

Evolution of Inclusive Education Policies: A Historical and Legal Perspective on Special Education Rights

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ABSTRACT:

Inclusive education has emerged as a fundamental component of contemporary educational policy and human rights discourse, emphasizing equal access to quality education for learners with disabilities. This study examined the historical evolution of inclusive education policies and analyzed the legal development of special education rights within international and national educational frameworks. The study adopted a qualitative historical-legal research design supported by secondary quantitative data on educational expenditure collected from 218 countries and territories between 1870 and 2022. Data were obtained from international legal documents, scholarly literature, policy reports, and a historical educational expenditure dataset. The findings revealed a substantial transformation from exclusionary and segregated educational systems toward rights-based inclusive education models promoted through international frameworks such as the Universal Declaration of Human Rights, the Salamanca Statement, the Convention on the Rights of Persons with Disabilities, and Sustainable Development Goal 4. Quantitative analysis demonstrated a significant long-term increase in global educational expenditure, indicating broader institutional commitment toward educational development and inclusion. However, the study also identified persistent disparities in educational investment and implementation challenges across countries, including inadequate infrastructure, limited teacher training, insufficient funding, and weak policy enforcement. The study concludes that achieving meaningful inclusive education requires integrated legal protections, sustained financial investment, and institutional

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reforms to ensure equitable educational opportunities for all learners.

Keywords: Inclusive education, special education rights, disability policy, educational equity, human rights..

Introduction

The inclusion in education has become one of the main principles in modern educational policy and human rights legislation. Today, inclusion emphasizes ensuring equal access to education of high quality for people regardless of their disabilities and social background (Hirpa, 2021). In the past, children with disabilities were regularly discriminated against through educational exclusion or segregation due to societal prejudice and negative perception of disability (Hirpa, 2021). Educational practice of those times was based on exclusion and segregation of people with disabilities through placing them into special institutions or denying them educational opportunities. However, the increased influence of social and educational activism led to changes and the move towards integrating people with disabilities into mainstream educational contexts (Chambers & Forlin, 2021).

Legal and international instruments and global educational policies played an important role in shaping inclusive education and moving away from exclusion and segregation of people with disabilities. In this regard, the importance of human rights-based approaches and inclusive education can be illustrated by the use of such documents as the Salamanca Statement and the UN Convention on the Rights of Persons with Disabilities. The latter document obligated governments to ensure the provision of non-discriminatory and inclusive education opportunities for all people (Brittle, 2023). As a result, inclusion gradually turned into one of the key strategies used in support of broader social justice, democratic participation, and sustainability. Nevertheless, there are many difficulties associated with the implementation of inclusive education policies. In particular, despite legal recognition of the right to education, most countries face challenges in terms of the lack of

infrastructure, teachers' preparedness, funding, and discrimination of disabled people (De Beco, 2018). Besides, the researches usually consider historical aspects, legal context, or educational policies independently, which complicates the analysis of the process of formation of inclusive education. Hence, this study will focus on the examination of the historical and legal context of inclusion in education and analysis of current challenges faced in this sphere.

Research Objectives

- 1.To critically examine the historical evolution of inclusive education policies from exclusionary and segregated educational models toward rights-based inclusive education frameworks
- 2.To analyze the development and influence of international and national legal frameworks in protecting and advancing special education rights within contemporary educational systems
- 3.To evaluate the persistent challenges and implementation gaps affecting the realization of inclusive education policies and special education rights across diverse educational contexts.

2. Literature Review

One major topic of discussion in current educational policies is inclusive education. This phenomenon relates to ensuring equality of opportunities for learners, thus promoting social justice. As for the definition of inclusive education, it means that all learners can receive education in the same mainstream educational settings, taking into account the principles of equality and equal quality of education (Graham et al., 2023). It is worth saying that inclusive education differs considerably from segregation and integration. According to the former approach, learners with special needs should receive education in segregated settings (Park & Huggins, 2022), while the latter one implies

learners' presence in mainstream settings but does not include adaptation of education systems for these learners (Alzahrani, 2020). Inclusive education implies transformation of educational setting to adapt it for all learners.

