A Puzzling Matter

Special Schools, Justice, and Inclusion

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Abstract

Inclusion, understood as all children receiving their education in their local regular school, is promoted almost universally as both a moral and a political imperative. From this perspective inclusion, and only inclusion, is equated with just educational provision for disabled children and young people. But at the same time, special school provision is a feature of many, if not most, education systems. In a policy climate in which inclusion is the dominant motif, the special school sector is an anomaly and special schools inevitably occupy an uncertain and somewhat invidious position. This situation raises a number of questions concerning matters of justice and fairness with respect to its impact on special schools and their communities. It also raises questions about the validity of the view that inclusion, and only inclusion, can represent justice in education for all disabled children and young people.

This thesis explores these matters from a philosophical perspective and with particular reference to the turn to inclusion in New Zealand's education policy context in the years 1987-2005. It examines the realities of the development of the policy Special Education 2000 (SE2000) and the experience of special schools under that policy. It also presents a philosophically based examination and critique of the notion of justice with respect to location that underpins inclusion and inclusive education policies such as SE2000. Drawing on the work of I.M. Young (1990), the thesis argues that the privileging of inclusion in SE2000 positioned special school provision as a lesser and undesirable alternative, and resulted in a state of affairs in which some disabled children and their families experienced, or were more likely to experience, injustice.

The examination of the New Zealand setting provides the context from which the broader philosophical concerns of the thesis emanate. These centre on the broader question of what, with respect to where they go to school, might constitute a just state of affairs in education for disabled children. The thesis presents a critique of the notion that inclusion is the only educational arrangement that constitutes a just state of affairs for disabled children. It argues that the availability of special school provision rather than being a barrier can be a factor that contributes to a just state of affairs in the educational arrangements for disabled children. The thesis concludes that as regards the matter of location, what is required to achieve a just state of affairs for disabled children and their families is a nuanced approach that will mitigate injustice in their daily lives and reflect the multiple views, values and aspirations they hold.

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List of Acronyms

ASEPA	Australian Special Education Principals' Association
ASESP	Accredited Special Education Service Provider
DPA	Assembly of Disabled Persons
ERO	Education Review Office
GSE	Group Special Education
MOE	Ministry of Education
ORRS	Ongoing and Reviewable Resourcing Scheme
SE2000	Special Education 2000
SEPIT	Special Education Policy Implementation Team
SES	Special Education Service

Prologue- My Interest in the Topic

Harry was a six-year-old boy with a shock of blonde hair, blue eyes, and a ready smile. I met him when he joined the New Entrant class I was teaching. When he started school Harry could talk in sentences, recognise his own name and some basic sight words, and walk. He loved stories, music and food. By the time he was seven years old Harry could no longer talk in sentences or recognise any basic words and he was losing other faculties. Harry had a neurological condition that affected both his physical and intellectual functioning and ultimately his lifespan. As Harry's peers' skills and faculties developed and grew, Harry lost his. As Harry's peers became more articulate and physically able, Harry lost his words and became less physically able. As Harry's peers' intellectual capacity developed, Harry's began to reduce and he experienced short-term memory loss.

Harry's parents believed absolutely in his right to an education and in his right to attend the local school with his peers, but as his condition developed they felt that Harry needed a differently focused education than was provided in our school and so they looked for an alternative setting for him. The option they ultimately chose was a special school; they believed that the education and environment provided by a special school would be best for Harry and in addition would provide the best support for them. This belief about the appropriateness and efficacy of special schools was common at the time; these schools were seen as a necessary and good alternative to the regular school. The people who worked in these schools were also seen as valuable and were recognised for their commitment to and knowledge about disabled children. Harry attended the special school for seven years until his early death at the age of 14. Harry's brother, who had the same condition as Harry, also attended the

school. At the school Harry and his brother experienced an education that was attuned to their very particular needs. Harry was able to remain with familiar teachers, therapists and aides over the seven years, his health and physical needs were attended to with dignity and respect, and he was able to participate in activities such as music therapy and swimming as part of a very fluid and responsive curriculum.

Harry's brother Jack died, as Harry had, prematurely. At Jack's funeral, their mother gave a eulogy in which she talked with deep feeling of her gratitude that Harry and his brother were able to attend a special school. She described how the special school had provided a warm, accepting and safe educational haven not only for Harry and his brother but also for the whole family. Here they were welcomed, supported and celebrated. Interestingly, and revealingly, parents still describe special schools in these ways. For Harry's parents the availability of a special school placement for Harry and his brother constituted justice in education for both their children and themselves.

However, in the nearly thirty years since I first met Harry, the educational policy environment with respect to disabled children has changed substantially both at the national and international level. The rights of disabled children to attend their local regular school have, quite properly, been enshrined in the legislation of many countries. The goal of inclusive education, whereby all disabled children will receive their education in regular school settings, has been agreed to and promoted in international agreements and conventions. Implicit in inclusive education policy in many jurisdictions is the notion that just educational provision for disabled children equates to all disabled children attending the regular school and the ultimate goal of such policy must be to achieve this outcome. Correspondingly, special school

provision, by implication at least, is positioned as contrary to that goal and constituted as synonymous with exclusion and thus injustice. Once considered a social good, now, in an almost universal inclusive education policy context, special school provision has come to be characterised in some circles as an anathema and antithetical to achieving the rights of disabled children to access their education in a local regular state school (IHC, 2009).

For me this view of special schooling is perplexing because it conflicts with the realities of my own experiences of special schooling. Prior to meeting Harry and his family, I knew nothing about special schools; my first introduction was going with Harry's mother as she visited a variety of different settings before deciding on what option to take. However it was not to be my last. Only a few years later I took a position as a teacher in a special school and began what was nearly twenty years of involvement in this area of the education system. For about thirteen years I worked in two different schools in a variety of teaching roles and subsequently served on a Board of Trustees of a local special school for five years, three of them as the Board Chairperson. In my roles both as teacher and as board member I was frequently confronted with the difficult realities that children with the most complex needs and their parents and families faced not only in relation to education but also to daily life itself. For many of these families the special school was a positive choice that enabled them to manage these challenges and difficulties. My work in special schools sparked an enduring interest in that sector for me. It also engendered a great respect for the educational work done in these schools, for the children and their families who make up their communities, and for the teachers and other professionals who work in the schools. My involvement in the sector led me to the belief that special schools play an

important and necessary role in our education system and provide a valuable option for many disabled children and their families. But it was also very apparent to me that the view I held was not one that was commonly shared by those responsible for the management and direction of special education at that time. During the nearly twenty years that I was involved in the sector I witnessed first-hand attitudes and actions of Special Education Services, and later Special Education in the Ministry of Education, that demonstrated not just a lack of support for special school provision but that also seemed at times to be actively working against such schools. Similarly, I have found in more recent academic publications and other education commentary in New Zealand, that what little there is written about special schooling, tends to be disparaging and to equate the presence of special school provision with the failure of inclusive education and thus injustice for disabled children.

These circumstances present a conundrum for me, for while I support the right of disabled children to receive their education in the local common school and also many of the principles that inform inclusive education more generally, I find it impossible to reconcile the view that special schools are inherently bad and that special school provision represents an injustice to disabled children with either the reality of my own experience of special schooling or with the views expressed by parents such as Harry's mother. Rather it would seem to me that it is special schools and their communities who have experienced unfairness and injustice both through the actions and attitudes of bureaucrats and through the way they have been vilified in much academic writing and educational commentary. It is this that has prompted the work of this thesis as an attempt to redress the imbalance in the literature, to give voice to an alternative perspective on special school provision and to explore what we

as a society owe to children like Harry and his brother if we are to genuinely meet the goal of just educational provision for all disabled children. When Harry came into my class all those years ago, I little realised the influence and impact meeting him and his family would have on me, and how the experience would shape the rest of my professional life. As I write this thesis, they are always there in my mind's eye, guiding my thoughts and perceptions and encouraging me, as are the many families, teachers, teacher-aides and others with whom I worked in my time in the special school community. I dedicate this thesis to them.

Chapter One
Introduction and Background

This thesis examines matters to do with special schools, inclusion and the education of disabled children and young people from a philosophical perspective that centres on issues of justice and injustice. The thesis explores these issues with particular reference to the experiences of the New Zealand special school sector and the development and implementation of inclusive education policy in New Zealand. There is a dearth of research related to the special school sector in New Zealand and none that explores the nexus between inclusive education policy, justice and special schools from the perspective taken here. This chapter sets out the scope and focus of the thesis, and introduces the problem that troubles the thesis and the approach that will be taken in examining this problem. The situation with respect to special schools in the context of an inclusive education policy environment is explained, an overview of special school provision is outlined and a description of special schooling in New Zealand detailed. Following this there is a review of literature that examines material specifically pertaining to special school provision in the New Zealand context, and also that pertaining more generally to the issue of special schools in an inclusive policy context. Prior to the conclusion, which outlines the structure and shape of the thesis, some matters of terminology are addressed.

Scope and Focus of the Thesis

The scope and focus of this thesis are bound within quite specific limits. At one level the thesis provides an examination and analysis of the realities of the development of the policy Special Education 2000 (SE2000) and the experience of the special school

sector under that policy. At the same time the thesis also provides a philosophically based examination and critique of the particular notion of justice with respect to location that is inherent to and underpins inclusion and inclusive education policies such as SE2000. This particular notion, I will argue, unjustly represents special school provision as a barrier to achieving just educational provision for disabled children and young people when it may actually represent exactly that for some of them. Matters of justice and injustice in relation to education and more specifically the education of disabled children and young people are complex and can pertain to many different facets of education provision. This work is specifically concerned with examining the matter of the position of special school provision in an inclusive policy environment and the particular issues of justice and injustice that stem from this. The focus here is to draw on philosophical thinking and analysis to interrogate the way in which special school provision is constituted in the context of inclusion and to explore the impact and implications of that.

The thesis also entails an analysis and critique of the particular understanding of justice represented by full inclusion. However inclusion is a broad and wide-ranging concept that can have a much wider application and ambit than simply a concern with location. Inclusion can refer to a radical programme of education reform concerned with improving education systems for all children not just disabled children. It can also refer to pedagogical practices, policies, and philosophies that are particularly focused on improving and enhancing the educational experiences in schools and other educational settings for all children and young people. Core to all of this work is a focus on identifying and challenging exclusion and exclusionary practices so as to achieve a more just state of affairs for everyone. The argument

made in this thesis is in no way intended to be a critique of these conceptualisations, practices and bodies of work. I acknowledge and respect the importance and value of that work. I also acknowledge and respect the commitment of those working in these areas; I count myself among them.

Setting Out the Problem

Over the last twenty years inclusion/inclusive education has become the pervasive motif of progressive educational thinking with respect to disabled children and young people. Around the world governments have moved to implement policies of inclusion and inclusive education which, while shaped by the different characteristics of the political and social environments of each country or jurisdiction, are all similar in their concern for realising the rights of disabled children and young people to education and, more particularly, their right to receive that education at their local school with their non-disabled peers. With respect to location or setting, the question of what constitutes just educational provision for disabled children and young people seems, in terms of policy thinking at least, to have been resolved as "inclusion", understood as all children receiving their education in the common school. International policy statements such as the Salamanca Statement (1994), the United Nations Convention on the Rights of the Disabled (2006) and others, all proclaim the goal of achieving inclusion for all disabled children in the common or regular school setting. Similarly many national education policy statements, such as Special Education 2000 (SE2000) in New Zealand, proclaim the aim of achieving full inclusion.

Nevertheless special school provision of some sort remains a feature of many education systems and has endured despite national and international moves to inclusive education policies and despite criticism from commentators and academics (McMenamin, 2011; Terzi, 2010). Even in Italy and some Canadian states, which are described as being "fully inclusive" and held up as exemplars of inclusive education, there are still some children receiving their education in separate special schools (Begeny & Martens, 2007; D'Alessio &Watkins, 2009). However, while special schools remain a feature of many education systems they occupy a somewhat invidious position (McMenamin, 2011). In many policy and educational environments the accepted orthodoxy asserts the moral probity of regular school provision and, thus, by implication at least, the corresponding iniquity of special school provision. The view that separate provision is by definition unjust and an affront to the rights of disabled people in general, and disabled children and young people in particular, would seem to have been accepted as a core and fundamental principle by many policymakers and commentators at both national and international levels. The measure of just educational provision for disabled children and young people under this regime is constituted as that which obtains when all are educated in regular school settings alongside their peers and special schools are no longer available, a situation that has been referred to by some as "full inclusion" (Cigman, 2007a). For those who support full inclusion, the continued presence of separate special school provision marks the failure of policies of inclusion and represents continuing injustice for disabled children and young people, hereafter referred to as disabled children. But is this in fact a true representation of the situation or could it be that the continued presence of special school provision simply represents a more nuanced interpretation of what is required to achieve just educational provision for disabled children? In this

alternative interpretation, far from representing injustice, continued special school provision could, arguably, represent the material enactment of one aspect of justice in education for some disabled children.

This thesis is an examination of this question with particular reference to the New Zealand context. Intrinsic to the work is the understanding that questions of justice and fairness in educational provision for disabled children are complex and that the issue of location, or more specifically the role of special schools, explored herein constitutes only one aspect of that complexity. However while it may be only one aspect of the issue, it is an aspect that is pivotal in a policy environment in which inclusion is the dominant paradigm with respect to just educational provision for disabled children.

The Context of the Argument

The argument presented in the thesis is grounded on policy and practice in relation to inclusive education and special schools in New Zealand, particularly in the period 1989-2005. It is this that provides the real world context from which a broader philosophical examination of issues of justice and the question of location emanate. Special Education 2000 (SE2000) was introduced in 1996 with the stated aim of achieving "over the next decade, a world class inclusive education system" (Ministry of Education, 1996, p. 5). In stating a goal of achieving a "world class inclusive education system", SE2000 articulated a particular position and policy intention under which special school provision was problematic. For at that time, a common understanding of inclusion was the idea of "every student accessing the curriculum as a fulltime member of an ordinary classroom alongside other students of a similar

chronological age" (Ballard, 1996. p.33). By implication at least then a world class inclusive education system could be understood to mean an education system in which there would be no place for special schools. From a practical perspective, if the policy intention is that all children should attend regular state primary or secondary schools then the presence of special schools provides a state-funded alternative that contradicts and undermines that intention. From a philosophical perspective, if inclusion, defined as "all children attending, local, regular, state primary or secondary schools" is the driving philosophy of the policy then the presence of special schools runs counter to that. Viewed from either perspective, in a policy context that has affirmed inclusive education as its goal, special school provision is an anachronism; a veritable spanner in the works.

Regardless of the move to inclusion signalled in SE2000, special school provision maintained a place in the New Zealand system as many parents of disabled children continued to opt for special school provision for their sons and daughters. The resilience of this type of provision suggests that there is a tension between the policy direction as defined in SE2000 and the application of that in practice. This tension reflects wider debates and controversies about the education of disabled children and the different discourses, ideologies and philosophical views about what constitutes just educational provision for these children. It also reflects the dilemmas that occur when a policy for all is applied to meet individual difference.

Thinking Philosophically: A Response to Puzzlement

> Thinking philosophically often begins with puzzlement… It requires further explanation, often where others find no grounds for puzzlement.   (Pring, 2015, p.14)

It was with just such a feeling of puzzlement as Pring describes, that my interest in the topic at hand was prompted. I was puzzled by the divergence between my observation and experience of the special school sector and the criticism of this sector in academic and other commentary. I was puzzled by the way in which the bureaucratic sector seemed intent on restricting special school provision when many families valued it. I was puzzled by what seemed to be the unquestioning belief that the local common school was the best place for all children to receive their education when it was patently obvious that this was not true. But most of all, I was puzzled by the lack of attention to what seemed to me to be the unjust situation in which New Zealand special school communities found themselves in the wake of the introduction of SE2000 and the move to inclusive education as the policy goal. So I began, then, thinking and puzzling philosophically and sought "further explanation" of a situation about which it seemed, in New Zealand at least, few others found "grounds for puzzlement".

Carr (2001) suggests that "ethical and philosophical analysis emerges as the key tool for understanding and clarifying educational questions" (p.472). This view seems particularly apposite to this study which both explores issues that are inherently ethical and philosophical and also "examines the values, assumptions and social theories underpinning the policy process" (Codd, 1995, p.449 as cited in McLaughlin, 2000). But as Ball (1990) points out, "values do not float free of their social context" (p.3). So in this thesis, in what Pring describes as "that 'struggle to make sense' " (p.206) of the situation, I draw on a melding of approaches, that includes both philosophical and historical perspectives and some policy analysis, in order to throw

light on the "many complex and interrelated factors and influences" (McLaughlin, 2008, p.14) that make up and define the context for the concerns addressed here.

Ozga (2000) argues that "the study of history of education policy " is important so as to understand "how patterns of educational provision established in the past remain as factors influencing the shape of current policies "(p.12). Dyson (2001) similarly argues for the value of an historical focus when examining the field of special education:

> The past is not simply a failed precursor of the present; neither is the present simply a recycling of the failure of the past. Instead, the past is a time in which our counterparts – and ourselves in our earlier incarnations – have faced and responded to precisely the same dilemmas and contradictions which we face now. There are, therefore, things which we can learn from the past.   (p.24)

A historical focus forms part of this study which not only examines the position of special schools within the recent educational policy context but also explores the history of the development of inclusive education policy in New Zealand and, more specifically, the development of SE2000 and its impact on special schools. This historical examination of the development of inclusive education policy in New Zealand provides for a deeper understanding of the factors that influenced the shape of SE2000 and affected the approach to special school provision in the policy. As Taylor, Rizvi, Lingard, and Henry (1997) point out, analysis of policy requires a broad view:

> If the values of justice and participation are central to education, then critical policy analysis must pay attention not only to the content of the policy but also to the processes of policy development and implementation. In relation to the processes of policy making, we need to observe politics in action, tracing how economic and social forces, institutions, people, interests, events and chance interact. Issues of power and interests need to be investigated. (p.19)

Codd (1987) suggests that "rationales for policy and practice in special education must incorporate critical perspectives drawn from such disciplines as philosophy, sociology and history" (p.71). This study draws on critical perspectives from such disciplines to examine inclusive and special education policies and practices. The special school sector provides a "critical case" through which to examine the development of concepts and policies of inclusion in the New Zealand educational context, and in turn the New Zealand education policy context provides a critical case through which to examine and interrogate conceptions of justice underpinning the philosophy of inclusion.

Special School Provision: A Critical Case

Evans and Vincent (1997) argue that "special education should not be perceived as something closed off and apart from the rest of educational policy-making, but rather as a critical case, a particularly informative lens through which to examine changes in the education system as a whole" (Evans & Vincent, 1997, p. 102). It could be similarly argued that special schools "should not be perceived as something closed off and apart from" special education-policymaking; in this thesis the special school sector provides "a critical case, a particularly informative lens through which to examine" inclusive/ special education policy and provision and the discourse, theories and philosophical principles underpinning the policy.

As noted previously, special school provision forms part of many, if not most, education systems in countries similar to New Zealand. Mitchell (2010) suggests that internationally the percentage of children in special schools ranges between 0.5-6.0% although he puts a caveat on that figure given different classifications of special needs

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employed by individual countries. D'Alessio and Watkins (2009) cite comparable figures that they suggest have remained relatively constant over time, however they, like Mitchell, warn that there may be some distortions in the data used to make comparisons across countries. In New Zealand, special schools serve a very small part of the school population, approximately 1%. The type of educational provision made for disabled and other children with special needs and the way in which these are allocated reflect, as Cline and Frederickson (2014) point out, particular "traditions of education in a society", and the social and cultural contexts of different countries. Thus the nature of special school provision varies across different jurisdictions as does the demographic of the children served by these schools. Some schools are residential, some non-residential. Some are targeted to particular groups of children such as those who are Deaf or Hearing Impaired, those on the Autism Spectrum or those with behavioural challenges, while others are more catholic in their demographic. In many countries there is a mixture of state and non-state funded schools. Access to these schools is also differently managed in different jurisdictions. In New Zealand for example, enrolment in a special school requires that the parents/whanau of the child actively seek that option whereas in some other jurisdictions, such as the United Kingdom, enrolment in a special school occurs as the result of a direction by an education authority on the basis of some broader assessment of eligibility for special education support.

New Zealand Special Schools

New Zealand has twenty-eight state-funded, non-residential special schools. The population of these schools is largely made up of children who have complex multiple needs with intellectual and physical impairment; these are children who are described

as having high or very high needs for educational support under the categorisation system used. There is quite considerable variation among the twenty-eight schools both in terms of their size and the way they operate. School rolls range from under twenty students to over 150. Some schools consist of a single school facility, while others have a base facility and additional classes, known as "satellite units", which are located at local regular schools but are managed, governed and staffed by the special school. In addition some schools provide an itinerant service that supports eligible students and their teachers in local school settings. New Zealand special schools are funded and governed in essentially the same way as any other state-funded school and are subject to the same legislative and regulatory requirements in relation to curriculum, organisation and management. The schools have an elected Board of Trustees comprised of parent representatives, the school principal, and an elected staff representative and, in some cases, an elected student representative. Under this system the board acts as the governing body while the principal is seen as the executive manager and is responsible for the day-to-day management of the school. Staffing and management within these schools are determined on the basis of student roll numbers as in all other state-funded schools and, as with other state-funded schools, the general running costs of the schools are funded by the Ministry of Education through "operational funding" (McMenamin, 2008). One notable area of difference between special schools and other stated-funded schools is in the process for enrolment. While the decision to opt for a special school setting in the New Zealand context rests, in the majority of cases, with parents, actual enrolment is contingent on the approval of the Ministry of Education; this is not the case for enrolment in other state-funded schools (McMenamin, 2008, 2011).

The special school sector is an under researched area in New Zealand. I was able to locate only two studies (Gasson, 2008; Pickering & Wilton, 1996) that specifically examine special school provision in New Zealand. Pickering and Wilton (1996) conducted what was essentially a demographic survey of a number of residential and non-residential special schools. This project was commissioned by the Boards of Trustees of twenty-nine Special Schools through the agency of the New Zealand Special Schools Principals' Association and, as might be expected, the project was generally favourable to special school provision. The authors make the point that much of the debate about inclusion versus segregation had, at that time, happened at an "academic level with the protagonists arguing various ideological positions" (p.26). In an insight into how times and attitudes have changed, Pickering and Wilton assert that "a case of some substance would need to be argued" to remove special school provision and they further suggested that "it is doubtful if such a case could be mounted" (p.26).

Gasson (2008) examined the views and perspectives of parents of children enrolled in one small New Zealand special school. She was interested in exploring the reasons why the families had enrolled their children at that particular special school and why they supported special school provision. She also examined the question of "whether, and to what extent, inclusion has, or could, evolve to meet the needs of the families investigated in this study" (p.124). Gasson's findings reflected those reported by Pickering and Wilton; parents' reasons and support for special schooling were very much located in their concern for the needs of their child or children and their views about the quality of special school provision. Gasson reported that while the parents understood and accepted inclusive education as "an ideal" (p.123), they were adamant

that special school provision was necessary as an option and alternative for some children and families. These two studies appear to constitute the complete body of work that specifically examines special school provision in New Zealand thus confirming the point noted by MacArthur, Kelly, and Higgins (2005, p.51), that "there is … an imbalance in the research literature" with respect to this sector.

The limited research attention in New Zealand to the special school sector generally is paralleled in relation to the more specific issue of special school provision in the inclusive policy context. Research or commentary that examines this question explicitly is conspicuous by its relative absence. What attention there is to the issue can be found in literature examining and critiquing inclusive education policy and practices more broadly. Among this New Zealand work, the references to special schools are largely implicit rather than overtly stated and are to be found couched in debates that refer to exclusion and segregation as a counterpoint to inclusion. References to special school provision are made within the context of critique of New Zealand's progress towards inclusion and tend to be made to support arguments concerning the failure of special education policies to achieve that ideal (Higgins, MacArthur, & Morton, 2007; Inclusive Education Action Group, 2012; IHC, 2009; Kearney & Kane, 2006; MacArthur, 2009; Matthews, 2009; Wills, 2006) rather than specifically examining the question of special school provision. Among this work the prevailing view would appear to be that special schools should not and, in fact, cannot be part of an "inclusive" education system (Gordon & Morton, 2008; Higgins et al., 2007; IHC, 2009; Kearney & Kane, 2006; MacArthur, 2009). There appear to be no studies that argue a position in support of special school provision. Nor does there appear to be any that examine the question from a critical perspective other than that

described above or that suggests that there is anything to debate at all in respect of special school provision.

Special Schools: At the Nub of the Controversy

Nonetheless, although not widely researched or examined in New Zealand, special school provision is arguably at the nub of much controversy to do with inclusion. Baker (2007) makes the very pertinent and succinct point that "any examination of policies relating to the future role of special schools inevitably and directly involves some debate and discourse on special educational needs in general and inclusion in particular" (p.73). The converse similarly applies; any examination relating to inclusion "inevitably and directly involves some debate" either implicit or explicit on special school provision particularly where special school provision is seen as a proxy for exclusion.

