education, by country income level.

	Low-income (N = 31)	Middle-income (N = 99)	High-income (N = 58)
No educational guarantee	9 (29%)	14 (14%)	6 (10%)
No integration guaranteed	3 (10%)	6 (6%)	2 (3%)
Integration in mainstream schools	4 (13%)	11 (11%)	3 (5%)
Integration in mainstream schools and guaranteed reasonable accommodation	13 (42%)	64 (65%)	45 (78%)
Guaranteed, unclear level of integration	2 (6%)	4 (4%)	2 (3%)

Discussion

Around the world, children and youth with disabilities continue to face persistent barriers to accessing inclusive, quality learning. At the same time, the global community has embraced both the CRPD (the most quickly ratified international treaty in history) and a global educational agenda that pledges to ‘leave no one behind.’ While even well-designed laws and policies can certainly be imperfectly and incompletely implemented, studies across diverse contexts have shown that national interventions can have widespread impact on enrolment and integration of persons with disabilities.

In Uganda, children with disabilities who began school at a time when inclusive education was guaranteed in national legislation had a significantly higher likelihood of going to school than children with disabilities from comparator Sub-Saharan African countries without similar legislative guarantees in place – as well as children with disabilities in Uganda who reached school age prior to the passage of this national legislation (Bose and Heymann 2020). In Brazil, implementation of an Inclusive Education Policy in 2003 is linked to an increase in enrolment rates of persons with disabilities from 23% in 2003 to 81% in 2015 (Hehir et al. 2016). A review of the Lao People’s Democratic Republic’s Inclusive Education Project (1993–2009) found that enrolment and completion rates through fifth grade were much higher in primary schools with Integrative Education elements (relative to comparators) – achieving 100% enrolment for students with disabilities, while rates of dropouts and grade repetition for all students were much lower in inclusive education primary schools versus all primary schools (Grimes, Sayarath, and Outhaithany 2011).

Inclusive education encompasses a wide range of policies, ideas, and practices, and is interpreted by the Committee on the Rights of Persons with Disabilities as a ‘process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education’ (Committee on the Rights of Persons with Disabilities 2016, 4). This study shows that while there are countries at every income level that have adopted strong legal frameworks for dismantling barriers to inclusion in education, notable gaps remain.

Table 9. Extent of legislative guarantees to integration & individualized supports for persons with disabilities among countries that make education compulsory, by education level.

	Policy, legislative, or constitutional guarantee to compulsory at primary <i>N</i> = 181	Policy, legislative, or constitutional guarantee to compulsory at beginning of secondary <i>N</i> = 154	Policy, legislative, or constitutional guarantee to compulsory through completion of secondary <i>N</i> = 52
No educational guarantee to people with disabilities	18 (10%)	12 (8%)	2 (4%)
No integration guaranteed	11 (6%)	9 (6%)	4 (8%)
Integration in mainstream schools	16 (9%)	13 (8%)	6 (12%)
Integration in mainstream schools and individualized support	126 (70%)	113 (73%)	40 (77%)
Guaranteed, unclear level of integration	10 (6%)	7 (5%)	0 (0%)

The CRPD and SDGs affirm the importance of tuition-free education while at the same time, evidence from multiple countries finds that students with disabilities continue to exit education early due to cost (UN 2019). Yet, nearly a third of countries (32%) fail to guarantee tuition-free education through the completion of secondary education.

Alongside global calls for nine years of compulsory education for all students, empirical research has found that the introduction of compulsory education for students with disabilities has been associated with a significant increase in the enrolment of students with disabilities and the proportion of students with disabilities learning in mainstream classrooms (Chen 1996). Legislative guarantees to compulsory education are an important way to support families in prioritizing education for all of their children, and a clear signal that government has an obligation to provide education to all; however, 18% of countries globally do not yet guarantee compulsory education through the beginning of secondary education – a proportion that includes 41% of low-income countries, 20% of middle-income countries, and 0% of high-income countries.

Discrimination against persons with disabilities remains widespread and discriminatory practices in education can impact admission rates, access to needed resources, and the rights of students with disabilities to learn in non-segregated settings – particularly for students with more severe disabilities or with certain categories of disabilities such as communication impairment or behavioural challenges (Duncan et al. 2020; Singal et al. 2020). Yet nearly half of all countries (46%) do not broadly prohibit disability-based discrimination through the completion of secondary education.

Realizing the full promise of the CRPD and the SDGs requires that countries work to close these gaps by passing strong laws and policies that guarantee all students – including students with disabilities – equal educational rights. However, efforts to advance equity and close the disability gap in education must not stop at the laws' passage – existing legal guarantees and future reforms must be paired with the necessary resources, supports, and enforcement mechanisms to dismantle barriers to inclusion at both the individual and societal level. In Canada, Ghana, the Netherlands, Norway, Taiwan, the United States, and Mexico, empirical studies have found that inclusive education settings (relative to segregated and/or less inclusive settings) are associated with increased attendance, higher academic performance, fewer behavioural issues, cognitive and psychosocial development, and more satisfying relationships with school friends among students with various forms of disabilities (Agbeke 2005; Cruz-Ortiz et al. 2016; Fang, Weinberg, and Patten 2020; Hehir et al. 2016; Myklebust 2007; Peetsma et al. 2001; Rea, McLaughlin, and Walther-Thomas 2002; Wiener and Tardif 2004). However, legislation in over a third of countries (35%) does not guarantee persons with disabilities access to integrated education in mainstream education environments along with necessary individualized accommodations through the completion of secondary school.

Even when countries guarantee access to compulsory education, failure to guarantee needed, individualized support and reasonable accommodation to students with disabilities can undermine the promise of universal access. Thirty-one percent of countries that make primary education compulsory do not guarantee integration and individualized supports at this level, though reasonable accommodations have been described as a 'priority matter' which 'should be free of charge at all compulsory levels of education' (Committee on the Rights of Persons with Disabilities 2016). Individualized education plans and other forms of supports provide students with the resources needed to develop

their fullest potential and are a necessary component of quality educational instruction for students with disabilities.

This study has limitations that should be noted. The study analysed four key aspects of inclusive education, namely national legal guarantees to: 1) non-discrimination; 2) guaranteed access; 3) integration; and 4) individualized supports and reasonable accommodation in public education. Given data limitations, this analysis does not assess other critical aspects of inclusion, including accessibility, teacher training, and issues that affect education levels beyond the completion of secondary education. These additional areas should be the focus of future studies and policy data collection efforts.

To further support global efforts to close the disability gap and expand truly inclusive education, it is important that future research rigorously identify barriers to the successful implementation of these laws. Additionally, future empirical examinations of the impact of laws and policies should assess educational outcomes other than enrolment of persons with disabilities. It is critical to learn when and how well-designed population-level policy interventions are not only supporting enrolment for persons with disabilities, but successfully advancing learning and quality instruction.

To this end, the ambitious 2030 Agenda has been accompanied by calls for ‘data disaggregation to leave no one behind,’ namely, increased availability of education statistics disaggregated by disability to support targeted, evidence-based policymaking (OHCHR 2015). Despite challenges in production of disaggregated data, when such statistics become more widely available over time, pairing these education statistics with the quantitatively comparative law and policy data examined in this study can be a powerful way to undertake empirical policy studies across national contexts.

The comparative law and policy data examined in this study can be a powerful tool to begin to allow the global community to monitor and hold accountable countries whose domestic laws are not yet in accord with the CRPD and the SDGs. These findings can support disability-inclusive policy-making by promoting and underpinning reforms in countries without national guarantees and by raising awareness and bolstering broad support for implementation in countries where strong legal guarantees already exist.

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