It seems appropriate to discuss theoretical backgrounds of inclusive education. First of all, the Social Model of Disability can be regarded as one of the cornerstones of the approach discussed here. According to this model, disability appears mostly because of barriers in society rather than physical features (Oliver, 2023). At the same time, Rights-Based Approach can be mentioned. According to it, education is viewed as one of the basic rights and should be protected accordingly (Jodoin et al., 2021). Finally, the principles of Educational Equity Theory should be considered. According to the theory under consideration, learners with and without special needs should have an equal chance for receiving high-quality education (Levinson et al., 2022).

Special education has been historically associated with different stages that are marked by processes of exclusion, institutionalization, segregation, mainstreaming, and inclusion (Ianes et al., 2020). Historically, mainstream educational programs excluded children with disabilities or accommodated them within special institutions assuming that they are less capable than other learners. However, mainstreaming movements have been striving to integrate some students with special needs into mainstream educational environments while providing them with individualized supports. Finally, the promotion of inclusive education movements required systematic changes to ensure equal participation and accessibility of learning opportunities for every learner (Ianes et al., 2020).

The importance of legal documents at the international level is crucial because it allows for institutionalization and the implementation of inclusive policies worldwide. According to the Universal Declaration of Human Rights, all people have the right to education regardless of any differences (Şener, 2021). Moreover, the Salamanca Statement (1994) claimed that inclusive schools were considered the best strategy to

eliminate discriminatory attitudes among the participants of the education process and create more egalitarian societies (Appelbaum, 2019). The United Nations Convention on the Rights of Persons with Disabilities emphasized the international community's responsibility in supporting the rights of people with disabilities to be able to participate in the education process without being excluded from or discriminated against (Appelbaum, 2019). Moreover, the United Nations CRPD highlights the indivisibility of rights and obligations that require establishing inclusive education systems by the government (De Beco, 2019). Furthermore, Sustainable Development Goal 4 is concerned about providing equitable and inclusive quality education (Adipat & Chotikapanich, 2022).

Despite progress made within the realms of laws and policies regarding inclusive education, there are still many factors that prevent these policies from being successfully implemented across the globe. One such factor is money, especially when it comes to developing countries which struggle with providing accessibility features, technological supports, and services related to education for students with disabilities. Poorly trained teachers who lack the ability to cope with diversity in classes also pose a barrier in terms of successful inclusion (Alzahrani, 2020). Moreover, inadequate infrastructures and the existence of negative attitudes towards disability make many people with disabilities feel stigmatized at schools. Thus, it can be concluded that although policies concerning special education have come a long way, there are still plenty of obstacles preventing their implementation.

3. Methodology

3.1 Research Design

For this research, a qualitative historical-legal design was used to investigate the evolution of policies related to inclusive education and the rights of students in special education. Qualitative design was deemed suitable for this research since the study did not entail the collection of empirical evidence. Instead, the study involved analyzing policy and legal trends, as well as changes in history.

3.2 Data Sources

Data for the study were collected exclusively using secondary data sources such as international laws, policies, journals, government publications, and educational data. International frameworks analyzed in the research include the Universal Declaration of Human Rights, Salamanca Statement (1994), the Convention on the Rights of Persons with Disabilities (CRPD), and Sustainable Development Goal 4. Moreover, a dataset on education spending throughout history acquired from Kaggle was employed to provide insight into overall trends in education policy and reform (Gonçalves,2024).

3.3 Data Collection Procedure

The data was collected using systematic document analysis and archival research of literature and policies. Literature and policies related to inclusive education, disability rights, equal access to education, and special education reform were chosen for this research. The research focused on the use of peer-reviewed journal papers and international legislation to ensure that the information obtained would be reliable and academically sound. Comparisons from select countries were also considered in the process.

3.4 Data Analysis Technique

The data obtained from the literature review process were analyzed through thematic analysis and comparative legal analysis. The thematic analysis technique was used to uncover repeated themes associated with exclusion, segregation,

integration, inclusion, education accessibility, and the challenges encountered in implementation. With the comparative legal analysis process, it became possible to analyze the commonalities and differences between international conventions on inclusive education and national inclusive education laws.