Thus, in contrast to the relative silence in the New Zealand context around questions concerning special school provision and inclusion, in other jurisdictions such as the United Kingdom and Australia the question of the position and role of special schooling is in itself significant and is also part of a much broader and more extensive debate about exclusion, inclusion and special education(Allan & Brown, 2001; Forbes, 2007; Head & Pirrie, 2007; Hunter & O'Connor, 2006; Lindsay, 2003; Norwich, 2008; Norwich & Gray, 2007). In some quarters there is a clear and strongly held view that special schools have a position within an inclusive education system (Cigman, 2007a; Croll & Moses, 2000; Head & Pirrie, 2007; Hornby, 1999; Hunter & O'Connor, 2006; Lindsay, 2003; Lindsay & Dockrell, 2004; Norwich, 2008; Norwich & Gray, 2007; Pirrie & Head, 2007). In other quarters the contrary view that these schools should not be part of an inclusive education system prevails and the argument

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made that their presence represents the failure of inclusive education policies (Dyson, 2001; Slee, 2006, 2009; Slee & Allan, 2001). In the work that explores special school provision from a sympathetic perspective there are some themes that have particular pertinence to the matter explored in this thesis: the uncomfortable and difficult position of special schools in the inclusive policy context; the changing role of special schools; the impact of inclusive education policy and the role of the bureaucratic sector.

Norwich and Gray (2007) report that the move towards inclusion in England left special schools feeling that they "were being 'excluded' from developments and undervalued in a system that exhorted inclusion"(p.87). They suggest that the position of special schools "remains confused" (p.87). Allan and Brown (2001) similarly describe how "special schools have often been ignored or denigrated but there is little understanding of what they do in practice" (p.199). These authors report that the special schools had undergone a transformation and that the pupils' experiences of schooling "were characterised by achievements, progress and independence rather than isolation and depression" (p.206). This notion of the schools having undergone a transformation corresponds to Wylie's (2000) description of the revival of special schools in New Zealand in the years following the introduction of SE2000. Allan and Brown argue that special schools need to be brought into the inclusion debate, and suggest that there should be less preoccupation with where pupils learn, and more with what they learn and achieve.

Head and Pirrie (2007) address the question of the "place of special schools in a policy climate of inclusion" (p.90). In their study they report the results of an evaluation of the impact of the "presumption of mainstreaming" on special schools.

They had hypothesised that the inclusion policy would lead over time to a decrease in special school enrolment but they found that this was not the case. This finding concurs with the experience in New Zealand after the introduction of SE2000 when special schools' rolls grew. Head and Pirrie also report changes in the nature of the special school population and an increase in the range and complexity of needs that the schools were addressing. Their findings, they suggest, indicate that the role of special schools could be changing but they do not indicate exactly what they mean by this. They also assert that there is a clear role for special schools in the provision of advice and guidance to regular schools that are supporting children with an increasingly diverse range of needs.

Forbes (2007) sets out the views of the Australian Special Education Principals' Association(ASEPA) on inclusion. She reports that ASEPA supported special school provision and held the view that "some students' needs are not best served in mainstream schools" (p. 68). Forbes' perspective, with respect to the matter, is that an inclusive school is one in which the learning of all students is valued. She argues that special schools can be inclusive in nature and are "schools not 'institutions' in a Goffmanesque fashion" (p.68). Forbes supports the position that "inclusion should mean being involved in a common enterprise of learning, rather than being necessarily under the same roof" (p.68), and sees special schools as being part of a continuum of services. She argues that parents should have the right to choose the most appropriate education for their children and that special school provision should be an available choice.

Croll and Moses (2000) examined local policymaking in England with respect to special schools through the 1980s and 1990s. They describe "the sharp contrast

between a prevalent set of policy proposals and educational and social ideals which support the inclusion of all students in mainstream schools, and the continued maintenance, and in some cases, expansion, of segregated special school provision" (p.178); they note that special school provision has proved resilient in the face of moves to inclusion. The features described by Croll and Moses resonate with those demonstrated in the New Zealand context during the period studied in this thesis.

Baker (2007) examines the implication of the British Government's strategy for special education needs for the special school sector. He notes that while the strategy explicitly referred to the need to support parents seeking regular school enrolment for their child, there was no mention of any similar such support for parents seeking a special school enrolment. Baker also reports that the "policy document affirms without equivocation that 'a small number of children have such severe and complex needs that they will continue to require special provision'…" and that "…'successful special schools have an important contribution to make in preparing mainstream schools to support their inclusion'..."(p.75). As shall be discussed in more detail later there was no such similar affirmation of special school provision in SE2000.

Redressing the Imbalance

Gallagher (2007) has described "the conflict over 'place' or where students understood to have disabilities or 'special needs' should receive instruction" as the "possibly most discordant of all" debates in special education, and yet this issue has not attracted any significant and careful debate or examination in the New Zealand context. Issues and matters of concern such as those identified in the research reported

above can similarly be found in the New Zealand context, but curiously there is no work that debates or addresses these concerns. The one-sided nature of the debate and the relative silence in relation to special school provision in this country are curious and raise the question as to why it should be thus. What has happened to the voices of those who dissent from the view espoused under the policy of inclusion? The continued enrolment of children in special schools would suggest that there are divergent opinions in New Zealand even if these voices are somewhat muted. Whatever the reason for the lack of attention in the New Zealand context, the issue raised in this thesis is one worthy of consideration and this study will go some small way towards redressing the current imbalance in the New Zealand literature.

Matters of Terminology

Inclusion

The term inclusion as it is used in this thesis refers to an understanding of inclusion that aligns with Ballard's (1996) definition of inclusion as the situation in which every student accesses "the curriculum as a fulltime member of an ordinary classroom alongside other students of a similar chronological age" (Ballard, 1996. p.33). I refer to this concept as *universal inclusion* or *inclusion* but with the caveat that this use of the term reflects a particular concept of inclusion pertinent to this study and is not intended to reflect, represent or deny broader conceptions concerned with the reform and "transformation of entire educational systems" (Artiles, Kozleski, Dorn, & Christensen, p.65) which can also be denoted by the word inclusion.

Disabled Children and Young People

In this thesis the term *disabled children and young people* refers to those children and young people around whom the matters discussed are centred. The form of the term used here follows the convention assumed in the New Zealand Disability Strategy (2001) and is the form preferred by the New Zealand Disabled Persons' Assembly. In this thesis the term refers specifically to persons of school age, that is aged between 5-19 years who have complex multiple needs with intellectual and physical impairment and who are described in some contexts as people with profound and multiple learning disabilities. In the New Zealand educational context these children and young people are described as having "high" or "very high" needs for educational support. Examples given by the Ministry of Education (MOE) (2015) of the type of characteristics that might be seen in children and young people with high or very high needs include, "extremely delayed cognitive development"; "extreme physical disabilities" and fragility; "difficulties with eating, speaking and swallowing"; unable on their own to "move, change position, sit, eat, dress, grasp or release or manipulate objects"; "extremely unusual and inappropriate" ways of communicating and interacting socially and "extreme difficulties" in these areas; and some "rigid, repetitive behaviours that appear to be meaningless" (MOE 2015). Kittay (2005), in her description of her daughter Sesha, provides an alternative way to look at the characteristics of such children and young people that powerfully draws our attention to qualities that are overlooked in the characteristics outlined above. She describes Sesha as:

> an individual whose rational capacities are difficult to determine because she lacks speech but who has the capacity to enjoy life, to share her joy through her smiles and laughter, to embrace those who show her love and care, and to bring joy to all whose lives she touches — an individual who, through her warmth, her serene and

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harmonious spirit, and her infectious love of life enriches the lives of others and who has never acted maliciously or tried to harm anyone. Whether or not she would know what it means to determine her own good may be in doubt, but the good she brings into the world is not.   (p.123)

Structure of the Thesis

This thesis consists of an examination in which matters of both a philosophical and practical nature are intertwined, and together inform and illuminate the argument presented. This is reflected in the broad shape and structure of the thesis in which the discussion moves from the examination of practical matters to more philosophical and theoretical concerns and back again both within and across chapters. Chapter One provides the background to both the philosophical and practical concerns of the thesis. Chapters Two and Three are predominantly theoretical and philosophical in nature and establish the theoretical and philosophical position that underpins the argument and discussion in the thesis. Chapters Four to Six address matters to do with the real world context of the turn to inclusion in New Zealand and the experiences of the special school sector. These chapters examine the practical realities and provide an analysis from both a historical and a philosophical perspective. In the light of the discussion and analysis of the preceding three chapters, Chapter Seven returns to a more theoretical and philosophical examination of the matters of concern and presents an argument with respect to these that reflects insights from both philosophical and practical perspectives. Chapter Eight proposes conclusions drawn from the study overall.

The thesis proceeds in the following way. This chapter has provided an introduction and background to the question that is at the core of the work and to the scope of the discussion. Chapter Two discusses and analyses the development of

inclusion. It examines the theories and principles that underpin the concept of inclusion, its development as a pervasive principle in education policy internationally and its position with respect to special schools. The discussion of inclusion is included in an early chapter of the thesis because an understanding of both the complexity of the concept and the development of it as a movement are fundamental to an understanding of the core argument presented in this work. Chapter Three sets out the theoretical perspective from which the argument proceeds. The case is made that the question pursued in this thesis is one that lends itself to analysis of a philosophical kind and a critique of universal inclusion is proposed and defended. Chapters Four, Five and Six turn to an exposition of the more practical subject of the move to inclusion in the New Zealand policy context. Chapter Four presents a brief historical description of the New Zealand context as regards the education of disabled children and young people before chronicling the turn to inclusion in New Zealand's education policy during the 1980s and 1990s. Chapter Five centres on the policy SE2000 itself, and includes a brief description of relevant features of the structure and framework of the policy. The major focus of the chapter is the examination and critique of the policy particularly with reference to the factors in the policy context that shaped and influenced it and to the matter of special school provision. In this chapter the argument is developed and defended that injustice and unfairness were inherent to the policy. Chapter Six is concerned with the experiences of the special school sector in the inclusive education policy environment during the early years of the implementation of SE2000. The first part of the chapter sets out a detailed description and analysis of the impact of SE2000 on special schools and the changes and challenges that resulted. The second part of the chapter turns to an exposition and critique of the impact of the policy on the special school sector drawing on Young's

(1990) analysis of justice and oppression. Chapter Seven returns to the question of what might constitute just educational provision for disabled children and their families and how this might be understood. This chapter proposes and defends the argument that special school provision can contribute to a state of affairs and educational arrangements that are just for all disabled children. Chapter Eight draws the threads of the thesis together. In this final chapter, some tentative conclusions are drawn and attention brought back to the real matter of concern, that is, the children themselves.

Chapter Two
Inclusion

Inclusion is a concept that has been the subject of continuing inquiry, analysis and theorising. In relation to education, the concept has multiple meanings, interpretations and concerns. Research and theorising in the field of inclusion and inclusive education can variously pertain, among other things, to the education of disabled children in their local school, particular school and classroom practices, policy developments, or transformative and radical educational reform. Inclusion is then a large area. Given the constraints of space this work cannot encompass all the broad expanse that is inclusion. Accordingly, the focus here is on those matters and aspects that have particular relevance to the issue of education provision for disabled children and special schools. The chapter begins by describing the development of the concept and the theories and principles inherent to it including the critique of special schooling and special education more generally. Following this, the expansion of the concept as the dominant orthodoxy and principle with respect to the education is outlined. The focus of the final section of the chapter is an examination of the debates and controversy in relation to inclusion and its instantiation in policy.

Theories and Principles

Inclusion/inclusive education developed as a response to perceived injustices and inadequacies stemming from the way in which the education of disabled children and young people and others was organised and delivered under the banner of *special education* in many Western countries (Armstrong, Armstrong, & Spandegou, 2010; Jenkinson, 1997; Slee 2005). Growing out of the civil rights movements of the 1960s (Hodkinson, 2010) and the movement for disability rights into the 1970s (Thomas,

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Walker, & Webb, 2005) and distilled through ideas such as mainstreaming and integration, the theories underpinning inclusion were strongly influenced and informed by the views and critiques of the disabled people's movement and the burgeoning disability studies movement (Armstrong, Armstrong, & Spandegou, 2010). During the 1970s and 1980s disability activists and scholars reconceptualised the notion of disability and drew "crucially… an important distinction between impairment and disability" (Hodkinson & Vickerman, 2009, p. 38). Key to this distinction was the understanding or view that disability was not a characteristic inherent to an individual but rather that individuals who had impairments were disabled and experienced disability as a consequence of social attitudes and actions that isolated them and restricted their full participation in society. This conception of disability as something created and constructed by social attitudes and arrangements, known as the "social model of disability*", informed and underpinned inclusion (Slee, 2005).

The social model was set in contrast to the "medical model of disability*" which, it was argued, underpinned special education practices and policies, and conceived of disability as an individual issue and as something located within an individual; a deficit caused by or synonymous with impairment. Slee (2005) describes what he calls the "epistemological incubus" for inclusive education, as being "formed from the work of sociologists and disability studies scholars and activists" who, "collectively challenged the conceptual foundations of a defectiveness-based medical model upon which special education was built and practised" (p.146).

> Coming as a rejection of traditional special education discursive
> practices and a struggle to insert the social model of disability
> (Tomlinson, 1982; Barton, 1987; Oliver, 1990) into new accounts of

educational failure and disablement, inclusive education provided a
bridge to the growing critical sociology of schooling. (Slee, 2005, p. 141)

Inclusion represented a critique of earlier policies and practices of "mainstreaming"
and "integration" which, it was claimed, failed to address the inherent flaws in special
education thinking and practices and simply constituted the transference of these to
mainstream settings. Inclusion, it was argued, differed from mainstreaming or
integration in its assertion of the fundamental and absolute right of disabled children
and young people to belong unconditionally in regular schools (Antia, Stinson, &
Gaustad, 2002; Thomas, Walker, & Webb, 2005), in its rejection of special education
and in its focus on the removal or at least severe attenuation of any form of separate
provision for disabled children and young people (Dyson, 1999; Jenkinson, 1997;
Thomas, Walker, & Webb, 2005). From this perspective the onus was on schools and
school systems to make changes so as to meet the needs of all the children
irrespective of their particular personal attributes (Clark, Dyson, Millward, & Robson,
1999; Pijl, Meijer, & Hegarty, 1997; Thomas, Walker, & Webb, 2005). As Thomas,
Walker, and Webb (2005) put it, the "new notion central to inclusion is that
exceptional students belong in the mainstream"(p. 22). Admission and attendance in
the local regular school was seen as an inalienable right not as something dependent
on the child attaining some prerequisite standard of acceptability. These views were
based on a strong moral conviction that grew out of the rights agenda and reflected
the demands of disabled people for equal rights and recognition in society more
widely (Florian, 2005). A key aspect of this perspective is that it turned away from the
notion that disabled children needed to be integrated and become like others. As
Barton (1999) explained, "inclusive education is not integration and it is not
concerned with the assimilation or accommodation of discriminated groups or

individuals… It is not about making people as normal as possible" (p.58). Rather, it was claimed, inclusion espoused recognition, acceptance and celebration of human difference (Corbett, 2000; Florian, 2005).

A Slippery Concept

From its very beginning, both semantically and conceptually, inclusion was a "slippery" concept (Booth, 1995, Topping & Maloney, 2005) characterised by confusion and, some argued, "delusion" (Hornby,1999). So while inclusion/inclusive education may have become a dominant ideology or orthodoxy in educational thinking (Hodkinson & Vikerman, 2009; Winzer, 2007) and a moral imperative in education policy, an agreed understanding of these terms was, and remains, elusive (Ballard, 2004; Lindsay, 2003; Slee, 1999).

According to Dyson, there were (1999) different views and understandings of the concept of inclusion even among its proponents. These differences were evident in the international agreement known as the *Salamanca Statement* which Dyson claims was a "deeply ambiguous document"(p. 36) that "reflected underlying ambiguities within the inclusion movement" itself (p. 38). Mitchell (2005) describes inclusive education as "a site of conflicting paradigms that centre on two different conceptualisation of special needs: (a) a psycho-medical model and (b) a socio-political model"(p. 6). The theme of conflict is also noted by Lindsay (2003) who describes inclusion as a "complex and contested concept' whose "manifestations in practice are many and various" (p. 3), and Norwich (2008), who explains that there are "different and sometimes conflicting notions" (p. 137) of the concept.

Artiles and Dyson (2005) also identify the eclectic nature of the concept and suggest that inclusion "means different things in different systemic, socio-economic and cultural concepts" (p.43). Slee (1999) describes inclusive education as a "broad church of social theory and educational policy interest" (p.195) and argues that it is "a reaction against educational discourses that exclude on the basis of a range of student characteristics including class, race, ethnicity, religion, gender, sexuality, perceived level of ability or disability, or age" (p.195). Booth (1999), in his definition, similarly refers to exclusion which he considers is inextricably linked to inclusion; he also introduces the idea of inclusion as a process. Inclusive education is thus defined as "the process of increasing the participation of learners within and reducing their exclusion from the cultures, curricula and communities of neighbourhood centres of learning" (Booth, 1999, p. 77). Mitchell (2001) sidesteps the issue of location by siting his conception of inclusion within the context of schools rather than education systems. He proposes that there is a common understanding of inclusion that encompasses a wide set of characteristics so that inclusion is:

> commonly taken to mean that schools: (i) accept the rights of all students to enrol and receive education, to be treated with respect, to have dignity and independence, to have access to a fair share of available general and special education resources and not to be directly or indirect discriminated against; (ii) reduce barriers to learning; (iii) have a philosophy of providing education for all students, including those with special educational needs; (iv) recognise and respond to the diversity of their populations; (v) accommodate to students' different styles and rates of learning;(vi) ensure equality of educational opportunity through appropriate curriculum, school organisation, use of resources and partnerships with their communities.   (p. 330)

Although this definition is particularly focused on inclusion within the context of its application at the school level, the expansive nature of what Mitchell suggests is "commonly" understood, indicates some of the breadth and multiplicity of the aspects

of education in which inclusion was implicated, and the ambit of its potential influence. At the same time it suggests that the concept was in some senses a catch-all within which to contain everything that should or could be thought to be necessary to achieve the best for all children in terms of their education.

Inclusion or Inclusions?

Dyson (1999) moves away from the search for a unifying concept of inclusion and suggests that given the "significant ambiguities in the concept of inclusion itself… it makes sense to talk about different inclusions" (p. 36). Dyson's explication of this idea of "different 'inclusions' " (p. 36), and his analysis of the ambiguities of inclusion provide a useful insight into the complexity of the concept and the theories, discourses, and principles that underpin it, and into the tensions and confusions that abound in relation to it. Dyson describes two intersecting "dimensions" of inclusion, the rationale dimension and the realisation dimension. He makes a distinction between rationales for inclusion that are based on discourses to do with efficacy, and those based on discourses to do with rights and ethics. The rationale for inclusion under the efficacy discourse, he suggests, is based on claims about the comparative effectiveness of special education practices in terms of specialised teaching, separate provision and financial efficiency. But the rationale for inclusion under the rights and ethics discourse is, he argues, based on a strong moral conviction about the "rights of children to 'an education' " (p.39) which is "supported by a critical analysis of traditional (i.e. segregated) forms of special education" (p. 39). The assertion that special education, rather than working for the benefit of disabled children, works to marginalise those children and to maintain the privilege and power of special education professionals and experts is characteristic of this discourse. From this it

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follows that issues concerned with special education provision are "inseparable from issues of rights and justice" as special education by definition must result in marginalisation of the child.

Similar complexity can be found in what Dyson terms the "realisation" dimension which he describes as including a political discourse and a pragmatic discourse. The political discourse is framed around the notion of "struggle", conceived according to Dyson, as a "Manichaean one between the forces of exclusion and the forces of inclusion" (p.42). The pragmatic discourse is concerned with the shape and form of inclusive education, how it can be achieved in practical terms and what defines the characteristics of inclusive pedagogies and schools. What are particularly pertinent to the discussion and argument here are the aspects pertaining to what Dyson calls the "discourses of rights and ethics" and the "discourse of politics" These, as he describes them, are consistent in their antipathy to "segregationist practices" and similar in their conception of separate schooling as the epitome of exclusion so that "maintaining segregated special schooling is incompatible with the establishment of an equitable education system" (p.40). While there may have been ambiguities in the concept of inclusion, the core belief that defined special schooling as the very face of exclusion was a consistent feature of what Dyson refers to as the "inclusion movement".

Inclusion as Critique: The Positioning of Special Schools

The ideas from which inclusion emanated were thus concerned with justice, human rights and ethics, and with changing structures and practices that were seen as barriers to the participation of disabled people in education and in society more broadly

(Barton, 1999). Included among these ideas were trenchant criticisms and the rejection of policies and practices of special education (Armstrong, Armstrong, & Spangadou, 2010; Slee, 1999; Slee, 2005) and of the discourse of "special educational needs". Special educational needs was described as both a "euphemism for the failure of schooling to meet the needs of all children" (Barton 1987, as cited in Slee & Allan, 2001) and "as a categorical status signifying deficit and failure in students, directing attention away from problems in teaching and school organization" (Fulcher as cited in Slee & Allan, 2001, p. 169). Fundamental to this perspective is the tenet that special education acts as a form of social control used for the management of disabled and troublesome pupils; thus it is argued that while " the rhetoric of special needs may be humanitarian the practice is control and vested interests" (Tomlinson, 1982, p. 75). Claims that "special education professionals act on their own rather than their 'clients' interests" and that special education was "a mechanism whereby some groups exercise power over others" (Dyson & Millward, 2000 p. 22) were typical of some of the criticisms that were being made at that time. From this perspective, special provision of any sort is, of course, seen as contrary to the principles of inclusion and constituted as a form of exclusion; it follows that special school provision was seen as representing the most extreme example of this (Barton, 1999; Enslin & Hedge, 2010; Tomlinson, 1982).

In a context in which policies and practices that promoted separation were being questioned by the disabled people's movement (Armstrong, Armstrong, & Spangadou, 2010, p. 6), special school provision was challenged on the basis that it was implicated in prejudice and discrimination against disabled people more widely and could, "be seen as representing the disabling barriers within a society" (Barton,

1999, p. 59). Special school provision became the target of much derision and vehement criticism from those committed to achieving full inclusion and was seen to stand for everything that was wrong with special education. Special schools were characterised as institutions of incarceration and any role for this type of provision was unequivocally rejected: "The twenty-first century will see the struggle of disabled people go from strength to strength. In such a struggle, special segregated education has no role to play" (Oliver, 2009, p.281). While special school provision did endure into the twentieth century, the ideal of universal inclusion in which special schools would have no place gained strength during the 1990s and was widely adopted in the policy arena to which I now turn.

Inclusion: A Pervasive Policy Principle

When the New Zealand government announced the goal of "achieving over the next decade, a world class inclusive education system" (Ministry of Education, 1996, p. 3), it signalled that New Zealand had joined many other similar countries, such as the United Kingdom and Australia, in espousing inclusion as the guiding policy principle in relation to the education of disabled children and young people. During the latter part of the twentieth century, the concept of inclusion proved to be an irresistible force. Inclusion was a significant influence on education policy in many national jurisdictions and a growing agenda in the international context. This influence reflected the growing international concern with and awareness of the rights of disabled people in society more generally and growing pressure from the disabled community, and some parents, educators and scholars for the full inclusion of all disabled children in local neighbourhood schools (Artiles, Kozleski, Dorn, & Christensen, 2006).

The second half of the twentieth century saw the proclamation of a number of key United Nations declarations and conventions focused on the rights of children and disabled people that laid what were, arguably, important foundations for the movement towards inclusion in the international policy context. The following were of particular significance: the *Universal Declaration on the Rights of Persons with Mental Retardation* (1971), the *Declaration on the Rights of Disabled Persons* (1975), *the United Nations Convention on the Rights of the Child* (1989*) the World Declaration on Education for All* (1990*) and UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities* (1993). While these documents were different in their focus and tenor, they all put human rights and the rights agenda with respect to disabled people and children clearly to the fore. Though not all were legally binding they were, as Mittler (2005) explains, "useful as a catalyst for the development of national policies and have provided a global framework for the local advocacy and lobbying" (p.23); certainly this proved to be the case with respect to education policy and to the rights of children worldwide, disabled or not, to education.