3.5 Ethical Considerations

Since the research relied on the use of secondary data that is freely available and accessible from official documents, there was no involvement of any human subjects in the research process. For this reason, there was no need to obtain ethical clearance for this research.

4. Results

4.1 Descriptive Statistics of Educational Expenditure

Educational Expenditure Descriptive Statistics are provided in the Table 1 below. The data sample involved 4,215 observations obtained from 218 different nations and regions spanning 1870 to 2022. These results showed huge variations in the level of educational expenditure among different countries as well as at different times. The average educational expenditure amounted to 380.48 with the standard deviation of 201.79, showing the presence of huge gaps in educational spending worldwide. The minimum value of educational expenditure is observed to be 0.00, whereas the highest value stood at 994.09. Moreover, median value equaling 392.23 implies an overall increase in educational expenditure

Table 1: Descriptive Statistics of Educational Expenditure

Statistic	Value
Number of Observations	4215
Mean	380.48
Standard Deviation	201.79
Minimum	0.00
25th Percentile	254.95
Median	392.23
75th Percentile	516.02
Maximum	994.09

4.2 Historical Trends in Educational Expenditure

As can be seen from Table 2, the annual trend analysis shows an evident rise in average expenditure on education. The period of early history, especially from 1870 until the mid-twentieth century, saw lower levels of expenditure.

In the year 1870, for instance, the average level of expenditure was 0.64. However, there was a sharp increase in expenditure after the 1970s, which is attributed to educational reformations and investments in education around the world. In 2022, the average level of expenditure was 340.67, which is a growth of 53,129.85%.

Table 2: Historical Trend of Average Educational Expenditure

Year	Average Educational Expenditure
1870	0.64
1913	1.31
1937	2.07
1960	3.52
1970	337.45
1980	349.87
1990	372.64
2000	389.51
2010	396.84
2022	340.67

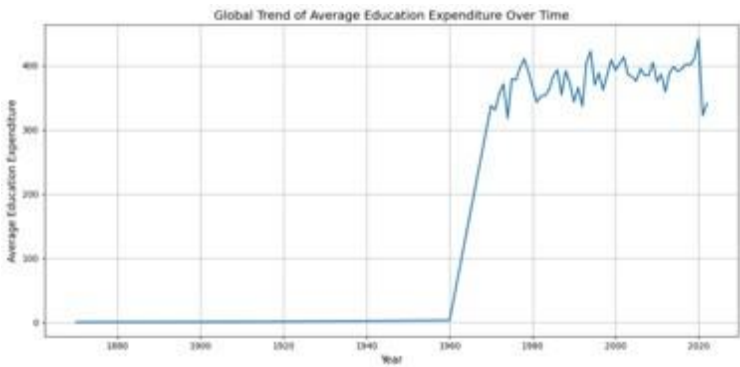


Figure 1. Historical Trend of Global Average Educational Expenditure (1870–2022)

The figure illustrates the long-term increase in global average educational expenditure between 1870 and 2022. Educational investment remained relatively low during the early historical periods but increased substantially after the 1970s, reflecting expanding educational reforms, policy development, and institutional commitments toward equitable education systems worldwide.

Expenditure

The differences between countries illustrated in Table 3 indicate great variations among average educational expenditures per capita across various countries and continents. The largest value of the average expenditure is registered in East Timor (867.06), followed by upper middle-income countries (790.49), Cuba (780.04), Yemen (737.49), and Latin America and the Caribbean

4.3 Country-Level Comparison of Educational

(701.98). Among other high spenders on education were Bolivia, Denmark, Micronesia, the Marshall Islands, and Iceland. From this, we can conclude that educational expenditure decisions

are made not only according to economic opportunities but also due to national policies and strategies on education.