During this period, the educational rights of disabled children were the subject of increasingly strong attention in the policy contexts of a number of countries such as the United States, the United Kingdom and others (Evans & Lunt, 2002). This attention was gradually translated into legislation beginning with the United States (Evans & Lunt, 2002) in 1975, when The Education for All Handicapped Act, or Public Law 94-102 (PL94-120) as it was more commonly known, was signed into law (Winzer, 2009). This piece of legislation introduced the notion of the "least restrictive environment" as a requirement and "expressed a strong presumption that students with disabilities be placed in regular classes wherever possible" (Gartner & Lipsky,

2009). In 1978 the *Warnock Report* was published in the United Kingdom. This report introduced the notion of special educational needs (SEN) and recommended that a child's needs "should be met through a continuum of integrated provision that would be mainly delivered in ordinary schools" (Hodkinson & Vickerman, 2009, p. 67). According to Hodkinson and Vickerman much of what was recommended in the *Warnock Report* was brought into legislation in the form of the 1981 Education Act which included the mandate that children with SEN should "wherever possible, be educated alongside their peers within mainstream educational settings" (Hodkinson & Vickerman, p. 68). These were significant developments in relation to the introduction of inclusion into the policy contexts of the United States and the United Kingdom and they paved the way for similar legislation in many other countries, including New Zealand, during the 1980s.

Inclusion: A World Agenda

While pressure for the inclusion of disabled children and young people in regular education settings had been growing through the latter part of the twentieth century with some legislative change achieved in a number of countries, it was the agreement known as the *Salamanca Statement* that gave inclusion its status as an international project and commitment. In 1994, representatives of 92 countries and 25 international organisations, a total of 300 people in all, formed the World Conference on Special Needs Education. This group which was meeting in Spain under the aegis of the Spanish government and United Nations Educational, Scientific and Cultural Organisation (UNESCO), unanimously adopted the *Salamanca Statement and Framework for Action on Special Needs Education (Salamanca Statement)*. The signing of this agreement, usually known simply as the *Salamanca Statement,* marked

a significant moment in time with respect to educational provision for disabled children and young people, and the policies and practices related to that provision. This document, described by Ainscow as "arguably the most significant international document that has ever appeared in the special needs field" (2005, p.109), set out an international declaration and assertion of the rights of all disabled children to be included in regular education and the responsibility of national governments to make provision for this. The statement and framework called upon and all governments to "adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise" (UNESCO, 1994, p. ix). The following strong assertions of both the moral and economic importance and value of inclusive education were also made in the document:

> Those with special educational needs must have access to regular schools which should accommodate them within a child-centred pedagogy capable of meeting these needs.   (p. viii),
>
> and
>
> Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately cost-effectiveness of the entire education system.   (p. ix)

As these statements demonstrate, the *Salamanca Statement* proclaimed an unflinching commitment to inclusion and inclusive education as key to social improvement and, as befitted the neoliberal context of the times, supported this by asserting the economic benefits as well. It should be noted that the second point above contains a caveat in that it falls short of claiming that regular schools can provide effective education for all and makes that claim with reference to only the "majority of children". This of course begs the question what is to happen to the rest?

Dyson described the *Salamanca Statement* as "proving extremely powerful as a means of stimulating educational change" (Dyson, 1999, p. 37). Certainly the proclamation of this international agreement was of key importance in terms of the movement to inclusion. Although by the 1990s a number of countries had already enshrined disabled children's rights to education in legislation, the significance of the *Salamanca Statement* was that it asserted the right to education in the regular school and also put the issue firmly on the international agenda (Artiles & Dyson, 2005). The statement formalised and realised the notion of the primacy of the regular school as the way forward with respect to the education not only of disabled children but of all children, and also with respect to the realisation of an inclusive society.

> Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society.
>
> (UNESCO, 1994, p. ix)

From this point inclusion, understood essentially as the goal of "enrolling all children in regular schools" and more particularly disabled children, was in principle at least a moral imperative that would have to be accounted for and considered in the education policy agendas of countries, including New Zealand, that had signed the agreement and had thus agreed that:

> Educational policies at all levels, from the national to the local, should stipulate that a child with a disability should attend the neighbourhood school, that is the school that would be attended if the child did not have a disability.
>
> (UNESCO, 1994, p 17)

By the mid 1990s then a strong turn to inclusion in the policy rhetoric both at the national and international levels was evident, however the concept was still characterised by some confusion and controversy in terms of both practice and theory.

Debate and Controversy

The strength and surety of the convictions asserted in the *Salamanca Statement* would suggest that there was a common understanding and consensus globally with respect to inclusion and to the shape and form that inclusive education should take but this was not the case. Certainly in many countries the principle that all children should be entitled to education, and more particularly education in the regular school, had already been enshrined in legislation and so perhaps there was some consensus with respect to that aspect of inclusion. But it would be difficult to argue that there was consensus with respect to any understanding of what was meant by inclusion and inclusive education, or what they might look like in practice. Similarly it would be hard to argue that there was unqualified agreement with the view that special school provision stood in the way of achieving inclusion or with the critique of special education. These matters were, in many jurisdictions and within the field internationally, the subject of debate and argument which ranged across a number of areas including for example, categorisation, curriculum and, of course, location which is the particular focus of the discussion here.

These tensions, debates and confusions around inclusion have been described and analysed in a variety of ways. Norwich (2007) draws on Minnow's (1985) idea of the "dilemma of difference", that is the "desire to treat all children the same while also treating them as different" (Norwich, 2007, p.72) to conceptualise these tensions and confusions. He argues that there are three basic areas of dilemma: identification, curricula, and location. Norwich's way of explaining the issue was descibed by Wedell (2008) as "very helpful in that he shows that people are often not clear about which issues they are trying to reconcile" (p.128) which does, of course, typify the

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whole debate. Clearly the matter is far more complex than that of simple agreement or disagreement with the concept of inclusion and yet much of the tension and dispute tends to be polarised around the premise that, as Cigman (2007a) puts it, "one is either for or against inclusion. The question 'included or excluded?' suggests that inclusion is an either /or matter" (p.xvii). Corbett (1997) similarly notes how inclusion and exclusion are defined as "polar opposites" (p.55). She also draws attention to the complexity of the issue in her description that the reality is probably "more a messy series of compromises, adjustments and individual preferences" (p.55). Norwich (2007) however suggests that it, "is rare to find arguments against inclusion, as it is rare to find arguments against democracy. Disagreement occurs, by and large, in regard to the extent and nature of inclusion" (p.71). This point is reflected in the distinctions made between different standpoints such as moderate or responsible inclusion, or full or radical inclusion (Cigman 2007a; Topping & Maloney, 2005) which in relation to special school provision refer respectively to those who support its continuation and those who reject it altogether.

Debates in New Zealand

In many contexts inclusion was, as Brown and Thompson (2005, p. 163) explain, the subject of "frequently rancorous and acrimonious" debates. But, interestingly, this appears not to have been the case in New Zealand; there is no evidence of any such debate. Inclusion seems to have been a relatively unproblematic concept in the context of New Zealand scholarly work as well as in the policy arena. Issues to do with special education, inclusion, and the education of disabled children and others with special needs (Ballard, 1996; Ballard, 1997; Mitchell, 2001; Moore et al., 1999) are discussed and explored but mostly in the context of description, critique and

analysis of special education policy and practice. For the most part the views expressed in this work endorse inclusion, although some minor variations in the understanding or definition of inclusion and inclusive education are evident. Ballard (1997) argues that inclusion "involves all students in a community, with no exceptions and irrespective of their intellectual, physical, sensory or other differences, having equal rights to access the culturally valued curriculum of their society as full-time valued members of age appropriate mainstream classrooms" (p.244). Moore, Anderson, Timperley, Glynn, Macfarlane, Brown, and Thomson (1999) however suggest that inclusion "does not mean that every child must receive all of his or her instruction in one regular class with one regular teacher" (p. 5). They maintain that for a "very small group of children formal instruction may take place outside a regular classroom" (p. 6) but the children must still "be included in the wider school environment" (p. 6). But these are relatively minor differences and, with the exception of Pickering and Wilton (1995) who voice support for special school provision, I was unable to find any scholarly work that would represent a substantive debate about inclusion and certainly nothing that could be described as "rancorous" or "acrimonious". The absence of any evident debate lends supports to Mitchell's (2001) claim that there was a "broad consensus as to" the meaning of inclusion "among educationists" (p.330) in New Zealand. At the same time this apparent consensus and lack of debate in the New Zealand context is somewhat curious.

Regardless of the breadth and multiplicity of conceptions with respect to inclusion, and the debate and controversy about it, what is clear is that inclusion was concerned with improving the educational experiences of children and young people who were for some reason vulnerable to exclusion, discrimination, and

marginalisation within the educational context. There is no argument that this matter is one that warrants concern but there was a larger agenda at play here. Proponents of inclusion were ambitious in their expectations so that one could be forgiven for ascribing to them the belief that inclusion was not only the panacea for a great many educational ills but also for a great many social ones besides. For many the goal was much broader and grander than simply a concern with education or schooling, for inclusion was "not an end in itself, but a means to an end- the creation and maintenance of an inclusive society" (Barton, 1999, p. 58).

While the ultimate goal in the minds of the early proponents of inclusion may have been the creation of an inclusive society, it is the impact of the ideas and precepts of inclusion in the education context that is the concern of the examination and analysis of this thesis. Within that context, universal inclusion, arguably, became the proxy for justice and fairness in education for disabled children; special school provision was correspondingly positioned as an undesirable option. The question of whether this represents a just state of affairs for all disabled children is a key concern of this thesis and it is to that I now turn. The following chapter will describe the approach taken to these concerns and sets out the theoretical principles and influences that form the framework that guides and shapes the analysis and critique.

Chapter Three
Theoretical and Philosophical Perspectives

This chapter describes the theoretical influences and perspectives that inform the argument and analysis presented here, and that constitute the lens through which the issues will be examined. It introduces the proposed argument and presents a critique of universal inclusion in terms of justice and injustice. The chapter begins by making the case that the problem and issues raised in this thesis call for an enquiry that is philosophical in nature. Then the argument with respect to justice and universal inclusion is advanced and matters of justice established as a central concern of the work. This is followed by an explication of the theoretical influences and premises that permeate the work and inform the analysis and argument proposed. Finally, the chapter presents a critique of universal inclusion through the aforementioned theoretical lens.

A Question Apt for Philosophical Reflection

This work arises from a specific concern with the experiences of New Zealand special schools and their communities in the wake of the move to policies of inclusive education and the introduction of Special Education 2000. But an examination of this matter inevitably raises questions of a philosophical nature for, as McLaughlin (2000) explains, "many educational policies contain (to a greater or lesser extent) assumptions, concepts, beliefs, values and commitments, which, if not themselves of a directly philosophical kind are apt for philosophical attention" (p.444).

Examination of policy and its impact necessarily leads to consideration of values, ideologies, and theories (Ball, 1993; Carr, 2001; Codd, 1988; Codd, 1995;

Gale, 1999; McLaughlin, 2000; Ozga, 2000) and so "discussions of educational

policy inevitably move to the larger philosophical questions that prompt and inform

them" (Oksenberg Rorty as cited in McLaughlin, 2000, p. 443). SE 2000 is

underpinned by particular values, assumptions and beliefs with respect to the

education of disabled children that call for reflection of a philosophical nature. But, as

Scheffler (as cited in McLaughlin, 2000, p. 444) points out, "policy is made in the

context of multiple human activities, experiences, purposes and needs", and so while

policy cannot be divorced from the influence of prevailing ideologies and

philosophical premises neither can it be divorced from the contexts in which it is

located, developed, enacted and played out. Accordingly, the reflection and

examination here begins with "specific questions and problems"(McLaughlin, 2000,

p.448) relating to education policy and just educational provision for disabled

children, particularly in the New Zealand context, and uses what McLaughlin (2000)

describes as "the resources of broader philosophical argument" (p.448) to examine

and illuminate these.

A Matter of Ethics

The issue of just educational provision for disabled children at its core entails matters

of ethics and justice. "Ethics relates to the moral justification for what we do or intend

to do in situations which present alternatives for human action" (Warnock, 1971, p.

13 as cited in Codd, 1987). The matter of just educational provision for disabled

children is one in which there are "alternatives for human action"; inclusion

represents one alternative, the provision of special schooling another.

> The aim of ethics is always 'practical' in Aristotle's sense; that is,
> its aim is not just to know, explain or understand but to guide and
> influence action, to justify and prescribe a set of rules, principles or

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> ideals which will constitute criteria for making moral judgements
> and for deciding what ought to be done in practice.
>
> (Codd, 1987, p. 70).

With respect to just educational provision for disabled children, debates about inclusion and special school provision centre on the moral justification of a particular course of action and moral judgements about "what ought to be done in practice". Codd (1987) argues that the justification for moral decisions is an ethical or normative matter and that where "ethical principles conflict"(p. 77), as arguably they do in the matter considered here, such matters cannot be resolved by "simply consulting research findings" (p. 77). In a policy climate of inclusion, special school provision is a vexed issue that raises a number of broader moral, philosophical, and political questions. At the nub of the issue are concerns with ethics, notions of what is just, and who it is that determines what is the just and morally correct way to proceed. It is a matter that raises issues about how the correctness of any particular course of action is determined as superior to any other and who it is who has the power to make or influence that determination. Why is attending the local regular school considered, by some, to be of greater moral probity than attending a special school? Why does the promotion of inclusion mean that special school provision is no longer accepted as a valued choice or even as a choice that should be available at all?

What this debate turns on is whether policies that take as their starting point the unquestioned premise that all disabled children and young people will be better served in local state-funded schools than in special schools, do in fact represent an ethically defensible and socially just approach to educational provision for all these children and young people, and if they do not, in what ways do they not?

The intention in examining these questions here is not to simply pit different views against each other or attempt to discredit inclusion. As Artiles and Dyson (2005) note, "to ask whether inclusive education is 'right' or 'wrong', whether 'it works' or 'does not work', is … to miss the point" (p. 43). Rather, what should be asked is whether the prevailing conception of inclusion and the notion of justice in education inherent to it, do actually lead to policy and practices that are demonstrably just and fair to all disabled children, young people and their families. It is this question that underpins this thesis, however it is a question that is fraught with possibilities of misinterpretation and misconception for, as Pirie and Head (2007) succinctly explain:

> Inclusion is "a term that invokes notions of justice and compassion, of equality, fraternity and human rights. These are core values in modern democratic societies. To interrogate the notion of inclusion is thus to court the accusation that one is fundamentally opposed to these values". (p.21)

To raise such questions in relation to New Zealand's inclusive education policy and practices and the philosophy of inclusion more broadly, is to risk the danger of being misinterpreted as opposing these core values, and thus inclusion. Nevertheless, it is a fair and reasonable thing to interrogate policies and practices that promote inclusion and to examine the impact of these policies in terms of justice and fairness; policies of inclusion should not be considered untouchable or beyond question.

Accordingly, in this thesis the argument is proposed that in its conception, development and implementation, SE2000, a policy founded on the principle of inclusion, created an environment in which occurrences of injustice and unfairness were experienced by some of those on whom the policy impacted; injustice and unfairness that should be examined and discussed. The examination presented here

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interrogates and challenges the particular notion of justice that underpins SE2000, and is inherent to inclusion. But this is not to reject core values such as justice, equality, compassion and human rights with respect to the education of disabled children. Rather what is argued for here is a different notion of how these values can be achieved; a notion that may better represent a just and fair arrangement of educational provision for all disabled children certainly in the New Zealand context and possibly in other jurisdictions as well.

A key concern in this thesis is to raise questions about the promotion in policy of a particular position that may in fact not truly represent just educational provision for all disabled children and may possibly result in injustice for some. It is questionable whether the pursuit in education policy of what is known as "full inclusion", that is the situation in which there is no alternative provision available and all children attend the regular local school is an ethically defensible position, at least within the constraints of our current model of common schooling. It is also questionable whether this approach will lead to justice and fairness for all disabled children and young people without exception; it may, in fact, result in quite the opposite for some. It is unlikely, however, that those supporting "full inclusion" would concur with this view.

A Matter of Justice

Despite being a much studied concept, justice nevertheless remains in many ways a problematic notion open to differing interpretation and conceptualisation.

> Since the days of Socrates, philosophers have been concerned about the concept of justice and different views on justice give rise to different views on matters central to education such as equality and equity. (Noddings, 2012, p. 177)

Theories of justice have been advanced from many different perspectives and reflect both the historical context in which they were developed and also the particular philosophical leanings of their creators. Justice and social justice are concepts which are contested; the notion of justice is of itself problematic and that of social justice no less so. Rizvi and Lingard (1996) point out that social justice does not have "one essential meaning - it represents discourses that are historically constituted and it is a site of conflicting and divergent political endeavours" (p. 11).

Theories of justice are abstract. Nussbaum (2006) suggests that they need this feature in order to maintain their "theoretical power" (p.1). However the concerns of justice are not solely abstract; the examination of the justness or otherwise of any particular state of affairs is thus concerned with practical matters. In the context of policy, and more particularly in the context of education policy such as SE2000, "the idea of justice relates to something real. Policy prescriptions thus have practical consequences, reflecting particular values about how society ought to be organised and how education should contribute to individual and social improvement" (Taylor, Lingard, Rizvi, & Henry, 1997, p.128).

The education of disabled children is one area in which questions of justice are certainly a matter of concern. Historically, disabled children have been poorly served in terms of their educational rights and continue to be so served. Justice, with respect to the educational rights of disabled children concerns something that is real and the values reflected in educational policies affecting these children have particular and practical consequences for them and their families. Winzer (2007) suggests that "in its philosophical guise, inclusive schooling for students with special needs is grounded in quite specific conceptions of social justice, ethics and rights" (p.30-31). This is,

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however, no clear cut matter. Noddings(2012) points out, "different views of justice give rise to different views on matters central to education such as equality and equity"(p.177); so too are there "competing definitions of justice operating in special education" (Rizvi & Lingard, 1996, p. 11).

Disabled children's educational rights have often been conceived of in terms of equity of provision following what Christensen and Rizvi (1996) describe as a Rawlsian theory of justice "which sees social justice as being based on a fair and just distribution of a social good" (p. 3), in this case education. Under SE2000 and other national and international inclusive education policies, the idea of justice, with respect to setting, is embedded and embodied in the concept of inclusion understood as all children attending their local common schools; equitable and just provision, or a fair distribution of the social good, is thus equated with access to regular school environments. It is this particular view and its real impact that is the matter of justice under scrutiny here.

Theoretical Influences

The concerns of this thesis and the argument proposed centre then on matters of justice and injustice particularly as they play out in inclusive education policy. These matters are grounded in quite specific and real circumstances that demonstrate the complexities of achieving just arrangements. The argument and analysis set out here are not drawn from any single theory of justice nor does my analysis lead me to advance or defend any such theory or single idea of justice. Rather the matters at hand are illuminated through an argument that is supported and sustained by the intertwining of theoretical threads and principles that derive from various approaches

to justice. The theoretical influences that inform and frame the argument and analysis explicitly reflect the complexity of the matters considered here and shape what is a somewhat eclectic perspective. They derive from ideas proposed by an assemblage of theorists that includes Martha Nussbaum, Amatyra Sen, and others working within the context of what is know as the Capability Approach, as well as other theorists, including Michael Walzer, Iris Marion Young, Terence McLaughlin and Ruth Cigman, whose work with respect to matters of justice, education, philosophy, disability and inclusion is pertinent to the argument presented here. The work of Nussbaum and Cigman has particular resonance and relevance as both these scholars have written extensively in regard to matters pertaining to disability, justice and education including those related to education provision (Cigman, 2007a, 2007b; Nussbaum, 2006) and the issue of justice in relation to special school provision and inclusion (Cigman, 2007a, 2007b).

Although the traditions and perspectives with which these theorists are aligned are different, and sometimes divergent, in their work there are common and complementary ideas that provide insights that are especially germane to the matters being examined here. Included among these ideas are: a conception of justice and injustice that moves beyond an abstract conceptualisation centred on distributive justice to a concern with justice and injustice as they are experienced in the concrete reality of peoples lives; an emphasis on democratic principles; a sensitivity to and interest in matters related to human diversity; and a recognition and concern with the plural and heterogeneous nature of society and the implications of this in terms of justice. These ideas work together to support a nuanced analysis of the problem and offer a useful lens or framework through which to examine and explicate the

questions of justice and injustice that are the focus of this thesis. The theoretical core of the argument presented in this thesis is drawn from these ideas, and organised around a number of key elements that I argue are particularly salient when considering matters of justice and injustice with respect to education policy, inclusion, and the education of disabled children. In the following section these elements will be discussed and set out in detail.

A Perennial Question

The question of "what should we look at, when evaluating whether one state of affairs is more or less just than another?" (Robeyns & Brighouse, 2010, p. 1) or what is a "proper metric of justice" (Robeyns & Brighouse, 2010, p.1) is a perennial question that continues to challenge philosophers and educational theorists. The question also challenges this thesis. What should be considered when evaluating matters of justice with respect to inclusive education policy and the values underpinning it? What factors should guide such judgement and inform any argument proposed?

The approach to matters of justice, and the critique of universal inclusion and SE2000 presented here are guided and informed by four core ideas or elements: firstly, the understanding that as justice and injustice have their material expression in the realities of people's lives then the justness or otherwise of any circumstance should be assessed and examined with reference to that lived reality; secondly the notion of the inviolability of persons and the ideas of respect and dignity that inhere to that; thirdly the recognition of the plural nature of society and the notion of a heterogeneous public; and fourthly the understanding that justice requires democracy in terms of participation and voice. The first of these elements provides the

overarching principle from which the argument proceeds, the others are qualities that one could reasonably expect to be observed or acknowledged in a principle, practice, policy or circumstance that claims to be just or to serve justice. These elements, which I will expand on below, are crucial qualities with respect to just education policy and practices in a society such as New Zealand and so form part of what we should look for when considering the justness or otherwise of values, policy and practices such as those examined here.

The first element, that as justice and injustice have their material expression in the realities of people's lives then the justness or otherwise of any circumstance should be assessed and examined with reference to that lived reality, points to the importance of looking at the lived realities of any circumstance when considering justice and injustice. As noted above theories of justice are abstract however the matters that call our attention to issues of justice are generally not. So in determining the justness or otherwise of any set of circumstances, policy or practice it is necessary to examine and interrogate it in terms of the real and actual impact it has on everyday human lives and situations. As Vincent (2003) explains it "justice is plural, diffused and differentiated" so that "abstract definitions need to be complemented by a more grounded understanding of the possibilities of enacting justice" (p. 22). Walzer (1983) similarly points to the need to examine matters of justice in terms of their real and actual impact and to this end, he frames his discussion of justice within the realities and structures of his own society arguing that, "justice and equality can conceivably be worked out as philosophical artefacts, but a just and egalitarian society cannot be" (p. xiv). What Walzer is indicating here is that whether the state of affairs that obtains in a society is just or egalitarian is not an abstract matter. It is something

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that needs to be ascertained with reference to the circumstances that prevail and the way in which these impact on how people are able to live their lives; what they are able to be and to do. As Sen (2009) puts it "justice cannot be indifferent to the lives that people can actually live"(p. 18). The thrust of these points are echoed by Rizvi and Lingard (1996) who, in their remarks in relation to the material realities of injustice, explain that:

> it needs to be acknowledged that injustice does have a material reality that is readily recognised by those who are subjected to it. Those who are hungry or poor or homeless or physically impaired do not need abstract definitions in order to be able to recognise their plight. (p. 11)

With reference to the questions raised in this thesis what these ideas point to is that although inclusion as a theory may appear to promote circumstances that are just, it is necessary to examine the impact of its application in policy to determine whether it does so in practice. The argument presented here reflects this and aligns with Gewirtz's (2006) proposition that:

> it is not possible to resolve the question of what counts as justice in education at a purely abstract level, …what counts as justice can only be properly understood within specific contexts of interpretation and enactment. (p. 69)

The second element that is salient to the analysis of the matters examined here is the notion of the inviolability and moral worth of each person as an end and never as the means to an end (Nussbaum, 2006, 2011b; Rawls, 2005; Sen, 2009) together with the respect and dignity that should attend to each person as an end. Nussbaum (2011b) describes the idea of respect in this sense as being a:

> way of regarding and treating persons, closely related to the Kantian idea of treating humanity as an end and never as a mere means. Respect is thus closely linked to the idea of dignity, to the idea that humanity has worth and not merely a price. Equal respect would then be respect that appropriately acknowledges the equal dignity and worth that persons have as ends. (p. 18)

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Fundamental to this position is a concern for the individual so that in evaluating the justness or otherwise of any circumstances it is necessary to consider the impact on individual persons. Walker and Unterhalter (2007) explain this approach as "ethical individualism", and explain that it differs from the "individualistic framework concerned with notions of self actualisation about all other goods" such as that associated with neoliberalism. Rather, they explain it as a "a normative approach that stresses that actions should be judged by their effects on individual human beings" (p.2) so that individuals should be the "primary objects of moral concern" (Brighouse & Swift as cited in Walker and Unterhalter, 2007).

It may seem obvious that matters of justice must concern persons as moral ends, and that individuals should be the "primary objects of moral concern", but this is not necessarily the case. In the context of evaluating policy and the values promoted therein often economic or wider social benefits are the subjects of consideration. As Noddings (2012) points out, "social policy is heavily influenced by utilitarian thought (p.162), and so policy imperatives and evaluation are likely to eschew concerns with the person qua person and focus on the "greatest good for the greatest number". Arguably, universal inclusion presents such a view in its insistence that there should be only one school setting and that in the interests of the inclusion project special schools should be no more. Cigman (2007b) argues that with respect to the project of inclusion, there is "a worrying implication that parents have a duty to avoid sending their children to special schools" in order to advance the interests of other children; "to treat their children as means to the ends of other children's wellbeing"(p. 782). In contrast to this perspective, Rawls (as cited in Noddings, 2012, p. 179) asserts the prior claim of the individual in matters of justice,

> Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by the many.

What this proposition points to is that in evaluating the justness of a particular state of affairs or whether a particular value promotes justice, what is of import is whether the particular circumstances uphold the dignity and moral worth of all those on whom they may impact and do not sacrifice some in the interests of what may advantage the many. That is that each person is respected as an end in herself and never as the mere means to the ends of others.

The third element that informs the analysis presented here is recognition of the "fact of pluralism"(Rawls, 2005) or moral diversity (Nussbaum, 2006, 2011c), and the notion of a heterogeneous public. Pluralism is widely regarded as a fact of modern liberal societies that are characterised by a heterogeneous public (Young, 1990). In a context of pluralism a heterogeneous public consists of members who express and live by different values, make different life choices, have different understandings of what constitutes human flourishing and the good life, and correspondingly have differing conceptions of justice. Sen (2009) maintains that given this plurality "judgements about justice have to take on board the task of accommodating different kind of reasons and evaluative concerns (p, 395). Walzer (1983), in a similar vein, argues that the very "principles of justice are themselves pluralistic in form" (p. 6) so that "different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and that all these differences derive from different understandings of the social goods themselves" (p. 6). Given the fact of plurality, just arrangements need to not only reflect the fact that there are many

different and possibly divergent ways of living but also recognize and acknowledge that these are all "morally good and valuable" (Nussbaum, 2011b, p. 3); for "there are many ends that men may seek and still be fully rational"(Berlin as cited in Nussbaum, 2011b, p. 9). With regard to the matter of educational provision for disabled children, the fact of pluralism signifies that just policies and practices are those that reflect, and thus in turn respect, the different views and values of disabled children and their families in regard to the educational arrangements best suited to their particular needs. As I will discuss later in the thesis, the notion of universal inclusion does not reflect all the different views and values that are held by parents, families and disabled children themselves with respect to just education provision, nor does it allow for these to be acknowledged in policy to be morally good and valuable.

The fourth element to be considered is the right to participation and to having a voice in decision-making processes. Young (1990) reminds us that "democracy is both an element and a condition of justice" (p. 91) and asserts that the "the only ground for a claim that a policy or decision is just is that it has been arrived at by a public which has truly promoted the free expression of all needs and points of view"(p. 91). Circumstances that are truly just, and so democratic, must reflect not only the opinions and views of the people who make and determine decisions and policy but also those of the persons who are affected by such decisions and policies (Young, 1990). Moreover the circumstances should be such that people are able to freely express their perspectives without fear of ridicule or censure but in a context in which there is openness to a variety of views and a willingness to listen to them. As I will argue in more detail later, the dominance of inclusion as an educational ideal or orthodoxy in the New Zealand context contributed to the situation in which the

expression of alternative views, such as support for special school provision, was made less possible and less acceptable.

While I have separated out these four elements, they coalesce and intertwine around the fundamental dignity of individual persons and the respect owed to them. In considering whether a particular state of affairs, be it the mores of society, a policy or a practice, is just, or more or less just than another, there should be a concern with how that state of affairs impacts on individuals and the way in which it fosters or denies the dignity of the individual and the respect owed to her as an end. Particularly in regards to determining matters of policy, the principle of each person as an end should be the guide so that "the person not the group is the primary subject of political justice" (Nussbaum, 2006, p. 216). Respect is central to all of this because as Cigman (2007b) explains "to treat a human being purely as a means to an end is to fail to respect him or her in the most fundamental way" (p. 781). Nussbaum (2011c) similarly argues that:

> people are ends, have a dignity, have something about them that makes it wrong to violate them for the sake of overall well-being, or to use them as mere means. Respect is an attitude that recognizes that dignity, and the fact that it is equal. (p. 2)

She describes these as ideas that are familiar and "widely and deeply shared" in liberal democracies and, further, that they are ideas that sit "at the heart of the modern human rights movement" (Nussbaum, 2011c, p. 2). A discussion of the many theories of the ethics of human rights is beyond the scope of this work; it will suffice to note here that the argument for universal inclusion promotes a strong connection between inclusion as a human right, and human flourishing. But human flourishing encompasses many diverse possibilities (Nussbaum, 2006); with respect to education this may include the right to inclusion but this is not the only possibility there are

others, such as the right to make choices about schooling, that are of value. Nussbaum (2006) argues that, "human beings should have a chance to flourish in their own way provided they do no harm to others" (p.347). Respect for the dignity of each, entails a view that allows for the freedom of persons to choose and live according to their own particular understanding of the good life (Nussbaum, 2011c; Sandel, 2009). In circumstances that demonstrate respect for the dignity of each, different values are accorded equal weight, there is participation in decision-making, different voices are represented and there is choice and autonomy.

These then are the theoretical elements and influences which permeate and inform the work of this thesis and which provide the threads with which the argument presented in this thesis is woven and constructed. In the light of these ideas the discussion in the following section examines the argument for inclusion and critiques the conception of justice inherent to it and the way it positions special school provision.

The Certainty of Inclusion

Let us return to the question of what it is we should look for when considering the justness or otherwise of a particular state of affairs and apply it to the matter of inclusion and special school provision. In answering this question proponents of inclusion would argue emphatically that an education system that includes special schools must by definition be unjust and that only universal inclusion can represent justice. The certainty of this position is striking, as is the strength of the moral conviction that inheres in it, as some of the statements in the previous chapter showed, and which is further demonstrated below.

> Inclusion is different from any other fields of inquiry in that it is premised on an answer rather than a question? That answer, of course, is that inclusive education is superior in one or other way to non-inclusive education. (Dyson, 1999, p .43)

Dyson's comment points to a key feature of inclusion, its certainty. In the writings of activists and academics, and in national and international policy statements, there would appear to be an unquestioning acceptance that the goal of all disabled children receiving their education at their local ordinary school which underpins inclusion, and only this goal, equates to just educational provision. Thomas, Walker, and Webb (1998), describing the turn away from special school provision, explain that, "inclusion won mainly because it is *right* that it should have done so. Arguments for inclusion are principled ones, stemming from concern for human rights." (p. 5) Here we can see evidence of the certainty of the supposed moral rectitude of inclusion at play, arguments for inclusion are described as principled ones; the implication that hangs from this statement is that arguments that differ from this position are not. Cigman (2007b) argues that "the rights argument sometimes sounds like a duty argument, suggesting that all parents have a duty to send their children to the mainstream school irrespective of the nature or severity of the child's difficulties or disabilities" (p. 780). Perhaps, with respect to the issue of location at least, it would not be unreasonable to agree with Corbett's (1997) view that at its most extreme, there is a danger of inclusion becoming a form of "politically correct bullying" (p. 57).

"Special schools do not have a right to exist" (Dessent, 1987, p. 97 as cited in Barton, 1997, p. 235). This is the claim, albeit often more subtly stated, of those who argue against special school provision as an anathema and the epitome of exclusion in our educational systems. As explained earlier, concomitant with the move to inclusion has been a call for the closure and removal of any type of special school provision

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(Barton, 1997; MacArthur, 2009) on the basis that special school provision is antithetical to inclusion and that the presence of special schools represents the failure of inclusion and thus the failure of justice in education for disabled children. For those promoting inclusion, special schools are perceived as the tangible representation of injustice in education for disabled children. For those who take this view, the presence of special schools is an indictment on the societies and education systems in which they endure.

Troubling the Certainty of Inclusion

Inclusion as a matter of human rights and ethics advances a considerable moral claim; the argument that in a democratic and just society all children and young people should be able to receive an education of high quality and fitted to their needs at a local regular school is unassailable. Similarly it would be difficult to disagree with the argument that justice requires that disabled children should be entitled to attend and receive their education in local state-funded schools alongside their non-disabled peers. However, the argument that special school provision is an offence to justice is less convincing and, despite the certainty of those who propose it, cannot claim the same moral veracity and worth.

Walzer (1983) describes justice as "a human construction" and argues that, "it is doubtful that it can be made in only one way" (p. 5). He challenges the notion that with respect to justice "there is one and only one, distributive system that philosophy can rightly encompass" (p. 5). Universal inclusion proposes that there should be a single type of education provision for all children and argues for this as the realisation of justice in education for all disabled children. But this claim founders on its

certainty and its lack of acknowledgement of the possibility of any morally acceptable alternatives.

> The truth is that since educational controversies turn mostly upon different visions of human flourishing there will always be (indeed in a society like ours, there must and should be) room for disagreement concerning what are clearly inherently evaluative, ethical and philosophical issues.   (Carr, 2001, p. 471)

The question of what constitutes just educational provision for all disabled is, I would argue, one such controversy that turns on "different visions of human flourishing" and is "inherently, evaluative, ethical and philosophical" in nature. With moral questions such as these, as Carr argues, "there must and should be room for disagreement". But under the philosophy of inclusion, just educational provision with respect to location is constituted only as that which obtains when all disabled children attend and receive their education at their local school; no alternative is countenanced. Cigman (2007b) describes this particular conception as a "universalist" argument and its proponents as "universalist inclusionists" who are in essence making claims about what is "best for every child without exception"(p.776). But this universalist position effectively allows no room for the accommodation of any alternative vision in relation to what might constitute just educational provision. At the same time the possibility of achieving universal inclusion and its associated benefits is asserted with absolute conviction: "The needs of all children will be met in inclusive environments" (Inclusive Education Action Group, 2015). In statements such as this, as Cigman points out, "the possibility of including everyone is asserted or assumed, and is in this sense essentially an article of faith. It is asserted in the face of a great deal of evidence to the contrary" (p.785). The strength of conviction and almost religious belief accorded by some to inclusion is similarly noted by Dyson (as cited in Allan & Slee,

2008), who explains how there is one view of inclusion that sees it as "a state of mind or a state of the soul, it's a state of grace almost"(p.35).

Simple Equality

 In relation to location, the single, limited vision of what constitutes just provision implied by universal inclusion corresponds with what Walzer (1983) describes as the notion of "simple equality". Simple equality in education is, according to Walzer, demonstrated in Aristotle's view that, "the system of education in a state must … be one and the same for all"(Aristotle as cited in Walzer, 1983, p. 202). This description seems apposite to the notion of justice advanced in universal inclusion with respect to the matter of location. Winzer (2007) explains how in the philosophy of inclusion, rights and equity were "translated into 'sameness of treatment' which immediately mutated into 'sameness of experience'…"(p. 31). She further explains that as location was a central motif of inclusion, sameness of experience came to be "interpreted by many as physical place" (p. 31). Under this notion, justice and fairness in education for disabled children are constituted as the circumstance whereby, "everyone gets access to the same thing" (Walzer, as cited in Rizvi & Lingard, 1996, p. 22), or simple equality.

But Walzer, as Rizvi and Lingard point out, argues that simple equality "is neither achievable or desirable. It is not achievable because people do not have the same means and capacities, and it is not desirable because people do not have the same needs" (p. 22). This view has particular resonance in the context of the argument being developed here. Disabled children are characterised by heterogeneity in their means, capacities and needs and it is unlikely that a regime of simple equality, such as that proposed under universal inclusion, will be able to accommodate this

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heterogeneity. As Rizvi and Lingard (1996), suggest "centralised uniformity of educational provision" is likely to be "insufficient for achieving social justice" (p. 22) for all of these children without exception. But this is essentially what, in terms of location at least, inclusion promotes; a uniformity of provision that, as Cigman (2007b) suggests, fails to recognise the multiple realities that attend disability and its lived experience for those such as Harry and his family.

From Theory to Policy

> Theories are a large part of our world framing the way issues are seen, shaping perceptions of salience, and thus slanting debate towards certain policies rather than others. (Nussbaum, 2011a, p. xi)

The theory or philosophy of inclusion has come to shape what we perceive as salient in relation to what counts as justice in education for disabled children and slanted the debates about this towards educational policy which aims to achieve the full inclusion of all disabled children in the regular local school. If we consider policy statements such as the *Salamanca Statement* and SE2000 in New Zealand, we can see that full inclusion is heralded as the ultimate goal of these policies. Nussbaum (2011a) describes how, "in the narrative context of human lives", the capability approach "makes a difference to what policy-makers notice in these lives, and, hence, to the ability of policy to construct meaningful interventions that show respect of and empower real people, rather than simply reflecting the biases of intellectual elites"(p. xi). Inclusion similarly has made a difference to what policy-makers have noticed in relation to the lives of disabled children and their educational needs. However, while undoubtedly this "noticing" has lead to "meaningful interventions that show respect of and empower real people" in some circumstances, in others it could be argued that it has not. In championing the rights of disabled children to receive their education

alongside their peers in their local regular schools, inclusion has certainly led to policy interventions that have improved and enhanced the lives of many disabled children and empowered them and their families. However that same theory, arguably, has led to policy interventions that have marginalised those disabled children, their families and the staff who make up special school communities. Justice is an abstract concept and while at the abstract level the philosophical ideal of inclusion may serve the cause of justice, I am arguing that at the level of practice, policies of inclusion may not.

Nussbaum (2011b) argues that our respect for persons qua persons entails in turn that we think that their beliefs and values "deserve respectful, non derogatory treatment from government" (p. 33). Nussbaum is concerned here particularly with the issue of religious belief or doctrines but the claim is comparable in the context of different beliefs about special school provision. When universal inclusion is instantiated in policy this must by definition constitute a form of disrespect to those who support an alternative position and, at the same time, frame special schooling in a derogatory way. Nussbaum describes what she calls "expressive subordination" that is, "subordination that consists in being publicly ranked beneath others". This she explains occurs in situations where "even if you are tolerated … government will state every day, that a different view, incompatible with yours, is the correct view and that yours is wrong" (p. 35). This is just such the experience that special school communities encounter under policies of universal inclusion. It is little wonder then that they have been reported as feeling "… 'excluded' and 'undervalued' in a system that exhorted inclusion" (Norwich & Gray, 2007, p.87). Certainly, as will be

discussed in a later chapter, such a state of affairs is reflected in the experience of the New Zealand special school communities.

This chapter has set out the theoretical influences and perspectives of the study and proposes a critique of universal inclusion centred on matters of justice. The next chapter takes a more practical orientation and examines the turn to inclusion in New Zealand during the years prior to the introduction of SE2000.

Chapter Four
The Turn to Inclusion in New Zealand Education Policy 1987-1996

Chapter Four begins the section of work that focuses specifically on the turn to inclusion and its impact on special schools in New Zealand, the real world context from which the argument presented here emanates. This chapter is the first of three that explore respectively the turn to inclusion in New Zealand education policy, the gestation, development and characteristics of SE2000, and the experience of the special school sector with respect to the impact of SE2000. The focus in this chapter is on the significant moments and developments in the turn to inclusion in the New Zealand policy context prior to the introduction of SE2000 during the period 1987-1996. The first section of the chapter consists of a brief historical outline of provision and attitudes to the education of disabled children in New Zealand in the years prior to 1987. The second section of the chapter sets out the developments in policy and the movement to inclusion through the late 1980s and up to 1996 when SE2000 was introduced.

Setting the context: A Brief Historical Perspective.

Policies related to education provision for disabled children reflect the prevailing views and beliefs of the times. From an historical perspective, the situation in New Zealand mirrors that of many other countries. In the earliest days of formal education the common view was that disabled children would not be able to benefit from education, so from the first institution of compulsory education under the Education

Act of 1877, "temporary or permanent infirmity" (Mitchell & Mitchell, 1985, p. 7) was given as grounds for exemption from school attendance. The Mental Defectives Act, 1911, and the Education Acts of 1910 and 1914, made mental hospitals, and later the psychopaedic hospitals established specifically for disabled children, responsible for the "education and training" of those who were considered as "mental defectives" (Callendar, 1972; Mitchell & Mitchell, 1985). The provisions in these Acts reflect a view of disability and impairment that conceived of the education, care and "training" of disabled children as more properly a concern of "Health" rather than of "Education" (Winterbourne, 1944; Callendar, 1972).

The classification of "mental defectives" in the Mental Defectives Act, 1911 gives a further insight into the way in which people with intellectual impairment were viewed in the early part of the twentieth century. Under the Act, people with intellectual impairment were classified into three groups as follows: "idiots" –"those who were so deficient from birth or from an early age, that they were unable to protect themselves against ordinary physical dangers, and needed the care and attention similar to that bestowed upon young children"; "imbeciles"- who "were capable of guarding themselves against physical dangers but were, or if of school age, would be incapable of supporting themselves because of deficiency arising from birth or from an early age; and "feeble-minded" - "those who were capable of earning a living under favourable circumstances, but …were not capable of competing on equal terms with others or managing themselves and their affairs with ordinary prudence" (as cited in Mitchell & Mitchell, 1985, p. 18). These classifications and the earlier cited comments reflect a deficit view of disabled people that at its most extreme underpinned the eugenics movement. In New Zealand, as elsewhere, in the early part

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of the twentieth century such views held considerable sway, and were influential in policy; as Tomlinson (1982) argues it would seem that the eugenics movement "certainly influenced the type and provision of education for all handicapped children" (p. 41) and especially for those defined as "mentally defective".

During the same period as industrialisation proceeded there was, in New Zealand as in other parts of the world, an increasing emphasis on work and the production of a skilled workforce, and a growing belief in the moral virtue of work and employment (Mitchell, 1987). With respect to the education of disabled children, albeit not all disabled children, the view was that education should be geared to enabling individuals to, where possible, earn their own livelihood and be useful members of society and so, it was averred, avoid the trap of disorderly and troublesome behaviour that would otherwise be likely. The view that work would provide both a livelihood and also prevent the realisation of the typical predilections of "these unfortunates" would seem to have been commonplace amongst even the more enlightened thinkers at the time, thus:

> instruction should be very real concrete throughout beginning with familiar domestic subjects…and leading up to technical work likely to provide a means of livelihood,…it is infinitely better for one of these unfortunates to become the humblest kind of farm labourer than a hanger on in a town slum.
> (Hogben, as cited in Winterbourne, 1944, p. 30-31)

Tomlinson (1982) discussing special education in the United Kingdom explains:

> Interests which particularly affected the provision of early forms of special education were the economic and commercial interests of a developing industrial society which required as many people as possible to be productive, and, political ruling class interests in maintaining order and control in society-since defective people have usually been identified with potentially troublesome groups. (p. 29)

Similar interests prevailed in New Zealand in the late nineteenth and early to mid twentieth century. Mitchell (1987) refers to the "flurry of interest in child welfare" being ascribed to, among other things, "efforts to strengthen the physical and moral qualities of a society" (p.31), and influenced by thinking such as that of Dr W.A Chapple in his 1903 book, *The Fertility of the Unfit* that "all those mental and moral defectives who are unable or unwilling to support themselves according to the recognised laws of human society" should be sterilised (as cited in Mitchell & Mitchell, 1985, p. 13). Comments such as the following made by the president of the New Zealand Educational Institute in his 1916 annual report are illustrative of what were commonly held beliefs at that time:

> insanity, idiocy, epilepsy, blindness, deaf mutism, predispositions to vice and crime, are some of the afflictions passed on by hereditary. The feeble-minded should be segregated; for these unfortunates, social detention is both effective and considerate and social prevention is better and more economical from every point of view than social cure.   (as cited in Mitchell & Mitchell, 1985, p. 19)

These comments reflect both the rising interest at that time in protecting society from potential damage from people considered to be deviant, diabolical, and largely uneducable, and rising concerns and beliefs about the "possible hereditary nature of defect, which culminated in the eugenics movement" (Tomlinson, 1982, p. 40).

The first half of the twentieth century thus saw policies and practices designed to manage and control what Butchers referred to as "discouraging and discouraged" children (Butchers, 1930, p. 479). Separate and segregated provision under the auspices of Health or Education was seen to be one way in which this could be achieved. In 1908 Otekaike, the first residential school for "mentally retarded boys", was opened in Otago (Mitchell & Mitchell, 1985), followed in 1916 by the opening of the Richmond residential school for girls. Around this time special classes were also

being introduced into public schools; the first was established in 1917 at the Auckland Normal School. At this stage there were no non-residential schools for disabled children but there is some evidence that provision of these had been considered in the 1920s. In 1927 the Director of Education, T.B. Strong, had put forward a policy on special education that included catering for "low grade subnormals" in special schools (Mitchell & Mitchell, 1985) and two years later, the New Zealand Educational Insititute is recorded as having asked the Department of Education to provide "separate day schools in large cities" (Mitchell & Mitchell, 1985, p. 24) for children of low-grade ability. Nothing seems to have come of either Strong's policy or the NZEI's request (Winterbourne, 1944) but in the following years separate training settings described as "occupation centres" were established. The first of these, which appears to have been set up in 1931 in Auckland by a Miss E.F. Munro (Winterbourne, 1944), was described by Mitchell and Mitchell as a "special school for trainable mentally deficient children" (Mitchell & Mitchell, 1985, p. 27) and the "forerunner to the occupation centres that were to be established in the 1950s" (Mitchell & Mitchell, 1985, p. 27). Winterbourne (1944) also refers to three daytime occupation centres that were operating in Auckland, Christchurch and Dunedin at the time he was writing.

It would seem than that by the middle of the twentieth century special education was established as an entity within the education system and was developing a range of services and provision for children across a wide range of areas including the "establishment of schools for spastics and for the intellectually handicapped"(Ewing, 1970.p. 203). The 1953 appointment by the Department of Education of an Officer for Special Education reflected this growth and according to

Ewing (1970) "was recognition of the need for professional leadership in the complex area of special education and for an official liaison with the many voluntary groups concerned with handicapped children" (p. 203). However there were still a number of disabled children whose education was not under the auspices of the State. Some of these were receiving education through the work of the Intellectually Handicapped Children's Society, a parents group established in 1949, and others were resident in psychopaedic hospitals. In 1956 the government took over responsibility for then established IHCS schools or centres; by 1961 responsibilty for all IHCS centres and groups had been accepted by the State (Callendar, 1972).

Internationally, the 1960s and 1970s was a period of activism in relation to the civil and human rights of many groups and in time this activism extended to the issue of the rights of disabled people. As in many other countries the post-war period in New Zealand saw the development of associations of parents of disabled children, and as the century moved on there was mounting pressure from parents and parent/charitable groups for provision to be made for the many children still excluded altogether from education. This pressure and demand was given more strength and impetus as a result of the increasing awareness of issues of civil and human rights and the demands for them to be realised. Despite this, even late into the twentieth century there were still some disabled children in New Zealand who were receiving no state-funded educational provision whatsoever, a situation that was not to change until 1990. However it does seem that by the latter part of the century it was generally accepted that the education of disabled children was a responsibility of the State. As the quote below reveals there would appear to have been some sense of pride in what

was offered but also a strong paternalistic and somewhat self-congratulatory attitude

to this:

> Nowhere in New Zealand's educational system are the national egalitarian tendency and solicitude for the unfortunate so clearly revealed as in the extensive provision of special education services for the handicapped. (Dakin, J.C., 1973, p. 77)

Writing in 1987, Milne and Brown suggested that the "general philosophy for

educating" disabled children in New Zealand was encapsulated in the following

statement:

> Traditionally our New Zealand primary schools have accepted almost all children who have come to them and teachers, parents and the community have been reluctant to set any group of children apart from their fellows any more than is necessary for their welfare. This approach has been basic to our whole approach to the education of the handicapped.
> (Minister of Education, Appendices to the Journals of the House of Representatives, 1960, p. 6-7 as cited by Milne & Brown, 1987, p.39)

Mitchell and Mitchell cite this same statement to support their view that the New

Zealand Department of Education had "long subscribed to a philosophy of integration"

(Mitchell & Mitchell, 1985, p. 108). They go on to say that, "there appears to be

widespread agreement within the New Zealand educational community that all

exceptional children should have ready access to regular educational facilities" (p.