Table 3: Top 10 Countries by Average Educational Expenditure

Rank	Country/Region	Average Educational Expenditure
1	East Timor	867.06
2	Upper-middle-income countries	790.49
3	Cuba	780.04
4	Yemen	737.49
5	Latin America and Caribbean	701.98
6	Bolivia	694.40
7	Denmark	682.34
8	Micronesia	656.59
9	Marshall Islands	630.53
10	Iceland	627.64

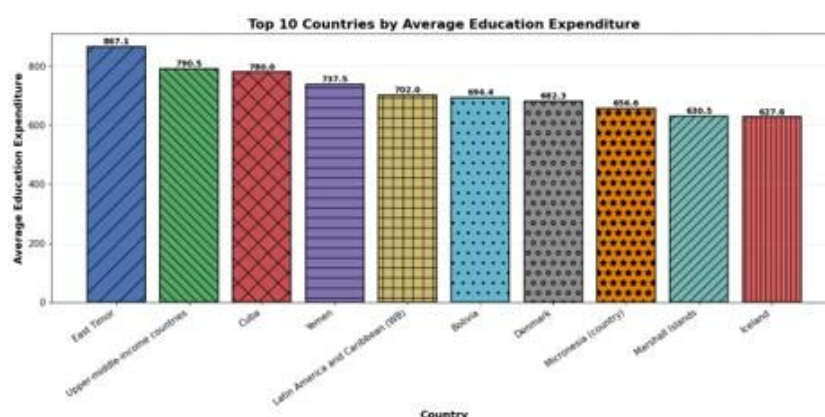


Figure 2. Top 10 Countries by Average Educational Expenditure

The figure presents the top 10 countries and regions with the highest average educational expenditure. East Timor recorded the highest expenditure level, followed by upper-middle-income countries and Cuba. The findings demonstrate substantial disparities in educational investment across countries, reflecting differences in economic capacity, policy priorities, and institutional commitment toward educational development and inclusion.

4.4 Correlation Analysis

Summary of the findings for correlation analysis is

presented in Table 4. Pearson correlation analysis has demonstrated that there was a statistically significant positive correlation between the variable's "year" and "educational expenditure." The correlation coefficient amounted to 0.1222 while the p-value reached 0.0000. This means that educational expenditure has grown over time. Even though the strength of the correlation can be considered rather low, its positive nature indicates that global development was marked with expansion in education.

Table 4: Pearson Correlation Analysis

Variable Relationship	Correlation Coefficient (r)	P-value
Year and Educational Expenditure	0.1222	0.0000

4.5 Linear Regression Analysis

In the next stage, the regression analysis of the relationship between historical development and expenditures on education was carried out, and is represented by Table 5. The regression line equation had a positive slope coefficient of 1.5806, which means there was an increase in

expenditures on education over time. The intercept coefficient equaled -2779.9509, and the coefficient of determination (R^2) was 0.0149. While R^2 is rather low, implying that the year can only explain a small part of the variation in educational expenditures, the overall trend is positive, confirming the historical development story.

Table 5: Linear Regression Results

Regression Parameter	Value
Intercept	-2779.9509
Slope Coefficient	1.5806
R^2	0.0149

5. Discussion

The results of this research clearly show a considerable rise in spending on education throughout history, associated with more comprehensive changes related to the evolution of education policy and law, the development of institutions, and human rights protection mechanisms at the international level. The rise in spending on education from 1870 to 2022 is directly linked to the evolution of inclusive education policies and the growing awareness of education as a basic human right. While the earlier periods of time saw predominantly exclusive practices with regards to providing educational opportunities to people with disabilities, modern policies aim at making education inclusive and accessible. This trend is consistent with the rights-based model of education that calls for ensuring equal education for everyone (De Beco, 2022).

In addition to this, it is possible to note the role of international legal mechanisms in changing education practices and introducing inclusive education policies. In particular, the Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities made states accountable both legally and ethically for ensuring non-discriminatory education for people with disabilities. Moreover, the CRPD reinforced

the right to inclusive education compared to other initiatives of the type, which are considered voluntary and not legally binding (Appelbaum, 2019). In turn, De Beco (2019) stresses the necessity of indivisibility of human rights with regards to education of people with disabilities. Therefore, increased educational expenditure can be seen as part of fulfilling international responsibilities and making education more inclusive and accessible.