116). However, these claims seem to be somewhat at odds with the reality of

education provision for disabled children prior to 1989. Certainly evidence would

support Mitchell and Mitchell's view that "although the principle of integration has

long been espoused in New Zealand, its implementation to date shows less than full

commitment by the Department of Education"(p. 116). At the time Mitchell and

Mitchell were writing not only was there no statutory requirement for integration of

disabled children into regular school settings there were also some hundreds of

disabled children who were not receiving any state-funded education at all (Sleek &
Howie, 1987). In fact under the Education Act 1964, which governed children's
education at that time, exemption from enrolment and attendance at school was still
allowed "in respect of children with a physical or mental disability that renders them
… unable to be educated" (Sleek & Howie, 1987, p. 58). So while "teachers, parents
and the community [may] have been reluctant to set any group of children apart from
their fellows any more than is necessary" and while there may have been "widespread
agreement within the New Zealand educational community that all exceptional
children should have ready access to regular educational facilities", policy and
practice still reflected the view that there were some children who were "uneducable",
and who would receive no benefit from and may be a burden to education.

However, at the time these authors were writing, pressure for change was
building across the community and in the education and policy arenas and continued
to mount through the 1980s and 1990s. In the following section I will discuss the
special education policy context that preceded SE2000 between the years 1987-1996.
In this section I will outline issues and developments related to special and inclusive
education and the education of disabled children that were significant factors in the
gestation and ultimate shape of SE2000.

Towards Inclusion: The Special Education Policy Context 1987-1996

In the 1980s and 1990s the principles of integration, mainstreaming and inclusion
were beginning to have a significant impact on New Zealand's education and
education policy landscape. Pressure for educational inclusion was growing with
groups such as the Assembly of Disabled People (DPA) and others calling for an end

to separate provision for disabled children and young people (Ballard, 1996). In the 1987 *Draft Review of Special Education* (Department of Education) an indication of the policy direction that was emerging can be seen.

> Clear support has emerged for the principle of equity for all, which requires the fullest possible inclusion of all students in regular settings, rather than the continuation of the parallel system… While special education is still required for many students with handicaps it is now internationally acknowledged that they should not be segregated from their same age peers without the most compelling reasons. (Department of Education 1987, p. 16)

It was proposed in this document "that over time, but as quickly as possible, all students would be included in the regular education stream" (p. 3) and that special education would "be reoriented to substantially dismantle the parallel stream of special education and include all students with special education needs in the mainstream" (p. 7). The authors of the document issued a caveat, however, stating that "a major public campaign is an essential prerequisite for this development. Without the support of society as a whole, the necessary resources will not be provided" (Department of Education, 1987, p. 9). The plan as outlined was not implemented, and although the changes in the subsequent 1989 Education Act seem consistent with this emerging policy direction there was no indication in that Act of any intended change to the available range of provision. Perhaps policymakers recognised that at that point, in 1989, these changes may not have been favoured by what the *Review* described as, "society as a whole"(Department of Education, 1987).

The Education Act 1989

The passing of the 1989 Education Act marked a highly significant moment in time with respect to education generally in New Zealand as it signalled a major reconceptualisation of education and legislated a major restructuring of the education

system. In relation to the education of disabled children the Act also signalled and legislated significant change that reflected moves internationally to enshrine disabled children's rights to education in law. Prior to 1989, disabled children had no absolute "right to education provision in the law of New Zealand" and there was " no legal obligation upon educational authorities to provide any education at all to exceptional children whose parents do not wish to educate them privately" (Sleek & Howie, 1987, p. 61-63). As Sleek and Howie (1987) pointed out the Education Act 1964 provided permission but no obligation to provide state special education facilities for disabled children. The lack of the right to education provision in the law meant that in practice many children were excluded from any state supported education at all (Sleek & Howie, 1987) and indeed from education altogether. In the 1989 Act this changed and the right of all children, irrespective of ability, to attend a state school (Section 8) and compulsory education for all children, including disabled children, aged between 6-15 years (Section 20) were enshrined in law.

> (8) Equal rights to primary and secondary education
>
> > (1) Except as provided in this Part of the Act, people who have special educational needs(whether because of disability or otherwise) have the same rights to enrol and receive education at state schools as people who do not.
>
> (20) New Zealand citizens and residents between 6 and 15 to go to school
>
> > (1) Except as provided in this Act, every person who is not a foreign student is required to be enrolled at a registered school at all times during the period beginning on the person's sixth birthday and ending on the person's 15th birthday.
> >
> > (Education Act 1989)

These changes meant that not only were disabled children now entitled to enrol in a state school but also that exemptions "in respect of children with a physical or mental disability that renders them … unable to be educated" (Sleek & Howie, 1987, p. 58),

were no longer allowed. Schooling was now compulsory for all children, including disabled children, between the ages of 6-15. While not overtly stated, implicit in this legislation were firstly the recognition that all children had the right to a state-funded education, and secondly a move away from the belief that some children were uneducable to the recognition that all children can learn and benefit from education.

Another significant feature of the Act in relation to special education and thus the education of disabled children was the establishment of a new Crown agency responsible for special education, the Special Education Service. This service was established to "provide advice, guidance, and support for the benefit of people under 21 with difficulties in learning or development" (Education Act, 1989, Pt 4, S 39). The service brought together in one agency a range of professionals including educational psychologists,speech therapists, and other advisors and therapists who provided support to disabled children and others with special education needs, their families, and to the schools in which they were enrolled. The Special Education Service (SES) worked in a variety of roles and across a range of spheres. The list below shows that the work of the agency covered a wide ambit including among other things classroom support, training for teachers, and advising and making recommendations to the Ministry of Education:

- determining eligiblity for special services and placement;
- advocating for students and families within the education system;
- providing advice and support to educators about learning and teaching both in general and in relationship to pupils experiencing difficulties;
- providing advice about programmes for individuals;
- assisting families with non-education–related difficulties in their functioning;
- facilitating co-ordination of service provision;
- providing formal and informal training for educators and others involved with children and young people;

- advising the Ministry of Education on the allocation and use of discretionary resources and the deployment of staffing.

<div align="right">(Ministry of Education, 1991, p. 6)</div>

From its inception the service had a strong comitment to inclusion which was articulated clearly and unequivocally in their early defined policy on mainstreaming:

> The SES believes that it is the right of all learners with special developmental and educational needs to share the same learning environment as their age mates within the local community.
>
> The SES will work towards the goal of integrating all learners with special needs into a regular age appropriate classroom of their local school alongside their peers.

<div align="center">(Special Education Service, 1991, p. 1 as cited in Moltzen, Mitchell, & Middleton, 1992, p. 7)</div>

The commitment of the SES to inclusion is significant because given the wide-ranging ambit of its work, the service was well placed to promote inclusion and to influence policy and practice right across the education sector and into the community as well. It would seem that in the early 1990s individual professionals within the service, and the SES agency itself were engaged actively in so doing. Brown & Wills (2000) noted that professionals working within the SES aligned themselves with those parents and community-based groups who were advocating an end to separate provision for disabled children.

At the agency level, the SES was strongly represented in the interagency group of seven parents and educators who travelled overseas to study "the latest practices of inclusive education in Canada, Sweden and Denmark" (New Zealand CCS, 1991). It was also acknowledged as one of the agencies which made the tour possible which would suggest that the SES provided financial support for venture.

The three SES members of this group held senior roles in the service, one as the National Advisor Policy and Development and the others as District Managers. This group developed what was called a "blueprint for inclusive education" designed to provide "goals and practical strategies to achieve a vision of inclusive education in New Zealand" (p. 1) in which:

> All learners will have a quality learning environment alongside their family, friends and age-mates within their local community.
> (New Zealand CCS, 1991, p. 16)

Interestingly this vision statement is very similar in tenor and wording to the belief statement written in the SES policy on mainstreaming that is included above. The commitment of the SES to inclusion was likely to have been a significant factor in the direction of education policy for disabled children and those with other special needs. Certainly Ballard (1990), who had noted the agency's commitment to what he called "integration", considered it to be so:

> Given the rights provided in the Education Act and the clear commitment of the new Special Education Service to integration through mainstreaming, it seems possible that the dual system of special and regular education in New Zealand could be moving toward merging as one education system that meets the needs of all children.   (Ballard, 1990, p. 116)

So from 1989, in legislation, and in principle at least, all disabled children had equal rights as all other children to enrol and receive education at state schools; no school would be entitled to refuse a child's enrolment on the basis of disability. The way was opened for a more inclusive approach to the education of disabled children in New Zealand. An approach which it would appear was likely to be facilitated by the Special Education Services, the new key bureacracy concerned with special education and thus educational provision for disabled children.

An Idea in Search of a Policy 1990-1995

Inclusion in the guise of "integration" or "mainstreaming" continued to be on the

policy agenda in the 1990s. In 1990, the Ministry of Education (1990) commissioned

report of the Education Reform Implementation Process Review Team, the *Lough*

Report, recommended that a process for implementing "the government's policy of

mainstreaming"(p. 46) be established that would:

> identify procedures and a timetable for disestablishment by the
> Ministry of Education, in conjunction with the Special Education
> Service, of the special units and classes and the non-residential and
> residential special schools.   (p. 46)

Further to this in 1991, the Ministry of Education included the following objective in

a discussion paper on the education of learners with special needs: "Special education

to take place in regular settings" (Ministry of Education, 1991 as cited in Moltzen,

Mitchell and Middleton, 1992, p. 7).

However there was a gap between averring policy support for "equity for all

which requires the fullest possible inclusion of all students in regular settings, rather

than the continuation of the parallel system" (Department of of Education, 1987, as

cited in Brown & Wills, 2000, p. 3), and achieving that in practice. As noted earlier,

the policymakers had recognised that public support would be needed to successfully

"dismantle the parallel stream of special education and include all students with

special education needs in the mainstream" (Department of Education, 1987 p. 7). But

in the early 1990s it is not entirely clear what level of public support there was for

such a radical move. Ballard (1990) writing at the time, suggested that support for

"mainstreaming" was "probably a minority view" in New Zealand and separate

special education provision was still supported by special educators and some parents

(p.117). Moltzen, Mitchell, and Middleton (1992) who interviewed principals,

trustees and teachers from fifteen New Zealand schools about matters related to special education including the policy of mainstreaming, found that while the majority of their respondents supported mainstreaming in principle, they expressed reservations about it in practice. Concerns cited related to *inter alia* adequate resourcing, the degree and nature of disability, and the need for teachers to be properly trained to work with disabled children. These are the views of a relatively small sample, but they do represent the views of different groups closely involved with the issues in different school sectors and they were probably fairly representative of views in the schooling sector generally at that time. While the rights of disabled children to receive their education in regular schools may have been enshrined in legislation, clearly there was still some way to go to achieve universal acceptance of the implications of that right for policy and practice.

It would also appear there was, to some extent, a policy vacuum with respect to special education issues at that time. Ballard (1996) refers to the fact that the Ministry of Education, established under the 1989 Act, "operated without a special education policy" (p. 36) in the years 1989-1995, and that "special education had no direction" (p. 36). A similar lack of a "cohesive statement" of special education policies had also been commented on by Milne and Brown (1987) who suggested that the system had evolved in a somewhat *ad hoc* way over the years. The lack of coherent and comprehensible special education policy was also noted by the Special Education Policy Implementation Team(SEPIT) who in their final report stated that there was "a general perception that clear policy statements on special education are fragmented, complicated and poorly understood" (Special Education Policy Implementation Team, 1993, p. 15).

Nevertheless, a lack of an official special education policy should not be confused with a lack of interest or activity with respect to special education and educational provision for disabled children in this period. Mitchell (2001) claims that there are "few sectors in New Zealand education that have been as frequently reviewed … as special education" (2001, p. 319). In this period, described by Mitchell as the "First Wave of Reforms", there certainly was considerable activity occuring in relation to special education although much of this was concerned with issues related to resourcing and administration rather than with articulating a coherent and cohesive policy position with respect to inclusive education. The change of government in 1990 ushered in a period of further reform in the education sector to bring it into line with the neoliberal reforms enacted by the previous Fourth Labour Government. As befitted a conservative, neoliberal inclined administration, issues of equitable and efficient distribution of special education resources became one focus of policy attention prompted by concerns such as that articulated by the SEPIT team:

> The current distribution of special education resources reflects historical decisions and is not spread equtably throughout the country. Consequently children and young people are being funded in very different ways in different parts of the country.
> (Special Education Policy Implementation Team, 1993, p. 165)

In addition there was an increasing awareness that special education had been relatively untouched by the major reforms to the education system enacted by the Fourth Labour Government and thus issues related to the administration of special education were also on the agenda at this time.

Special Education in New Zealand: Statement of Intent

In 1991 *Special Education in New Zealand: Statement of Intent* was released by the Ministry of Education. The purpose of the document was "to set out the framework

for the Government's intentions for special education policy" (Ministry of Education, 1991, p.4). Moltzen, Mitchell, and Middleton(1992) suggested that the new government "had a noticeably diminished commitment to mainstreaming" (p.7) and descibed the *Statement of Intent* as "cautious- even equivocal" (p. 7) in its commitment to inclusion or mainstreaming. In this document the government appears to be avoiding the choice between two contrary positions by giving support to both the inclusion of disabled children in age appropriate regular education settings and to continued special school provision as long as it was supported by enrolments. However it is also clear that the concern and focus of the document is not really with the question of inclusion and educational placement but rather, as Mitchell (2001) suggests, "underlying this document was the perception that the then administration of special education was problematical" (p. 322). A key concern of the document was to attend to this problem. In the document it is explained that historically the development of special education had been the result of "lobbying by practitioners and theorists on behalf of various groups of students with special needs, rather than a concerted effort to provide a comprehensive system of educational provision relevant to all such students"(Minstry of Education, 1991, p. 10). This had meant, according to the writers of the document, that the system of special education had developed in "piecemeal fashion" which resulted in the following issues:

- an unfair allocation of services
- an unfair distribution of services
- a lack of coordination among the various private and state sector agencies serving students with special needs
- a system that is often slow to respond to the needs identified by parents or education providers
- a system that fails to take into account the needs of Maori students
- an inadequate system of monitoring and evalutating special education provision
- a lack of co-ordination and uneven provision between sectors

- a system which ties up an undue proportion of resources in adminstrative and assessment procedures   (Ministry of Education, 1991, p. 10)

According to Mitchell, (2001) the reforms outlined in the *Statement of Intent* indicated that the government considered that "the special education sector" represented "unfinished business in the reforms of education administration in New Zealand" (p322). The *Statement of Intent* laid out the government's plan for remedying this situation and was very much concerned with the key mantras of the earlier neoliberal reforms in education: equity, efficiency, decentralisation and consumer choice. Not suprisingly some of what it proposed was controversial and attracted criticism in many quarters (Mitchell, 2001).

Following the release of the *Statement of Intent* there was a long period of consultation with a series of national meetings and hui conducted under the auspices of SEPIT (Brown & Wills, 2000); it was not until 1993 that SEPIT finally released its report and recommendations. The report laid out a "proposal for future delivery of special education resources which was developed by SEPIT" (Special Education Policy Implementation Team, 1993, p 1). Accordingly, much of the focus of this report and its recommendations were to do with the management and allocation of resources and the funding of special education (Mitchell, 2001) which had been identified as being inequitably delivered across the country (Mitchell & Ryba, 1994). The recommendations included the establishment of local special education management groups to whom responsibility for the use of special education resources would be devolved along with the establishment of a national special education committee which would provide policy advice to the Minister and be responsible for the development of a national strategic plan for special education (Mitchell, 2001). Another significant feature of the report was the recommendation that there be review

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of the criteria for receiving special education resources and that the allocation of

resources should change from a population basis to a needs basis (Mitchell &

Ryba,1994). It was suggested that the change should occur over a 3-5 year period and

that prior to this happening eligibility criteria, and the number and location of children

with special needs would need to be determined (Mitchell, 2001). These

recommendations resulted in the government commissioning a review of special

education criteria. This review (Mitchell & Ryba, 1994) recommended a national

framework for determining students' needs for support and introduced the notion of

varying levels of need ranging from those which would generally be able to be met

within a regular school's standard resources, through to those which would require a

very high level of additional and specialised support (Mitchell, 2001). The influence

of this review can be seen in the framework described in Special Education 2000

which reflected aspects of the structure proposed by Mitchell and Ryba.

An Idea Whose Time Had Come

> Nothing is so powerful as an idea whose time has come
> -Vicktor Hugo

As can be seen from the previous discussion, educational policy considerations with

respect to disabled children and other children with special needs were by the 1990s

mired in concerns with administration and resourcing and the government focus

seemed to be on bringing special education into line with the wider education reforms.

However this does not truly represent the entire picture for while possibly not at the

forefront of the concerns, a continuing move towards inclusion and the rights of

disabled children can be seen in three wider education policy developments during

this period: The Human Rights Act, 1993; the New Zealand Curriculum Framework,

1993 and *The Salamanca Statement*, 1994. Following the assertion of the rights of
disabled children to state-funded-education enshrined in the Education Act 1989,
disabled children's rights with respect to education were further strengthened in the
the Human Rights Act of 1993 which prohibited discrimination on the grounds of
disablity and made it unlawful for:

> an educational establishment, or the authority responsible for the
> control of an educational establishment, or any person concerned in
> the management of an educational establishment or in teaching at
> an educational establishment,—
>
> (a) to refuse or fail to admit a person as a pupil or student; or
>
> (b) to admit a person as a pupil or a student on less favourable terms
> and conditions than would otherwise be made available; or
>
> (c) to deny or restrict access to any benefits or services provided by
> the establishment; or
>
> (d) to exclude a person as a pupil or a student or subject him or her
> to any other detriment,—(Human Rights Act, 1993, Section 57)

In 1993 the *New Zealand Curriculum Framework* (Ministry of Education,1993), New
Zealand's first national curriculum was introduced. This document as a statement of
education policy asserted a strong commitment in principle to inclusion. In the
document it was stated that the curriculum was to apply to:

> • all New Zealand schools, including kura kaupapa Māori, and
> special education schools;
> • all students, irrespective of gender, ethnicity, belief, ability
> or disability, social or cultural background, or geographical
> location;
> • all years of schooling, from new entrants to the completion
> of schooling; that is, from years 1 to 13. (p. 4)

and further, the following principle was asserted:

> The New Zealand Curriculum provides all students with equal
> educational opportunities.

- The school curriculum will recognise, respect, and respond to the educational needs, experiences, interests, and values of all students: both female and male students; students of all ethnic groups; students with different abilities and disabilities and students of different social and religious backgrounds. Inequalities will be recognised and addressed. All programmes will be gender-inclusive, non-racist, and non-discriminatory, to help ensure that learning opportunities are not restricted. (p. 6)

The third factor that demonstrates the continuing move towards inclusion during the 1990s, is that in 1994 New Zealand became a signatory to the *Salamanca Statement*. The *Salamanca Statement* was an international declaration and assertion of the rights of all disabled children to be included in regular education and the responsibility of national governments to make provision for this. As outlined earlier, this document called on all signatories to "adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise"(as cited in Mitchell, 2010, p. 125). By signing this document the New Zealand government agreed to the principles therein and thus was not only committed but also bound to the principle of inclusive education.

By the mid-1990s then it would be fair to argue that with respect to education policy in New Zealand "inclusion was an idea whose time had come". However it was jostling for position with another competing imperative, neoliberalism, that was exercising considerable sway and influence at that time. The characteristics of the neoliberal turn in the New Zealand policy context generally and more specifically in terms of education policy in New Zealand in the 1980s and 1990s form part of the analysis and critique with respect to SE2000 that is the focus of the next chapter.

Chapter Five
Special Education 2000: New Zealand's first "inclusive education" policy

This chapter examines SE2000, the influences and tensions in the policy context that shaped and constrained it, and the way these influenced how special school provision was positioned and addressed in the policy. The chapter begins by briefly outlining practical features of the framework and structure of SE2000. Following this the substantive matters of the chapter are addressed. First, the influence of neoliberalism both in terms of the wider policy context and in relation to the shape and structure of the policy itself is considered. This is followed by a critique of how the question of special school provision is attended to in the policy; the argument is made that the position taken in the policy with respect to special school provision was the result of a kind of political pragmatism in the face of the tensions between the conflicting policy imperatives of neoliberalism and inclusion. Finally I argue that there was a fundamental and essential injustice inherent to SE2000; in endorsing universal inclusion as the policy goal, it promoted only a single vision of justice with respect to the needs of the children and young people it was designed to serve.

Special Education 2000

SE 2000 was introduced with the lofty and somewhat nebulous goal of "achieving over the next decade, a world class inclusive education system" (Ministry of Education, 1996, p. 3). As noted earlier, it is reasonable to suggest that the changes introduced in the policy, particularly the provision of fully portable funding which would follow eligible children wherever they went (Moltzen & Mitchell, 2000), were intended to ease the access of disabled children into regular school settings. However,

given that the use of the language of inclusion was a new departure in the New Zealand educational policy lexicon, it is curious that no explanation or definition was given of what might constitute a "world class inclusive education system". "Inclusive education" had entered the realm of New Zealand educational policy-speak as an essentially unproblematic concept. In the policy arena at least, the turn to inclusive education, had begun.

Framework and structure

At the practical level, the strategies for achieving "the world class inclusive educations system" were described in a new model for the provision of special education resources and delivery. Much of the detail of this is not relevant to the argument being pursued in this thesis but as it forms part of the context of the discussion I will briefly outline the key points here. Under SE 2000 the funding and service model was conceived as a pyramid divided into three sections that, to a large extent, can be said to represent diminishing levels of need among increasing numbers of eligible students. The policy, described as a "phased strategy" (Ministry of Education, 1996, p. 2) by the Ministry of Education (MOE), was rolled out initially in three stages over the period 1996-1998. According to Fancy, the Secretary for Education at the time (1999), the phased approach was necessary "because of the size and complexity of the policy"(p.7). Certainly the policy was attacking the problem of special education on a number of fronts. In its initial form the initiative had five component parts:

1. The Special Education Grant paid directly to schools to meet the needs of students described as having moderate learning and behaviour difficulties.
2. The Ongoing Resourcing Scheme an individual resourcing entitlement for children described as having high and very high needs.

3. Speech-Language which providing resourcing and funding for children with speech and language difficulties.
4. The Severe Behaviour Initiative which provided funding to support children with severe behavioural issues
5. The Early Childhood programme that was to support early intervention services.

These five parts constituted the framework for resourcing and provision but from early on in the development there were significant additions and alterations made to the policy. These changes were made in the light of information derived from Ministry of Education commissioned reviews (Massey, 1999, 2000, 2002; Wylie, 2000), and in response to feedback from stakeholders including parents and schools.

The Ongoing Resourcing Scheme

SE2000 was comprehensive and wide-ranging in its scope but the component that is of particular interest with respect to this work is the Ongoing and Reviewable Resourcing Scheme (ORRS). I will briefly outline the key aspect of ORRS here before exploring theories and principles in the policy. ORRS provided for individually targeted funding for a small group of children with what were defined as "high" and "very high needs" for support to access the education system. Classification of level of need was to be determined by "the amount of additional assistance the student needs in order to participate in and benefit from the school programme" (Ministry of Education, 1996, p. 7). The percentage of school-aged students estimated by the MOE to have "high" to "very high" needs has been variously reported as two or three per cent of the total school-age population (Ministry of Education, 1998; Moltzen & Mitchell, 2000). Children and young people who gained classification as having "high" or "very high" needs, received individually targeted support under ORRS. These students attracted both additional teacher time and a cash component to fund teacher-aide support and support from

specialist therapists such as speech-language therapists, physiotherapists, and sign language interpreters. The level of the cash component and the additional teacher time varied according to the assessed level of need so that those assessed as eligible for very high needs support attracted a higher amount of both teacher and financial resources. Funding and support through ORRS was portable so that if the child transferred schools, the funding went with him or her; it was expected that this aspect of the scheme would result in "a greater demand than previously for placement in regular schools and regular classes" (Moltzen & Mitchell, 2000, para 3). However, as I shall discuss later, this expectation was not entirely realised.

Management of the ORRS Funds

Management of the funds generated through ORRS was to be in the control of the Special Education Service (SES) or of schools or a cluster of schools delegated as "fundholders". In order for a school or cluster of schools to act as fundholders they had to be receiving funds for twenty or more students with high or very high needs. Many special schools met this requirement. The majority of the funds (approximately sixty percent) were managed by SES (now Special Education in the Ministry of Education); the rest were, and are still, managed by fundholder schools (known now as Accredited Special Education Service Providers).

Although the ORRS entitlements were to be allocated on the basis of individual need, the MOE expected the funds to be aggregated into a pool by fundholders; the money was not considered by the MOE to constitute an individual entitlement. As explained above the funds were to provide specialist and teacher-aide support for the individual student. The nature and quantum of this support would be determined on the basis of identified specific needs as agreed by parents, school,

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fundholders and the student, and described in an Individual Education Plan (IEP). The Ministry of Education's expectation was that the model of delivery would operate on an "unders and overs" system whereby the needs of all the students in the pool are balanced against one another so that some students are deemed to have lesser needs and others greater; the money is then distributed accordingly. This model is, of course, inherently competitive; the person who can make the better case for need is likely to get the bigger amount of support and this potentially can result in a situation in which some students come out as winners and others as losers. As I will discuss later, ORRS was to have a significant influence in the special school sector but possibly not quite the influence that was expected by the policymakers.

SE2000: The Policy Context

SE2000 was, "made in the context of multiple human activities, experiences, purposes and needs" and as such was influenced by prevailing ideologies and philosophical premises (Scheffler as cited in McLaughlin, 2000, p. 444). At the level of principle and philosophy, SE2000 was clearly influenced by and espoused theories of inclusion and inclusive education, but in addition the policy was also the product of a policy context in which neoliberal principles were a pervasive and prevailing influence on policy formation and shape. Choice, and freedom from state interference in making choices, devolution and decentralization, market-oriented principles and sovereignty of the consumer were, and still are, significant imperatives that informed the particular shape of neoliberal thinking in New Zealand education policy. These imperatives, along with that of including all children in regular schooling that underpinned inclusive education, together served as the ideological underpinnings that informed the shape and development of SE2000 and created the anomalies and

contradictions inherent to it. Peters and Marshall (1996) point out that the

development of new policy for educational reform:

> does not take place within a vacuum because it is constrained by a
> pre-existing policy context which helps to determine its initial terms
> of reference, its core values and ultimately its political acceptability.
> (p. 77)

This is certainly true of the development of SE2000 which occurred during a time of

significant educational change and reform both in New Zealand and internationally.

The context from which the policy emerged was one in which ideas about education

were under the influence of what were in effect contradictory principles and tenets

derived from a social democratic perspective on the one hand and from a neoliberal

perspective on the other (McMenamin, 2014). In SE2000 we can see reflected the

confluence of policy imperatives driven by the quite different philosophies or

ideologies of inclusion and neoliberalism. The tensions, contradictions and

compromises inherent to SE2000 are a result of this uneasy merger and, as I will

explain in more detail later, this balancing act between the two essentially

contradictory imperatives was significant in the way in which special school provision

and the question of location were attended to in the policy. Prior to examining the

question of location in the policy, I will in the next section discuss the neoliberal turn

in the New Zealand policy context generally and more specifically in terms of

education policy in New Zealand in the 1980s and 1990s, the time during which the

influence of neoliberalism was certainly at its peak.

Neoliberalism

Roberts and Peters (2008) describe neoliberalism as the "big story" and "dominant

narrative" (p. 1) of our time, at least with respect to what they describe as "reform

agendas around the Western world" (p. 1). But neoliberalism is not one single unified

political philosophy or ideology (Roberts & Peters, 2008; Steger & Roy 2010). Steger

and Roy (2010) describe it as "a rather broad and general concept referring to an

economic model or 'paradigm' "(p. 28). Olssen, O'Neil, and Codd suggest that the

concept "serves as a useful proxy indicator to characterise those groups that support

an expanded market and reduced public provision" (p. 135) and describe the

"common basis shared by neoliberals" (p. 137) as a "basic commitment to individual

liberty" and the emphasis on "a 'reduced' state" (p. 137). Olssen, et al. (2004) explain

the neoliberal view of the state as

> that of 'mediator' and 'instigator' of the successful operation of the
> market. In this its role is to neither promote social justice nor
> develop public monopolies. Thus, the assertion of this new morality
> not only entails a revised conception of the individual, but a revised
> conception of the nature and process of democracy, of the role of
> the state, and by implication, of the policy –making process and its
> outcomes. State support for egalitarian policy initiatives is thought
> to be an attack on 'enterprise and endeavour', 'self-reliance',
> 'responsible self-management', and 'personal sacrifice' (Keat, 1991;
> Peters, 1992).   (p.138)

Despite the nuances and variations in the concept there are some key aspects that

define and characterise neoliberal theories. A belief in the power and rectitude of the

market in tandem with a reduction in and alteration of the role of the state underpins

neoliberal thought and action. Inherent in this market-oriented view is an emphasis on

consumer sovereignty and with that, an emphasis on and commitment to consumer

choice as a fundamental principle. Individualism, that is the notion that society is

based on individual enterprise and self-reliance with each individual responsible for

his or her own well-being, is also fundamental to both neoliberal thought and action.

Incorporated in this is the postulate of *homo economicus* which assumes *a priori*,

"that people are isolated individuals whose actions reflect mostly their material self

interests" (Steger & Roy, 2011, p. 20). In this view of the world, people are constituted as consumers and as free, independent individuals unfettered in their ability to make choices and decisions on the basis of individual needs and desires. Freedom is interpreted in specifically individual terms as being free from state interference (Peters, 2011). This understanding of freedom sees state involvement in social issues as interference and generally unwarranted.

Thus in neoliberal thinking, individualism, a reduced role for the state, and the primacy of the market all underpin an ideological position in which, at its most extreme, matters of social justice are no longer seen as the preserve of governments nor as properly the concern of policy and policymakers. This is a position which "puts the production and exchange of material goods at the heart of the human experience", (Steger & Roy, 2008 p. 30), and which "holds that the social good will be maximised by maximising the reach and frequency of market transactions and seeks to bring all human actions into the domain of the market" (Harvey, 2005, p. 12).

The Neoliberal Turn in New Zealand Education

> Historically and symbolically, 1984 represents… a profound shift in
> the principles of social and political philosophy, and the promotion
> of the neoliberal political project of globalisation.
> <div align="right">(Peters, 2011, p. 102)</div>

The election in 1984 of the Fourth Labour government ushered in a period of unprecedented, far reaching, radical economic and social reform based on neoliberal principles. This process of reform was continued and furthered by both the centre right National government which was elected to power in 1990, and the Labour government which took office in 1999. Roberts and Peters (2008) described the reforms as an " aggressive programme of corporatization, marketization and

privatization in economic and social policy" (p. 2) that was grounded "in a view of human beings as rational, self-interested, choosers and consumers" (p. 3). The initial reforms in public administration were based on "five fundamental principles of equity, quality, efficiency, effectiveness and economy" (Mitchell, 2001, p. 320), and were justified on the basis that the changes to the administration would lead to greater efficiency which would be better for the country as a whole (Olssen, O'Neil, & Codd, 2004).

It was not until its second term that the Fourth Labour Government targeted the national education system for the programme of change and reform that would bring it in to line with the other public service areas. Comparing the reforms in New Zealand with those in England and Wales, Olssen et al. (2004) make the point that in New Zealand rather than the quality of education being the central issue of concern, the "original impetus for reform was targeted as public administration"(p. 177). While this may be true, the impact of these reforms was, as Olssen and Morris-Matthews (1997) explain, such that "the very notion of education" (p. 17) changed, and for:

> the first time in New Zealand's history, the conception of education as a private commodity subject to market conditions became a reality. The central issue of equality of opportunity which dominated the debate up until the end of the Muldoon era, gave way to talk about 'efficiency', 'choice', 'competition' and 'accountability'. (p.17-18)

The changes in education reflect in large part the neoliberal views of the Treasury, that "education shares the main characteristics of other commodities traded in the marketplace and could not be analysed successfully as a 'public good' " (as cited in Olssen & Morris-Matthews, 1997, p. 11-12). Education thus should be sited in the marketplace as a commodity like any other and should be subject to the same vagaries of the market place as any other. These views were given further weight and shape in

the highly significant *Picot Report* (Department of Education, 1988) which Adams,

Clark, Codd, O'Neill, Openshaw, and Waietere-Ang (2000) described as proposing

"the most radical restructuring of our education system in a hundred years" (p. 150).

This report set in motion a raft of reforms and changes that were underpinned by

neoliberal values and tenets and were based on what were described in the report as

"Core Values":

- Choice
- An assumption of individual competence
- Cultural sensitivity
- Good management practices (Department of Education, 1988, p. 3).

The reforms articulated in the *Picot Report* took on their policy shape in the

government White Paper *Tomorrow's Schools* in 1988, and in "the Education Act of

1989 and its subsequent amendments" (Mitchell, 1996, p. 55). Olssen et al. (2004)

describe how the "new educational structure entailed a devolution of decision-making

in a wide range of administrative areas, including resource allocation, staff

appointments, support services and staff development" (p. 176). The main thrust of

the reforms they explained was to "reduce the size of the central bureaucracy, to

abolish regional education boards, and to convert each learning institution into a self-

managing unit having its own, elected Board of Trustees" (p.176). However, while

devolution of decision-making was the order of the day, the reality was that control

remained "firmly invested" in the newly established state agencies, the Ministry of

Education, the Education Review Office, and the New Zealand Qualifications

Authority and was maintained through systems of accountability and surveillance that

characterise the neoliberal project. Under the reforms, schools were to be the "basic

building block" (Mitchell, 1996) of educational administration. Each school would

become "self-managing" with responsibility for its own finances and educational

resources and, within the bounds of Ministry defined guidelines, able to set its own objectives to meet the needs of its local community. Schools were to be run as a partnership between the community and professionals; responsibility would be shifted from the central to the local level. Through the vehicle of these reforms the state shifted "from provider and manager of public education to legal arbiter of consumer rights" (McLean, 1988, p.201 as cited in Gordon& Codd, 1991). McLean referring to the 1988 British Education Act, further argues that the effect of such changes are that the:

> central government abjured responsibility for social welfare and distanced itself from the agencies that provided it, whether private or local public authorities. Its concern was with efficiency and the rights of consumers. But this distant and non-participant government still exercised its regulatory and inspection functions.
> (McLean, 1988, p. 202 as cited in Gordon & Codd, 1991, p. 23)

These are comments that can equally be applied to the New Zealand context.

SE2000 was thus developed in the wake of educational reforms that brought about an extraordinary and comprehensive alteration to the public education landscape in New Zealand. While special education was not addressed at the time of the major education reforms in 1989, apparently because it "was seen as too complex" (Davies, 2000, p. 1), it would appear that it was certainly developed in line with the thinking informing the earlier reforms and in deference to the "core values" articulated in the Picot Report. As Mitchell (2001, p. 331) points out, prior to " the introduction of SE2000, … special education was a highly centralised sector, with top-down legislation and policy guidelines, a non-contestible Special Education Service and centrally determined provision", characteristics which would, without doubt, have represented a somewhat jarring anomaly in the system overall and in the mind of a government committed to neoliberal reforms in the public sector.

In 2000, Davies, a key policy actor working in the Special Education Services, presented a paper at the International Special Education Congress (ISEC) 2000 in which he clearly sites the new special education policy within the philosophy of the 1989 reforms. Davies (2000) stated that "the increase in demand for parental choice and the philosophy of self-managing schools presented pressures that resulted in a new policy, Special Education 2000" (p. 1). He went on to explain that there was a need to "ensure that special education provision was consistent with self-managing schools" (p. 5), and that the "alignment between the 1989 education reforms and special education required a new resourcing mechanism that would enable schools to assume full responsibility in meeting the full range of student need" (p. 5). As Wills (2006) has argued while the 'manifest' intentions of the policymakers may have been that of achieving inclusion, "the 'latent' intentions of the policymakers were to introduce the new public management approaches of the reforms of education into special education" (p. 191). Certainly the language of policy statements and documents and key features of the policy reflect a concern with efficient, effective and equitable use of resources, a concern that characterised *Tomorrow's Schools* and that speaks to the minimization of the state's role in social policy, to ensuring good use of taxpayer money, offering sound financial management and providing policy structures that give "greater certainty and predictability" (Fancy, 1999, p. 3).

Gordon and Codd (1991, p. 21) argue that under *Tomorrow's Schools* the "new administrative structures produce a decentralization of responsibility for resource allocation while maintaining centrally determined regulation of supply". Such an effect is demonstrated in terms of the delivery and funding of resources for special education through SE2000 so that while the way in which allocations of

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Special Education Grant (SEG) and the ORRS scheme funding were used was

determined at the local level, the supply of such funding was fixed on the basis of

centrally determined criteria and categories, and within the budgetary constraints as

established by the State. This approach to policy is further demonstrated in the words

of Howard Fancy, the then Secretary of Education, in an address to the Special

Education 2000 Research Conference in 1999. Fancy (1999) explained that a key

aspect of the SE2000 policy was to "get the best possible value from … money while

designing policies that will work within the annual budget parameters determined

each year by government" (p. 5). However, he also explained that the policy would

allow "more decisions to be made by those who are closest to the child and best

placed to know the child's needs" (p. 5), and allow schools to "develop more effective

and innovative ways of providing a better learning environment for children with

special needs" (p. 5). These comments reflect the twin goals of devolution of

decision-making and enhanced central fiscal control that was typical of the neoliberal

turn in New Zealand's education policy.

The positioning of choice as a core value and the positioning of pupils and

parents as "the consumers of education" (Department of Education, 1988, p. 4) key

aspects of the 1989 reforms, are also reflected in the language of SE2000. In one of

the earliest statements issued from the Ministry of Education the primacy of parents is

asserted along with a strong assertion that the policy would increase choices available

to parents:

> While specialist advice and support is important in creating the best
> possible learning environment, it is the family who is critical to the
> child's educational achievement. It is the family which has the long-
> term responsibility for the child and knows the child best. It is
> therefore the family which will make the most important decisions
> on the child's behalf.   (Ministry of Education, 1996, p. 2)

And:

> Special Education 2000 will increase choices available to families by guaranteeing resources to students with high needs and by making that entitlement transferable from school to school. Families of students with high needs will have greater ability to make choices between schools, confident that resourcing will no longer be a barrier to entry.   (Ministry of Education, 1996, p. 2)

In these statements we can see exemplified the undergirding neoliberal principles at play. In the first, the assertion of the critical role and rights of parents as decision makers in the education of their children, which in many ways appears a logical and even common sense position, adheres to neoliberal ideas of the sovereignty of the consumer and the focus on individual rights and responsibilities. In the second statement, the focus on choice and the ability to make choices clearly aligns with neoliberal principles while the emphasis on resourcing as the key to overcoming any barriers to inclusion children and families faced is consonant with the fairly narrow conception of equity which is characteristic of neoliberal thought and policy. Moreover in two of the three original goals of the policy, "to develop a clear, consistent and predictable framework for resourcing special education and to provide special education resourcing wherever the child attends school" (Wylie, 2000, p. 19), we can see a similar focus that would suggest that what attention there was to the issue as a matter of social justice was focused essentially on equity as a matter of the fair distribution of resources. Olssen et al. (2004) make the point that to "the extent that neoliberal arguments did invoke political clothing in New Zealand they appended themselves to progressive left-wing concerns of enhancing equity in the areas of gender and race" (p. 177). Something similar can be seen in SE2000 with neoliberal arguments being appended to concerns with enhancing equity in relation to the education of disabled children and the rights of their parents. Some of the impact of

this will be discussed in the next section which examines the tensions and constraints in the policy in relation to special school provision.

SE2000 and The Question of Special School Provision

Special Education 2000 proclaimed an overarching aim of achieving a "world class inclusive education system" in New Zealand. The policy did not specify what was meant by this but it would be fair to suggest that what was meant would correspond with prevailing definitions of inclusive education at that time. Definitions in which, with respect to the educational needs of disabled children and young people, the *sine qua non* of "inclusive education", was every student accessing "the curriculum as a fulltime member of an ordinary classroom alongside other students of a similar chronological age" (Ballard, 1996. p. 33). This policy direction was in line with the "international move towards inclusion of all children with special education needs in local educational settings" (Ministry of Education, 2005, p. 18) that was gaining significant momentum at that time.

Given this understanding of inclusive education, special school provision would surely be a factor that would warrant significant attention in the policy; interestingly this was not the case. There was very little said with respect to the role or function of special schools in the "world class inclusive environment". Statements that referred to special school provision simply made the point that this type of provision would continue while there were enrolments; hardly a ringing endorsement but neither an absolute condemnation. Of course, it could be argued that from a demographic point of view, special school provision constituted only a small part of the education system. However this belies the significance of this type of provision in

relation to the movement for inclusion with respect to disabled children and young people. The question of location, that is, where a disabled child or young person goes to school, as noted earlier, loomed large in the debates and arguments for and against inclusive education.

As explained in Chapter 2, inherent to the notion of inclusion, is the belief that the regular school setting is the optimum place for all disabled children and young people to receive their education; the corollary, of course, is that special school settings are less than optimum places for disabled children and young people to receive their education. In fact, it can be argued, that in 1996 when SE 2000 was announced, the notion of inclusive education by definition meant the absence of any form of special school provision (Lipsky & Gartner, 1996). The strength of this view is represented by Florian (1998) who argued that the "inclusion of all pupils in mainstream schools is part of an international human rights agenda" (p. 107), and cited the view of the Centre for Studies in Inclusive Education (CSIE) (CSIE, 1996), that "there is no legitimate reason to separate children for the duration of their schooling, they belong together" (p.107). Similarly Allan and Brown (2001) explain how in debates on inclusion, special schools are judged as "sites of oppression and discrimination" (p. 199). The following excerpt from a New Zealand text gives some indication that there was a similar strength of opinion in some quarters here.

> Ample evidence has been provided in this book to illustrate the importance of including all students in the mainstream of regular education. …Yet parents may decide that it is best to accommodate their children in segregated schools…In this case, it is questionable whether the option selected by the parents is in the interests of the child.   (Ryba, 1995, p. 223)

It is then a curious feature of SE2000 that the issue which, arguably, was at the nub of its concerns and pivotal to its aims was essentially sidestepped. However, while

curious, it is not inexplicable if we consider the ideological and political context in which the policy was gestated and developed, and by which it was influenced. As discussed above, the years prior to the announcement of SE2000 were characterised by the spread of neoliberal policies and the growth of the movement for inclusion both in New Zealand and internationally. The conflicting demands of these two imperatives appear to have created a situation such that, at that time and in that policy context any real discussion about special school provision was essentially politically untenable. As a consequence there is no strong position articulated in the policy with respect to the value or otherwise of special school provision; rather the position seems to be to neither confirm nor deny any strong policy view about this.

Neither Confirm nor Deny

Neoliberalism certainly exerted a strong and pervasive force on educational policy in New Zealand during the 1980s and 1990s, and similarly during this time there was a steady move towards inclusion as the key policy platform in relation to the education of disabled children and young people. The tensions between the principles and imperatives of these two driving ideologies are salient factors to consider when examining the absence of any strongly articulated mandate for the future of special schooling in SE2000. In terms of special school provision the imperatives of these forces worked against each other within the policy; the imperatives of neoliberalism precluded the articulation of a policy objective that would see the end of special school provision while contrarily the imperatives of inclusion precluded the articulation of any policy objective that would support its continuation. From a neoliberal perspective, a policy objective that would end special school provision would be untenable. As we have seen, the assertion of choice as a core value and the

positioning of education as a commodity subject to the vagaries of the marketplace

had been fundamental to the education reforms of the 1980s and into the 1990s. As

Codd (1993) explains:

> As the reform agenda unfolded, the promotion of choice was to
> become one of the central policy objectives - a key that would
> presumably unlock all that is both desired and desirable in education.
> The Picot Taskforce, for instance, proclaim "choice" as the first of
> their core values and state that this "will involve providing a wider
> range of options both for consumers and for learning institutions"
> (Taskforce, 1988, p. 4). Moreover, they "see the creation of more
> choice in the system as a way of ensuring greater efficiency and
> equity" (ibid.). The promotion of choice as a primary social
> objective, and the reference to parents or learners as "consumers",
> clearly locates these statements within a market-liberal discourse…".
>
> (p.79)

Special school provision within the marketplace represented "choice" for the

consumer and as such, under the market-liberal discourse, the continuation of this

type of provision would most properly be a matter for the market to decide. Given this

understanding the reference in the policy to the continuation of special school

provision being dependent on continued enrolments (Ministry of Education, 1996)

can be seen to be in definite accordance with the prevailing neoliberal tenets. If

consumers continue to choose a product then the product will flourish if not then it

will fade away; either way it is not the role of the state to predetermine the choices of

the consumer. Conversely a policy objective that would lead to the closure of special

schools and the discontinuation of this type of provision would be contrary to

neoliberal principles as it would represent, in effect, the government interfering with

the proper workings of the market place. In addition, neoliberalism espoused a basic

commitment to individual liberty, defined essentially as freedom from state

interference. From this perspective the rights of parents to decide on matters related to

the education of their children were considered unassailable; a matter for individual families and not the preserve of the state. If there were a defined policy objective for the removal of special school provision stated in the policy then that would entail inappropriate state intervention in a matter which was essentially the concern of individual families and so would not be in accordance with neoliberal principles of individual freedom and a minimal state role.

While a removal or proposed removal of special school provision would offend against the imperatives of neoliberalism, the imperatives of inclusion would be equally compromised and contradicted by a policy objective that specifically and unashamedly articulated support for continued special school provision. From a philosophical perspective, if inclusion is defined as "all children attending, local, regular, state primary or secondary schools" then a policy objective that suppported the continuation of special school provision would be in direct conflict with that philosophy. Similarly if there were a policy intention that all children should attend regular state primary or secondary schools then avowed support for continued special school provision in the policy would contradict and undermine that intention. These were the principles which, in its rhetoric at least, SE2000, espoused and promoted. In this case the reference to maintaining special school provision while there were enrolments can be seen as a kind of middle ground. While it does not overtly propose the removal of this type of provision, it certainly provides no strong support for it and in no way advocates for its merit or value. The tentative nature of the direction for special school provision hints at an expectation of a gradual reduction in special school enrolments; as the promise of SE2000 was realised special school provision would essentially wither away.

The gestation and development of policy is a messy business. As Bines (2000) points out "policy is inevitably a balancing act between different pressures and has to mesh with contexts and legacies and competing aspirations and views" (p. 27). This description is particularly apposite to SE2000. The way in which special school provision is accommodated within SE 2000 demonstrates, just such a balancing act between competing aspirations and views. Scheurich (1994) argues that "the prevailing/dominant ideologies are constitutive of the social problem and also constitute the range of acceptable policy choices" (p. 306); such is the circumstance illustrated in SE2000 in which essentially contrary imperatives derived from neoliberalism and inclusion, determined what were possible and acceptable policy choices in New Zealand at that time. On initial examination the sidestepping in SE2000 of the issue of location or setting, an issue fundamental to notions about inclusive education for disabled children, appears curious. However, given the contextual environment from which the policy emerged, the absence of any real interrogation of the issue of "location" is neither curious nor surprising. The ideologies to which the policy was bound and which informed the thinking of the policy makers meant that to address the issue of location in any significant way would have challenged the wisdom of both ideologies and crossed the boundaries of what was politically possible and politically acceptable at the time. It is no wonder then, that in SE2000, the retention or rejection of special school provision was neither confirmed nor denied however whilst this political pragmatism may have worked at the policy level, it left special school communities in a political vacuum that, arguably, left them vulnerable and subject to injustice in a number of ways. This will form part of the discussion of the experiences of special schools in the context of the turn to inclusion in New Zealand education policy and the implementation of SE2000 which

will be discussed in the next chapter. But first the way justice and unfairness were implicit in and fundamental to the policy and how this fundamental unfairness set the context for injustice with respect to the special school communities will be discussed.

SE2000, Inclusion and Justice

Under SE2000 justice in education for disabled children and young people was conceived as and equated with inclusion. The premise that this was the best educational option for all disabled children and young people appears to have been a given in the policy. It would seem that SE2000 was underpinned by particular assumptions about what constituted justice in education for all disabled children; assumptions that meant that questions related to the justice or injustice of the particular definition and organisation of inclusion promoted by the policy were not asked. This constituted a fundamental and essential injustice in the policy for it promoted only a single vision of justice with respect to the needs of the children and young people it was designed to serve.

As Terzi, (2010) points out, "the question of a fair provision" for disabled children and young people is "extremely controversial"(p. 2). In SE2000 there appears to be no acknowledgement that there could be different but morally equal views and understandings of the conception of education as a "good" for disabled children and young people, or that there could be different but morally equal views and understandings of the right way to proceed to enable disabled children and young people to benefit from this good. Codd (1987) makes the point that,

> If policy-makers and practitioners are to arrive at defensible moral judgements about how they ought to treat exceptional children and their parents, they must strive to reach each particular judgement through an exploration of the moral assumptions that lie behind it

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and a careful consideration of the more general principles to which
it relates.   (p. 79)

SE2000 shows little evidence of any exploration of moral assumptions. Rather, two of

the three original goals of the policy, "to develop a clear, consistent and predictable

framework for resourcing special education and to provide special education

resourcing wherever the child attends school" (Wylie, 2000, p. 19), suggest that what

attention there was to the issue as a matter of social justice was focused essentially on

the fair distribution of resources. Young (1990) argues that contemporary theories of

justice are not sufficiently broad in their conception and that the distributive paradigm

particularly, tends "to restrict the meaning of social justice to the morally proper

distribution of benefits and burdens among society's members" (p.15). SE2000

demonstrates just such a lack of breadth in its conception of the scope of social justice

with respect to the education of disabled children and young people.