Finally, it is possible to observe considerable gaps in the amount of investment into education among different countries and regions. In particular, nations such as East Timor, Cuba, and Denmark invested considerably in education, while developing countries often face challenges regarding institutions and economic development. As a result, it could be said that inclusive education rights are achieved unevenly by various countries. Earlier, Lang et al. (2019) stated that differences in policy-making and implementation processes occurred between developed and developing nations because of dissimilarities in political regimes, governance systems, and resources available. Additionally, Paprotny (2020) pointed out that convergence in social and developmental indexes was still observed

inconsistently between developed and developing nations despite the continuous growth of the former during the last decades. Therefore, it can be stated that inclusive education programs are spreading around the world but still depend upon specific nations' institutional capacity.

The statistically significant positive correlation between year and educational expenditures indicated by the correlation analysis and regression proves that an increasing tendency in the amount of investment occurs alongside growing educational reforms and inclusiveness of societies. Still, the relatively low R^2 indicates that historical evolution could not account for the gaps in educational expenditure completely. It is more than likely that variables such as political inclusion, governance quality, level of economic development, and priority of public policies would influence the process of educational investment. For example, O'Connell (2018) concluded that political inclusion played an important role in the decision of developing nations regarding the level of educational investment. Jamali & Karam (2018) argued that institutional development and social responsibility frameworks also determined priorities in public investments.

Despite the tremendous rise in education budgets, various obstacles still pose challenges to the effective implementation of inclusive education policies. Issues related to inadequate infrastructure, limited teacher training, ineffective policy enforcement measures, and discrimination against individuals with disabilities persist in creating problems with educational accessibility (Panda, 2020). The rights-based approach notes that it is essential to go beyond recognition and implement institutional measures and accountability for special education policies to become effective (Panda, 2020). In addition, Pandey and Sinha (2022) argued that rights-based frameworks should undergo constant updating and modification to counter the emergence of social injustices and implementation gaps in educational programs. These perspectives confirm the findings of the current study showing significant discrepancies between policy declarations and educational realities.

The historical progression of inclusive education

policies can thus be considered an integral part of a larger shift towards greater social inclusion, legal accountability, and equal education access. As evidenced by the analysis, modern inclusive education models are based on the principle that education should foster social integration and inclusiveness, rather than simply guaranteeing school admission. As stated by Nwachi (2021), social participation is one of the key features of any inclusive environment in society. Likewise, Sajid and Khan (2023) noted that law constantly evolves responding to new changes in society and human rights legislation. It is these factors that can partially explain the shift from segregation to inclusive and rights-based education that occurs throughout the evolution of special education policies.

Overall, the results of the current study show that an increase in educational spending and human rights legislation played a significant role in the formation and evolution of inclusive education policies on a global scale. However, the persistence of social inequalities and problems related to policy implementation indicates that full social inclusiveness cannot be achieved without further reforms, increased investments, and institutional actions to eliminate the identified barriers. Thus, the study draws attention to the need to combine legal protection measures, implementation strategies, and funding for the effective promotion of special education rights.

6. Conclusion

The development process of inclusive education policies can be considered another significant change in the history since the development of inclusive education policies is characterized by the shift from exclusionary and segregated educational models to inclusive and equal approaches to learning. According to the results obtained, it is possible to claim that such international laws as the Universal Declaration of Human Rights, the Salamanca Statement, the Convention on the Rights of Persons with Disabilities, and Sustainable Development Goal 4 were critical to promote inclusive education as a key human right. Furthermore, the results of the quantitative analysis showed a substantial rise in the level of educational expenditures in different countries

within the period from 1870 until 2022. This indicates institutional and policy commitments to promote learning and inclusion; however, there is still much work to be done in terms of increasing investments in the field. In particular, the issue of insufficient institutional capacity, inadequate policy implementation, absence of infrastructure and necessary training programs, as well as the

problem of social stigma, prevents from implementing inclusive education and special education rights. It is obvious that the legal recognition is not enough for ensuring educational equality; thus, it requires an additional effort and commitment of policymakers to improve the current situation.

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