> The central characteristics of education policies, then, are that they
> define the scope and content of educational provision, offer a set of
> principles and objectives for practice and mediate distribution and
> redistribution of education. Each of these three activities must be
> based upon beliefs about the nature of education in society.
> (Codd & Sullivan 2005, p. xvii)

As Codd and Sullivan explain the characteristics of education policies are "based

upon beliefs about the nature of education in society", given the multiplicity of views

and beliefs that abound with respect to this question it would be fair to expect that

education policies would reflect the plurality and complexity of understanding about

the nature of education in society. But the premise that SE2000 was based on reflects

Walzer's (1983) notion of "simple equality" which, as described in Chapter 3, sees

equality as being synonymous with sameness; sameness of treatment and sameness of

experience. There is no doubt that SE2000 was conceived as a policy that would

further social justice in education with respect to disabled children and young people,

however the policy failed to attend to the complexity of the issue it was designed to address.

Herein, I argue, lies the essential injustice of the policy. On the basis of a belief that was neither universally held or nor empirically proven, the scope and content of educational provision for disabled children and young people were defined, principles and objectives for practice determined, and the distribution and redistribution of education for disabled children mediated. But all of this was done without reference to the complex nature of the issue and the multiplicity of views and beliefs about what should happen. Young (1990) describes how assumptions about structures and systems are often left unchallenged. In the case of employment, for example, she writes:

> when philosophers ask about the just principles for allocating jobs and offices among persons, they typically assume a stratification of such positions. They assume a hierarchical division of labor in which some jobs and offices carry significant autonomy, decision-making power, authority, income and access to resources, while others lack most of these attributes. Rarely do theorists explicitly ask whether such a definition and organisation of social positions is just. (p. 22)

SE2000 was correspondingly underpinned by assumptions that were left unchallenged and not explicitly questioned, assumptions such as: That inclusion would constitute justice in education for all disabled children and young people or that, state-provided education, where all children receive the same education in the same settings, would be the optimum for all disabled children and young people. Underlying these is the key assumption that the views, values and beliefs informing this model of inclusion would be universally accepted by all those on whom they impact and by the wider society generally.

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Fundamental to the unfairness implicit in SE2000, was the promotion of single model of provision and the lack of recognition of the differences and desires among children and parents. The policy proposed a limited solution to a complex issue and demonstrated a lack of recognition of the plurality of views about what might constitute justice in education for disabled children and young people. This, in tandem with the absence of any articulated vision or role for special schools in the policy's putative "world class inclusive education system", left the schools and their communities vulnerable to injustice in a number of ways. However the position taken in SE2000 was also demonstrably unfair to those, such as teachers and parents of disabled children and others, who believed that special school provision had a place as an alternative to the state-conceived option of inclusion.

Unequal Treatment

While SE2000 would appear to demonstrate the concept of "simple equality in the sphere of education", the same could not be said of actual practice in relation to state-funded educational provision for all children in New Zealand. In fact the New Zealand state-funded education system reflects a complex, rather than a "simple" approach to equality. As is explained on the Ministry of Education website, "Within the state school system there are English and te reo Māori options, options for different age-groups, language and cultures, values and religious beliefs" (Ministry of Education, 2015). The state supports a wide range of options including Kura Kaupapa schools, integrated religion-based schools and Rudolph Steiner schools, all of which are founded on a range of beliefs, values and philosophies about the nature and purpose of education as a good. In funding these alternative options the state is, arguably, giving tacit support to the plurality of views, values, and beliefs about the

nature and purpose of education as a good and the range of provision needed to accommodate this plurality.

However, the converse would seem to apply with respect to the education of disabled children and young people under SE 2000. In this policy there is no support, tacit or otherwise, for alternative views, values and beliefs either about the nature and purpose of education as a good for disabled children, or the range of provision needed to accommodate these views, values and beliefs. This situation constitutes an injustice to those who supported and wished to maintain special school provision as an alternative option: they were treated differently from others who sought state support for other types of alternative provision. The views, values and beliefs of those who supported special school provision, were, unlike those of other groups, given little or no acknowledgment or support. The funding and support of a multiplicity of school options demonstrates that, by default at least, the state accepts that a single system is not sufficient to the needs of all children. However, SE2000 articulated the opposite view in relation to the education of disabled children; a single system was promoted as not only sufficient to the needs of all disabled children but as essentially the only moral option. This position, which must be seen as an injustice to those people whose beliefs differed from the state's view about appropriate educational provision for this particular group of children, set the context for injustice and unfairness that I will discuss further in the following chapter.

Chapter Six
The Experiences of Special Schools

This chapter consists of an examination of the practical realities for the special school sector of the turn to inclusion under SE2000 and a theoretical analysis of that experience. In the first section of the chapter the experiences of special schools under SE2000, particularly in the early years of its implementation, are described. The argument is made that while on the one hand the schools may have experienced growth and development, on the other they found themselves in an invidious position and in some senses under seige with respect to the attitude and actions of the Ministry of Education towards them. The second section turns to an analysis of the experience of special schools with respect to justice and injustice. This section draws on Young's (1990) analysis of justice and injustice to demonstrate that under SE2000, the circumstances were such that special school communities were more likely to be vulnerable to oppression and injustice.

Revival and Growth

The implementation of SE2000 brought significant changes and challenges to special schools. In 2000 Wylie reported that "special schools have been revived by the new policy" (p. 52). She elaborated on this as follows:

> Special school enrolments increased by 4 per cent between 1998 and 1999, with some schools gaining more than ten students in a single year. The smallest special school has 12 students, the largest 125. A number of special schools were also substantially renovated recently, adding to their attractiveness. The schools have been able to offer much more as a result of Special Education 2000, and there are anecdotal reports of improved outcomes for students. They also report more parents coming to them as units close and mainstream options are inadequate, or become too difficult. The special schools

are no longer 'segregated'. Many offer satellite units in regular schools, allowing some flexibility as student needs or capabilities change. Often they make use of community facilities and support to provide students with knowledge and skills needed for everyday life.

(Wylie 2000, p. 75)

How then did this revival happen? Largely, it would appear that it was a result of the introduction of the ORRS component of SE2000 which led not only to an increase in student numbers and school resources but also gave greater control of the use and management of these resources to the schools.

Student Roll Growth

In the early years of the implementation of the policy there appears to have been significant roll growth in the special school sector. Wylie reported national roll growth of 4% between 1998-9 (Wylie, 2000, p.75). The early years of the implementation of the policy was a period of quite rapid growth in the school rolls; overall from 2000-2006, special school rolls grew nationally by about 40% (Education Counts, 2009). At the same time as there was significant growth at the national level, at the local level some individual schools were experiencing unprecedented roll growth. A comparison of roll figures reported in individual schools' Education Review Office reports, show some schools' rolls to have increased by in excess of a hundred per cent in the period 2000-2007. It is difficult to obtain accurate comparisons of these figures as the reviews were conducted in different years. But what is evident is that of the twenty-eight special schools, there were only six whose rolls showed no significant increase in the period from 2000-2006. Of the other twenty-two schools, sixteen recorded roll increases of over thirty per cent and three of recorded roll growth of over a hundred per cent.

The size of roll growth demonstrates that the nature of provision available in special schools was particularly appealing to parents and caregivers. Moreover, because in the first years of the implementation of the policy ORRS verification was considered to confer agreement for special school enrolment, it was relatively easy for parents to access special school provision if they so desired. Parents were able to approach the special school directly if they wished to enrol their child. Decisions about the appropriateness or otherwise of the setting for the child, were made by the family and the school. The ease of access to the schools may have been a contributing factor to the roll growth but also it would seem that there were other factors that the schools offered that were attractive to parents such availability of therapy and specialist teachers, the commitment of the teachers to children with special education needs, the teachers' passion, and a safer and less judgemental environment (Ministry of Education, 2005). These were all factors that parents of children attending special schools noted in the national profiling exercise conducted by the Ministry of Education in 2004.

Staffing Growth and Expansion

At the same time as the student rolls were growing there was also a significant growth in teacher staffing. This was due not only to the growth in student numbers but also because of the additional 0.1 and 0.2 of teacher time that each student verified as high or very high needs attracted. In the period 2000-2006 the number of teaching staff in special schools grew by approximately forty-eight per cent. This increase in teacher numbers obviously allowed lower staff–student ratios and the provision of individualised programmes for children. The increase in teacher numbers in individual schools also led to increasingly complex roles for principals and the

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development of more middle management roles in the schools making them more similar to regular schools in terms of staffing structures and levels.

As described above, under ORRS, students verified as having high and very high needs attract both funding and additional teacher support. Most special schools had sufficient numbers of students to be able to become their own fundholders, as they were then known, and some also became fundholders for other schools. As a consequence of this the special schools had significant pools of funding available to them which they could manage in flexible ways to meet the needs of the students they served. Schools were now able to purchase specialist and teacher-aide support directly and manage the use of their own funds. Individual special schools and clusters were able to use economies of scale and had a sufficient critical mass to enable them to use their funding and staffing in ways that best suited the needs of individual students and best met the expectations of their parents and caregivers.

Over time, as they became more confident and assured in the new environment, the special schools came to employ their own specialist therapists, including speech language therapists, physiotherapists, occupational therapist and others. At a time when there was a shortage of these specialists in the education sector at large, special schools were able to offer attractive employment and satisfying work. At a time when the model of specialist support provided in regular education settings was consultative, specialists in special schools were able to work hands-on with the students. As a result of the implementation of ORRS under SE2000, special schools were able to offer low student-teacher ratios, high levels of specialist support onsite, and high levels of teacher-aide support. Special schools were able to attract and retain teachers, specialists and teacher-aides because of the predictability and certainty of

the ORRS funding. This also meant that special schools were able to offer students, and their parents and caregivers, certainty and consistency of staffing.

Many of the schools had developed relationships with regular schools by establishing satellite units in these schools and/or through the provision of itinerant support services. Strategic development of satellite units allowed the special schools to provide for those students whose parents wanted them to have access to social experiences with their similar-age peers while still enjoying the benefits and resources available in the special school. Some schools had established satellite units prior to SE2000 but their numbers increased after SE2000's implementation. Similarly, prior to SE2000 some special schools were providing itinerant support for children with special needs in regular settings. These relationships were able to continue and grow after SE2000; some regular schools transferred the 0.1 and 0.2 teacher allocations to a special school in order to access the support of specialist teachers. Special schools were developing, to some extent, into specialist centres which offered a range of services both within their own school settings and to regular schools (McMenamin, 2008).

This dramatic growth and expansion created significant challenges in terms of the management and governance of these schools. Prior to SE2000 the financial environment and staffing profiles of the schools were relatively simple. Boards and principals had to manage only the operational funding and, generally, were responsible only for the employment of teachers, teacher assistants, teacher-aides, a cleaner/caretaker and an administrative officer. After SE2000 boards were charged with the management of the operational funding and also the ORRS money that was bulk-funded to schools. In some schools the ORRS funding constituted very

substantial amounts which had to be spent across a range of activities and monitored and accounted for carefully. The employment environment had also become increasingly complex as a range of specialists was added to the employee profiles of many of the schools. Evidence from Education Review Office reports indicates that the schools generally rose to these challenges and most schools received commendation on their governance and management systems. Reports referred to "innovative use of funding", "increased executive responsibilities", the "increasingly complex organisational structure" and to the boards "successfully managing their extended responsibilities" (ERO, 2000a, 2000b, 2000c, 2000d).

Challenging Times

It would appear then that special schools thrived in the post SE2000 environment. However that is too simplistic a view. Despite their obvious success in attracting students, and the clear support from parents and families, special schools were, and to some extent still are, in an invidious position. As noted earlier, the government's special education policy clearly articulated the aim of achieving a world class inclusive education system; implicit in this aim is a belief that all children should receive their education in regular school settings with their similar age peers. Clearly special schools represent an anomaly in such an environment. Moreover the dramatic growth of these schools could perhaps also be seen as presenting a significant threat to the aims of the policy. Interestingly as the rolls grew the schools were subject to significant increases in compliance requirements in relation to the management and allocation of the ORRS funds. While these could be seen as standard administrative changes they could, equally reasonably, be seen as an indication of Group Special Education's (GSE) aim to increase its control over and involvement in the affairs of

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special schools. Perhaps the most significant and overt action that lends support to the view that education authorities were concerned about the rise and rise of special schools, was the change in the enrolment process for entry to a special school. This change, which was introduced in 2005, had the effect of providing the Ministry of Education with the means to control the numbers of students enrolling in the schools.

Prior to the introduction of SE2000 children and young people were required to have a "Section Nine" agreement to access special education services and provision including special school enrolment. This agreement was named after Section Nine of the Education Act 1989 and referred to "agreements between parents and the Secretary of Education" (Wylie, 2000. p. 36) about the provision of special education for the individual child or young person. The section reads as follows:

> (1) If satisfied that a person under 21 should have special education, the Secretary shall:
>
> (a) Agree with the person's parents that the person should be enrolled, or direct them to enrol the person, at a particular state school, special school, special class, or special clinic; or
>
> (b) Agree with the person's parents that the person should have, or direct them to ensure that the person has, education or help from a special service.
>
> (2) Notwithstanding anything in section 12 of this Act (which relates to enrolment schemes), but subject to the rest of Part II of this Act (which relates to the suspension, expulsion, and exclusion of students), where there has been an agreement or direction under subsection (1) of this section, the person concerned shall be allowed to enrol at the state school, special school, special class, or special clinic, concerned or (as the case requires) to have education or help from the special service concerned.

When SE2000 was introduced ORRS verification was "deemed to equate to a "Section Nine" agreement" (Wylie 2000 p. 40). ORRS verification thus constituted a

proxy for the agreement between the parents and the Secretary of Education for the provision of special education services including special school enrolment. This situation continued without any apparent problems until 2004 when GSE informed special schools that there was to be a change in the enrolment process for students wishing to enrol in special schools. GSE's explanation for this action was that having reviewed the enrolment process they realised that it was in contravention of the legislative requirements, as set out in Section Nine of the Education Act 1989, that all children or young people who were enrolled in or wished to enrol in a special school must have permission by way of a Section Nine agreement. ORRS verification was no longer equated with a Section Nine agreement.

The new enrolment process required that there should be a Section Nine agreement as a condition of enrolment in a special school and, in a more unusual move, required that there must be a new Section Nine agreement if a child or young person moved from a satellite class in a school to a different class in the same school. A description of a Section Nine agreement as found on the Ministry of Education website in 2009 was as follows:

> A section 9 agreement is a formal agreement between the Ministry of Education and the parents/guardians of a child or young person that allows the child or young person to receive special education services or to enrol at a special school.
>
> A section 9 agreement is for a child to receive a special service or to attend a named school, and in some circumstances, a named satellite class of a special school.
>
> When the student leaves that particular school or class, ORRS resourcing continues wherever that student is enrolled, but the section 9 agreement specifying that school or class does not. A new application is required each time a student seeks enrolment at a special school or class other than that named on the section 9 agreement.   (Ministry of Education, 2009b)

After the imposition of this change, the enrolment process required that there be a meeting of the parents, the principal of the special school, and GSE staff at which the appropriateness of the enrolment would be discussed and determined. The enrolment could only proceed with the approval of the GSE staff acting on behalf of the Secretary of Education. However the agreement was not a permanent agreement for the duration of the child's school years and had to be reviewed at transition times and, as noted above, in the event of a student being transferred from a satellite class to another class within the same school.

The significance of these changes cannot be overstated. This process removed control of enrolment from the special schools and parents to Special Education, Ministry of Education. While the process occurs in consultation with parents and schools, the Ministry has the final say over whether the enrolment will proceed. Arguably this provides the Ministry with the ability to control the nature and number of students enrolling in special schools. However this process also clearly challenges the notion of parents' right to choose the appropriate school for their children. This right, except where a school has an approved enrolment scheme, was strongly asserted by the MOE: "You have the right to choose which school your child attends" (Ministry of Education, 2009a) could be found boldly stated on the Ministry of Education website until its recent revamp. However, the right of parents of a disabled child to freely choose a school for their child applied only if they were to choose a regular school setting. This same right was not available to parents of disabled children who sought special school enrolment (McMenamin, 2008).

Furthermore by requiring a new Section Nine agreement to alter a student's class placement within the school, the Ministry was actually exerting control over the day-to-day management of the school. This represents a significant interference on the part of the Ministry of Education in the day-to-day running of the school, the more so because in New Zealand schools are considered to be self-governing and self-managing. In addition the nature of the process represents an insult to the professional judgement and professionalism of principals in special schools who are deprived of the right to make decisions concerning the appropriateness of enrolment of students into their schools and the appropriate placement of students in classes within their schools. The implication that a representative of the Ministry of Education is better placed to determine the appropriate placement of a student within a school than the principal and teachers at the school flies in the face of the Ministry's (1998) own stated view that decisions about a child or young person's education are best made by those closest to and most involved with the child or young person. A further slight to the special school sector occurred when the web-based national student enrolment register that was implemented in all New Zealand schools in 2007. While regular schools enter their own new enrolments onto this database, special schools are not permitted to do so; the Ministry enters special school enrolments.

Meeting the Challenges

Faced with circumstances such as those outlined above, it would be hardly surprising that special schools began to feel somewhat beleaguered. There were two developments that suggest that they did. The first was the establishment of the South Island Regional Special Schools Association. The national Special Schools Principals' Association was well established and had a long history of advocating for Special

Schools. However with the increasing complexity of the issues faced by special schools, the principals in the South Island decided there was a need to have a body that represented the interests of South Island special schools. A significant factor in the development of this group was a sense that the schools needed to work together and present a united front; that as a group they were more likely to be heard and be able to influence any decision-making that might affect their schools (R. Farrelly, personal communication, May 22, 2008).

The second, and arguably more significant, development was the establishment of a national parents' association. In 2005 a group of Auckland special school Board of Trustees' members met to discuss issues they faced in common. As a result of this meeting they decided to establish a national association called the Special Schools Parents Association (SSPA) that would have parent representation from each school (P. Deverall, personal communication, May 25, 2008). This was the first time that parents of children enrolled at Special Schools had banded together in a national group. The establishment of this group marked a significant step; prior to this, the school principals were the only voice of the special schools. While special school principals could, and do, act as advocates they are of necessity more constrained in their dealings with educational authorities than parents might be.

The establishment of the association was the result of a number of concerns that the parents had with respect to the way GSE was operating and its negative attitude to the sector, which they felt represented a belief among some in GSE that special schools should not exist. (P. Deverall, personal communication, May, 25, 2008). Other concerns included the invisibility of special school provision and limited information on special schools available on the Ministry of Education website. As a

result of developing a national body, the Association gained the Ministry of Education's agreement to post a statement on the website which SSPA believed more fairly represented the range of special education provision available in New Zealand. In this statement the association argued that the right to enrol at the local regular school is an enabling policy and does not mean that a child has an obligation to enrol in the local regular school. They also asserted the legitimacy of all available options. The presence of this statement on the website made the association at that time more visible and provided a voice for parents in that domain.

The establishment of these two groups suggest that their communities felt the need to band together to meet perceived external challenges and to make their voices heard. It would seem more than coincidental that these two developments occurred soon after the implementation of the new enrolment processes. Through the implementation of what could fairly be described as a draconian procedure for enrolment in special schools, the MOE may have inadvertently prompted the increased solidarity among special school communities and thus added to the development of their identity and increased their visibility and influence (McMenamin, 2008). However that fact that the communities felt the need to band together in this way indicates that they felt under siege and marginalised in the context. That the parent group also felt it incumbent on them to lobby for some sort of visibility on the MOE website further supports this view. As I will argue in the next section, under SE2000 the special sector at large experienced and was subject to injustice. It is to that I now turn.

Justice for Some

Rizvi and Lingard (1996), as noted earlier, point out that the material reality of injustice is something that those who experience it are acutely aware. They refer in their discussion to realities such as hunger and poverty, however injustice is equally felt in terms of unequal treatment, lack of voice, stereotyping and marginalisation all of which, I argue, special school communities were more likely to experience or be vulnerable to under SE2000. The way the policy was framed and constituted in turn framed and constituted special school provision unfairly and created a context for the occurrence of injustice and unfairness. In this section, drawing on Young's (1990) notion of oppression and domination as the two social conditions that define injustice, I argue that SE 2000, a policy seemingly directed to achieving just and fair education for disabled children, was not in fact, fair and just to all those upon whom it impacted.

Oppression

Young(1990) argues that a conception of justice should see people as doers and actors who:

> seek to promote many values of social justice in addition to fairness in the distribution of goods: learning and using satisfying and expansive skills in socially recognised settings; participating, informing and running institutions, and receiving recognition for such participation; playing and communicating with others, and expressing our feelings, experience, feelings and perspectives on social life in contexts in which others can listen. (p. 37)

Social justice, she contends, concerns the degree to which a society contains and supports the institutional conditions necessary for the realisation of these values. My argument here is that under SE2000 the realisation of these values was compromised for those in special school communities. Special schools were constituted in such a way that they were compromised as "socially recognised settings", and the

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recognition received by those who were involved in these schools was similarly

compromised. At the same time the force of the orthodoxy of inclusion was such that

it is doubtful that the context was one in which others, particularly those in positions

of influence, were really able to listen with understanding to the feelings and

perspectives of those who made up the special school communities. Taking Young's

idea further, given the above, the argument here is that under SE2000, the special

school communities experienced the social condition that she describes as

"oppression". Young argues that oppression is one of two conditions that define

injustice. She sees oppression as structural and systemic rather than the "the exercise

of tyranny", as it is traditionally seen (p. 40). She defines it thus:

> oppression refers to the vast and deep injustices some groups suffer
> as a consequence of often unconscious assumptions and reactions of
> well-meaning people in ordinary interactions, media and cultural
> stereotypes, and structural features of bureaucratic hierarchies and
> market mechanisms- in short, the normal processes of everyday life.
> (p. 41)

Young sites oppression within the parameters of "the normal processes of everyday

life" and the "ordinary interactions" between people. Processes such as the

development and implementation of education policies would fall within this ambit.

She argues that it is not possible to give one "essential definition of oppression"

(p.43) and explicates a set of categories she calls the "five faces of oppression" (p.42):

Exploitation, marginalisation, powerlessness, cultural imperialism and violence. As I

will outline below, two of these, marginalisation and cultural imperialism, have

application to the experiences of New Zealand special school communities

(McMenamin, 2013) in a policy environment in which the prevailing orthodoxy was

inclusion.

Cultural Imperialism: The "Othering" of Special School Communities.

In an environment in which the policy stance and prevailing orthodoxy was inclusion the voices of those who deviated from that view were to some extent silenced or at least muffled. As noted earlier to "interrogate the notion of inclusion" is to "court the accusation that one is fundamentally opposed" to values such as justice, compassion, equality and human rights (Pirie & Head, 2007, p.21.), these are of course values which none would surely wish to deny.

In the inclusive policy environment of the 1990s, support for special school provision was construed in some quarters as opposition to inclusion. Those who articulated such support were in effect saying the unsayable and, were thus constituted as in some ways morally inferior in their thinking. Young (1990) argues that justice requires "participation in public discussion and processes of decision-making" and further that everyone should have the "right and opportunity to participate in the deliberation and decision-making of the institutions to which their actions contribute or which directly affect their actions" (1990, p. 91). But in an environment in which inclusion had assumed a kind of moral force, there would have been little opportunity for real public discussion and few chances for those who favoured alternative arrangements to be able to participate effectively in decision-making about educational policy and provision for disabled children and young people. A plausible description of what was in play in New Zealand at this time, and in subsequent years, is that it was a form of what Young calls "cultural imperialism" (Young, 1990, p. 58). As she explains it:

> To experience cultural imperialism means to experience how the dominant meanings of a society render the particular perspective of one's own group invisible at the same time as they stereotype one's group and mark it out as Other. (p. 58)

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In such a way, under SE2000, the perspectives of those who were involved with or supported special school provision, were made to some extent invisible while, at the same time, the nature of special school provision was certainly stereotyped within the wider education context and seen as "Other".

Young argues that "cultural imperialism involves the universalization of a dominant group's experience and culture, and its establishment as the norm" and describes how "often without noticing they do so, the dominant groups project their own experience as representative of humanity as such" (p.59). This resonates with Cigman's (2007b) description of "the project of universal inclusion" (p.776) and her analysis of the dispute between those who argue for the closure of all special schools and those who argue for the right to send their children to special schools as a dispute about universality. Following from these ideas, I argue that under SE2000 the notion of inclusion, as all children and young people gaining their education at the regular school, was universalised and established as the ideological norm with the effect that those who supported alternative provision by way of special schools found themselves, as Young puts it, "defined from the outside, positioned, placed, by a network of dominant meanings they experience as arising from elsewhere, from those with whom they do not identify and who do not identify with them" (Young, 1990, p. 59), marginalised in fact.

Marginalisation: Special Schools on the Outside.

> Thus while marginalisation definitely entails serious issues of distributive justice, it also involves the deprivation of cultural, practical and institutionalised conditions for exercising capacities in a context of recognition and interaction.   (Young, 1990, p. 55)

Young draws our attention to the way in which marginalisation has wider significance than can be captured solely in terms of issues of distributive justice. Marginalisation also concerns issues of justice that relate to recognition, valuing and acceptance. Under SE2000, special education policy was constituted as "inclusive education policy", with the attendant understandings that term brought and that have been discussed earlier. An effect of this was that special school communities were, to some extent, deprived of the "practical and institutionalised conditions for exercising capacities in a context of recognition and interaction". The context in which the special school communities found themselves was not one of "recognition and interaction", rather their position was increasingly compromised within the wider educational and social community to the point that their very presence came to be seen by some to represent the failure of inclusion and there were calls for their closure (Gordon & Morton, 2008; Higgins, MacArthur, & Morton, 2007; IHC, 2009; Kearney & Kane, 2006; MacArthur, 2009; Matthews, 2009; Wills, 2006). The preferred and supported policy position of inclusion that was implicit in SE 2000, and the lack of any stated vision for the future of special schools in the policy, thus created a situation in which special school provision was constituted and positioned as the lesser educational option, a kind of school of last resort.

Much of the force of the argument against special school provision rests on the notion that the purpose of special school provision is to segregate disabled children and young people. Cigman (2007a) argues that this view is based on a premise that special schools are inherently humiliating or demeaning and that while it may have been accurate in respect of "old-style segregated education", it is now outdated and is not applicable to special schools in the late twentieth and early twenty first centuries.

However special school provision was, by implication at least, framed in this way under SE2000 and thus cast as a morally questionable type of provision.

"Segregation" is a term that has essentially negative connotations. It implies an enforced setting apart of groups of people on the basis of a particular characteristic such as race or, more pertinent to this discussion, disability. Without doubt, historically, disabled people have been segregated from society and deprived of the right to live an ordinary life as others do and this is clearly an unconscionable state of affairs. However, with respect to special schools in New Zealand in the 1990s and today, there was and is no enforced setting apart of disabled children into these schools. Parents did and do make a choice to enrol their children in the special school simply on the basis that in their view it would be the best educational option for their child. There is no direction from any educational authority. Given this, it would seem an injustice to frame New Zealand special schools as "segregated" with all the connotations and opprobrium that term implies. However this "outdated" (Cigman, 2007a) view of special schools appears to have been espoused under SE2000 which promoted the idea, advanced by some, that it was no longer "appropriate to operate with separate classes, separate schools and separate administration systems" (Ryba, 1995, p. 53).

This position meant that the educational quality and moral worth of what the special schools offered to disabled children and young people were essentially devalued. As a consequence of this special school provision would have been more likely to be devalued and marginalised in the wider education and social context, as would the educational experiences of those children and young people attending these schools and the work of those teaching in the schools. This situation is unlikely to

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have provided special school communities with the "practical and institutionalised conditions for exercising capacities in a context of recognition and interaction" (Young, 1990, p. 55). In addition, the failure to acknowledge a valued role for special schools under SE2000 would seem doubly unjust given that, arguably, there was no guarantee at that time that regular school system could meet the needs of every disabled child and young person. The expectation of the policy was after all, that the world class inclusive education system would take a decade to achieve.

Under these circumstances a just state of affairs would be that in which not only were alternative options maintained but also that they were valued. If the alternatives available are devalued or marginalised, then a likely consequence is that those who receive their education in those settings may also be also devalued and marginalised. A perverse effect of SE2000 was thus that the state, by failing to articulate clear support for special school provision in SE2000, was responsible for the potential stigmatisation and marginalisation of the disabled children and young people who attended these schools; some of the very people for whom the policy was supposed to achieve social justice.

Domination: Bureaucracy as Boss.

Young (1990) defines domination as consisting in "institutional conditions which inhibit or prevent people from participating in determining their actions" (p. 76) and describes how the "expansion of bureaucratic administration over increasing areas of work and life brings with it new experiences of domination" (p. 78). The impact of this, she argues, is bureaucratic domination whereby "increasingly the activities of everyday work and life come under rationalized control, subjecting people to the discipline of authorities and experts in many areas of life" (p. 76). "People experience

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bureaucratic domination … as clients and consumers subject to rules they have had no part in making" (p. 78). In tandem with this Young discusses the notion of the ideology of expertism, which, she argues, is a phenomenon that makes challenging bureaucratic domination difficult.

> In the ideology of expertism, the knowledgeable and only the knowledgeable have a right to rule, because they are the masters of the objective and the value-neutral discipline applying to the area of social life in question and thus their decisions are necessary and correct. (p.80)

This analysis of domination with respect to bureaucracy and the ideology of expertism is pertinent to the experience of special school communities working in the policy environment created by SE2000, for in this policy we can see the confluence of these two factors. As explained earlier, there was a move internationally to include all disabled children and young people in local schools (Ministry of Education, 2005), it would appear that this position was uncritically adopted by the policy actors in the educational bureaucracies here. The particular bureaucracies special schools were subject to were the Ministry of Education (MOE) and Special Education Services (SES), which was subsumed into the MOE as Group Special Education (GSE) and is now known simply as Special Education in the Ministry of Education.

Croll and Moses (2000) who, as referred to previously, examined local policy making in England with respect to special schools through the 1980s and 1990s, draw some interesting conclusions that have relevance here. They argue that considerations of policy and practice in special education are strongly influenced by philosophical and ideological views and beliefs and that policy is "strongly influenced by the ideas, beliefs and convictions held by individuals in key positions" (p. 185). They further contend, that "inclusionists among education policy-makers appear to be convinced

that their own ideas are *right* and they seek to persuade others to seek their vision"
(p.186). Ball (1993) describes how "collections of related policies, exercise power
through a production of 'truth' and 'knowledge' as discourses" (p. 14), which are
"about what can be said and thought, but also about who can speak, when, where and
with what authority" (p. 14). Under SE2000, those in positions of influence and
authority were the people who worked within SES, GSE and the MOE more broadly.
These people assumed the role of the "knowledgeable" and it is they who in their
positions in the bureaucracy were the ones who had the authority to speak and
determine actions with respect to the policy and it was to their "discipline" that
special school communities were subject. The influence of the bureaucracies was
demonstrated in actions such as there being only limited information related to special
school provision on the MOE website and the apparent unwillingness (Wylie, 2000)
of those in SES, later GSE, to discuss special school provision as an option when
advising parents of disabled children and young people about educational choices.

Despite this, as explained earlier, under SE2000, special schools experienced
quite dramatic growth. This growth may have been seen as a significant threat to the
aims of the policy by those policy actors who were charged with driving it forward,
and who were also ideologically committed to it. Young (1990) talks of how
"government and private agencies subject clients and consumers to meshes of
microauthority" (p. 79), this description could be aptly applied to the bureaucracies'
response to the growth in special schools; a response which included increased
compliance requirements, and, most significantly, a change to the enrolment process
for entry to a special school. The significance of this change was that it had the effect
of providing the Ministry of Education with the means to control the numbers of

students enrolling in special schools. It also meant that those wishing to enrol their children in special schools became the only group of parents who had to get ministry permission to enrol in a particular state-funded school. This change resulted in a situation in which the state was, in effect, perpetrating a kind of discrimination whereby it determined the educational choices of a particular group of children and young people on the basis of their abilities. This is a situation that does not occur in the New Zealand education system for any other group. Furthermore, the right to decide on what was the best educational option was, for some disabled children, taken away from those closest to them and invested in a state bureaucracy, GSE. This must certainly constitute bureaucratic domination at its most assertive.

Special school communities, thus, found themselves "constrained by structural and bureaucratic imperatives", and "subject to rules they had no part in making" (Young, 1990, p. 78). Young argues that while the "formalism, universality and impersonality" (p. 78) of bureaucratic rules are supposed to protect them from being tainted with any particular values, "in their application the decision-maker's feelings, values and particular perceptions inevitably enter"(p. 78). Under SE2000, the values that inevitably entered the bureaucratic rules imposed on special school communities were informed by the dominant orthodoxy of inclusion; this resulted in those rules being demonstrably unjust and unfair to those in the special school communities.

The Power of Policy

Policy is more than text. Policy sets the context for practice and action; policy gives grounds for action and inaction; policy is evident in both what is said and what is

unsaid and the theories and philosophies that inform policy have a wider impact than the words and rhetoric alone might suggest.

> Policies embody claims to speak with authority, they legitimate and initiate practices in the world and they privilege certain visions and interests.   (Ball, 1990, p. 22)

In Chapter 3, I suggested following Artiles and Dyson's (2005) position, that to focus on whether inclusive education is "… 'right' or 'wrong', whether 'it works' or 'does not work', is… to miss the point" (p. 43). Rather what should be considered is whether the prevailing conception of inclusion leads to policy and practices that are just and fair for all disabled children and also their families. When universal inclusion is instantiated in policy there may be a perverse consequence whereby rather than resulting in a just state of affairs for all disabled children and their families the policy may lead to the opposite for some. What is important here is the power of the message once it is instantiated in policy and thus validated as the value supported by government. This gives the value greater power and impact for "when it is the government that sends the message, that changes the message, because government defines ones life-opportunities in a pervasive and fundamental way" (Nussbaum, 2011b, p. 20).

The critique presented in this and the previous chapter has demonstrated how in the New Zealand context, universal inclusion as the driver of policy and practice did not lead to just and fair circumstances for all disabled children and their families but rather resulted in a state of affairs in which some experienced and were more vulnerable to injustice. Admittedly this critique applies to a specific context and a particular set of circumstances so we cannot draw absolute parallels across all jurisdictions. Nevertheless this analysis does demonstrate how the privileging in

policy of a particular view can result in unjust circumstances for some on whom the policy impacts. The experiences of the special school sector in New Zealand demonstrate that the prevailing conception of just educational provision, defined as universal inclusion, does not necessarily lead to policy and practices that are just and fair for all disabled children and their families. In the next chapter I will argue that educational arrangements that include special school provision can contribute to a just state of affairs for disabled children and their families.

Chapter 7
A Just State of Affairs

This chapter returns to the matter of what might constitute just education provision for disabled children and more particularly the matter of special school provision as an aspect of that. In Chapter Three, I set out four elements that I argue are salient when considering the justness or otherwise of a particular state of affairs and that provide the lens through which the matters considered here are examined: The understanding that as justice and injustice have their material expression in the realities of people's lives then the justness or otherwise of any circumstance should be assessed and examined with reference to that lived reality; the notion of the inviolability of persons and the ideas of respect and dignity that inhere to that; the recognition of the plural nature of society and the notion of a heterogeneous public; and the understanding that justice requires democracy in terms of participation and voice. With reference to and in the light of these ideas, I argue in this chapter that special school provision within an education system can, and in the New Zealand context does, contribute to a more just state of affairs with respect to the education of disabled children than the situation of universal inclusion. I further argue that with respect to educational arrangements for disabled children, a state of affairs, policy or practice that is just will reflect the diverse views, perspectives and aspirations of those most affected, the children and their families; justice requires that their many voices are heard and respected.

The Fact of Special School Provision

Despite the pervasive and dominant nature of universal inclusion as a policy motif, both in New Zealand and elsewhere, the reality is that special school provision endures and prevails. What might be drawn from this? Why is this type of provision

so enduring and what does this mean as regards just educational provision for disabled children? Proponents of universal inclusion argue that this fact demonstrates the failure of inclusive policies or even that the presence of special schools is subverting universal inclusion and preventing its realisation. But this is a somewhat self-fulfilling argument - while we have special schools we can't have universal inclusion-universal inclusion represents justice - special schools thus represent injustice and moreover stand in the way of achieving justice. This way of thinking prevents any real consideration of why the schools endure or any real possibility of entertaining the notion that they might exist for the good. An alternative conception, particularly in the New Zealand context where enrolment in this type of provision is by choice not direction, is that the enduring nature of special school provision may reflect the fact that there is a genuine need and real support for what this type of provision offers. Despite the rejection of special schooling by proponents of universal inclusion, many view it positively. In New Zealand, as explained earlier, special school enrolments grew after the introduction of SE2000 and have remained relatively stable since. What is of key importance here is that the choice of special school is driven by the family not by an education authority of some sort; New Zealand families are, as it were, voting with their feet in selecting this option.

McLaughlin (2008) argues that "it is rash … to condone or condemn certain kinds of separate school solely on the grounds of philosophical principle" (p. 177), but this seems to be the case in relation to the project of universal inclusion and special schools. Much of the argument against special school provision for disabled children appears to be based on conviction rather than fact; the conviction that any separation is by definition morally wrong and the conviction that universal inclusion

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is right for each and every child. However conviction alone is an insufficient foundation upon which to predicate a policy. It is also an insufficient basis on which to claim that the situation of universal inclusion represents a more just state of affairs than a situation that includes special schools. McLaughlin asserts that in judgements about these matters "much depends on how the institutions actually operate, and what the effects actually are on the students and the broader community" (p. 177). The point McLauglin makes here aligns with the idea that the justness or otherwise of any state of affairs must be determined with reference to the material realities and facts as they play out in people's lives. As will be demonstrated below, in the New Zealand context at least, such a consideration lends weight to the argument in support of special schooling as an aspect of just educational provision.

The Enduring Nature of Special School Provision

There are a number of factors that contribute to the enduring nature of special school provision. Special schools have been reported to have a number of characteristics which are known to be attractive to parents of disabled children; characteristics such as small class sizes, low staff-student ratios, caring and supportive staff, individualised programmes, and safe and secure environments (Bagley, Woods, & Wood, 2001; Jenkinson, 1998; Lange & Lehr, 2000; Mitchell, 2010; MOE, 2005; MOE, 2010; Wooster & Parnell, 2006). Some parents have reported features such as these as being more important to them than the inclusion of their disabled child in the local regular school. Disabled children also see these as positive characteristics in relation to schooling in general and, more particularly, those disabled children who have attended special schools describe these characteristics as positive aspects of their

special school experience (Fieler, 2013; Hornby & Witte, 2008; MOE, 2005; Norwich, 2014; Prunty, Dupont, & McDaid, 2012).

With regard to the New Zealand context, the resilience of special school provision is, from a practical point of view at least, relatively easy to explain. Firstly, it would appear that the schools generally provide positive educational experiences and welcoming school environments. This is borne out in reviews and reports completed by the Ministry of Education and the Education Review Office (ERO). For example, in the document, *Local Service National Profiling Report* (MOE, 2005), it was reported that parents whose children attended special schools felt they worked well. Parents commented on the schools' strengths in relation to the knowledge of the teachers and specialists, the qualities of the teachers who were described as being passionate about and prepared to champion the children they taught, and the suitability of the learning programme (p. 73).

Similar support is evident in ERO reviews and reports. ERO conducts reviews of all schools in New Zealand approximately every three years and also writes national reports on matters of particular interest at any one time. A search of special school reviews on the ERO website reveals predominantly favourable school reports with frequent references to inclusive and respectful learning environments, high quality learning and teaching programmes, enthusiastic students, responsive teachers and good community and school relationships. Special school provision is similarly affirmed in the national ERO (2010) report that examined the quality of inclusion for students with high needs in regular schools. It is noted in this document that it is "important to point out that many students with high needs learn well in special schools and units that may be outside the mainstream" (ERO 2010, p. 3). This view,

the report says, is based on individual reviews of special schools. The quality of special school provision that is attested to in these reviews and reports is likely to be one factor that draws parents to these schools.

Secondly, it appears that there is considerable variation in the educational experiences that disabled children have in regular schools in New Zealand. National reports from ERO (2010) and the Human Rights Commission (2009) indicate that there are inadequacies in the quality and nature of the educational experiences provided for disabled children in some regular schools. In an evaluation of how well regular schools included children with high and very high needs, ERO (2010) found that only half of the schools reviewed "demonstrated mostly inclusive practice" (p.1), that thirty per cent had "pockets of inclusiveness" and that twenty per cent of schools had "few inclusive practices" (p. 1). These findings echo those of the earlier Human Rights Commission report, *Disabled Children's Rights to Education* (2009) which concluded that "there are significant outstanding issues for disabled students in all four components of the right to education, namely limitations on the availability, accessibility, acceptability and adaptability of education services" (p. 5). The report also noted four prevalent themes in the complaints relating to disabled children's education: problems gaining enrolment; stand-downs, exclusion and expulsion from school because of disability or behaviour caused by the disability; funding issues; and issues in relation to children being able to participate fully in school activities such as camps and sports events. These reports indicate that there are significant issues in relation to the provision for disabled children in some New Zealand regular schools. Such issues are likely to be factors that influence parents to favour a special school placement for their child. Elkins, van Kraayenoord, and Jobling (2003) claim that a

"successful system of inclusion requires that the community believe in the competence of the education system to meet the needs of all students" (p. 143); it is unlikely that the New Zealand community can as yet have that belief.

The persistence of special school provision in the face of the dominance of inclusive education policies speaks to the fact that universal inclusion may not be sufficient to the needs of all disabled children. There is considerable variation in the educational experiences of disabled children in regular schools and inadequacies in what some regular schools provide for these children. According to the reports of some parents, disabled children who attend regular schools may be taught by inexperienced and unsympathetic teachers and may experience bullying, social isolation, and social and academic exclusion in that context (Kearney & Kane, 2006; Lange & Lehr, 2000; MacArthur, 2009; Shaddock, 2009). In circumstances such as these it is hardly surprising that special school provision retains its place in the education systems of many jurisdictions.

The Best Educational Environment

But while the quality of provision available in regular schools may, in some cases, be inadequate, the resilience and persistence of special school provision is the result of more than solely this. The fact that some parents opt for special school is not simply because the inadequacies of regular schools leave parents faced with the situation in which they have no real choice at all. Although this may be the case for some, for others the decision to opt for special school enrolment is an active, informed choice based on considerations about what they believe will best suit their child or children and their family. In 1996, prior to the implementation of SE2000, Pickering and Wilton, made the point that for parents "the schooling of their children is neither an

academic nor an ideological question, but an intensely personal experience which they have lived, and continue to live" (Pickering & Wilton, 1996, p. 26). This statement resonates with Corbett's (1997) point that "there are many reasons why parents may select segregated special provision" (p. 58) and that ultimately parents end up "deciding on what seemed best for the individual child in the circumstances" (p. 59). Both these comments still have pertinence today and signal another possible reason why special school provision remains so resilient despite the fact that inclusive education policies have been widely accepted and adopted.

Parsons, Lewis, and Elkins (2009, p. 54) note that, "there is a substantial disparity between the world of legislation and policy-speak compared with everyday experiences of families with disabled children". When parents make choices about their children's education they are driven by personal factors, including what they perceive to be their child's needs, their own anxieties and concerns about that child and their own intuitions about what will be best for their child (Gibb, Tunbridge, Chua, & Frederickson, 2007; Palmer, Fuller, Arora, & Nelson, 2001). As one of the participants in Gasson's (2008) study explained "we've always been open to advice but … we can sometimes just feel with our own gut feeling and we basically go back to that after we've looked at various things" (p. 116). But this is no easy matter; parents may be dealing with issues that are not always understood by others. Gasson reported the view of another parent whose child could sometimes be violent, that those giving advice did not always appreciate the concerns of the parents or understand the needs of the child or young person: "They don't know or comprehend. … my worst fear with Bart would be that he would seriously hurt someone" (p. 115).

Cigman (2007b, p. 782) argues that, "special schools are seen by many parents not as inherently demeaning environments, but as liberating and in the best sense *educational* environments for their children". The following comment in relation to a child's educational experience in a special school supports this view:

> With our son, his aggression stopped almost overnight, he was happy and for the first-time he wanted to go to school. In addition, we actually saw some concrete changes in terms of improvements in his expressive and receptive language, problem solving skills, self-help skills, numeracy and literacy. He was actually able to attend school for a full day (previously [he'd] only coped for an hour at a mainstream school). He felt comfortable being with other children with ASD (he was always very anxious with most neuro-typical children). (Ministry of Education, 2010, p. 37)

Parsons et al. (2009, p. 54) suggest that, "an acknowledgement of real difficulties by parents is likely to be linked to their strong desire for children's individual needs to be adequately recognised, understood and supported". For example, Moore (2007), who is the mother of two autistic sons, argues that the characteristics of autism mean that the regular school setting is "totally inappropriate"(p. 35) for her own children. She suggests it may also be for many other autistic children and young people; a claim that is supported in other studies (Knill & Humphreys, 1996; Parsons & Lewis, 2010). For some families, such as those who participated in Gasson's study, special schools provide a setting in which both the family and the children can experience a sense of belonging and can be "among people who shared common experiences":

> For us parents there was the acceptance that we were no longer different. We no longer had to apologise. People just accepted them. They were James and B and they were disabled people. They had a right to special education and we didn't have to apologise. (p. 120)

Complexities and Dilemmas

Wilson (2015) talks of the "moral complexity of school choice" and describes how school choice is a process that "forces parents to decide between competing aims,

values and goods" (p. 187). For many parents of disabled children the process of selecting a school or setting involves the negotiation of a range of dilemmas and competing values (Norwich, 2013), it is much more complex than a clear and simple choice between different preferences. Parents who choose a special school placement may, contrarily, also support inclusion, albeit with a caveat. Croll and Moses (2000, p. 5) noted this paradox in the views of their participants: "a substantial proportion of the responses to the issue of inclusion or integration could be summarized as 'I am absolutely committed to inclusion in principle but'…". Similarly, other studies (de Boer, Pijl, & Minnaert, 2010; Elkins et al., 2003; Gasson, 2008) have reported that while a majority of parents recognized the benefits of inclusion for children with special needs generally, this view changed when it came to the schooling of their own child.

Clearly, as Norwich (2013) argues, parents and their disabled children "value choice about their educational provision, including some separate setting options" (p.125). However, this is not to deny the difficulty and tensions between the "plural values"(Norwich, 2013) that a parent or parents can hold, and their attempt to reconcile these. According to Norwich, this tension, often represented in the view " I support inclusion but …", leads to dilemmas when values such as the desire to ensure the best education for one's child and the acceptance of values inherent to inclusion are put in opposition to one another. This situation is made even more difficult by the overwhelming drive towards inclusion in policy.

Nussbaum (2011b) argues that when a government endorses a particular brand of religion it fosters inequality, because "this endorsement is at the same time, inevitably a disendorsement, creating an in-group and an out-group" (p. 43). Arguably,

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the privileging of universal inclusion similarly acts as a "disendorsement" of special schooling. So in choosing special school provision in a world where universal inclusion is the endorsed position, parents are potentially placing themselves and their children in the "out-group". This must inevitably create further tension and dilemmas in their deliberations about what to do. The fact that parents are prepared to countenance this risk lends support to the argument that this type of provision meets a real need and provides an important choice.

Nonetheless the circumstances in which these families find themselves are far from perfect or even reasonable given the policy imperative for universal inclusion. Nussbaum (2011b) claims that when the government takes the position "that a different view… is the correct view and that yours is wrong …" this, in effect, leads to some being "publicly ranked beneath others" (p.35). As discussed in the previous chapter, in a policy context that promotes inclusion as the ideal suchcan be the experience of those who value and support special school provision. This is hardly a just state of affairs and must be a cause for concern in a democratic society for, as Anderson (2010) observes, "deprivation of equal standing is always a concern of justice"(p. 93).

The Experiences of Education

Inclusion is predicated on "the assumption that the regular school provides an education worth being included in" (Slee, 1996, p.110). While for many, and possibly most disabled, children this may be a fair assumption, there are also some for whom it will not. Walzer (1983) observes that, "education distributes to individuals not only their futures but their presents as well" (p. 198); "justice" he points out "has to do not only with the effects but also with the experience of education" (p. 198). What Walzer

is pointing out here is the importance and impact of the actual daily realities and experience of schooling for the children and young people participating in it. The importance to parents of their disabled children's daily experiences of education is affirmed by Gasson (2008), who reported that for the parents in her study "the process of education was as important as the product" (p.121), as was the child's happiness; "the first priority was we wanted him to be happy. He had to be happy and he had to be stimulated" (p. 121).

The argument that special school provision is an injustice to disabled children, fails to attend to the lived realities of the disabled children who attend these schools and who experience a valued and valuable education therein. It similarly fails to attend to the reality that, as of yet, we cannot guarantee that local regular schools can provide an appropriate and satisfactory educational experience for all disabled children. But judgements about the justice and fairness of educational arrangements and provision must take into account the material reality of those on whom any such arrangement impacts. Consideration of realities such as those described above lends support to the view that the availability of special school provision represents a more just state of affairs than a circumstance in which there is no alternative option other than the regular local school. If the provision of special schooling enhances the daily reality of education for some disabled children and provides educational experiences better suited to their needs then the availability of this option contributes to a just state of affairs. However availability alone is not enough. This option must also be supported in policy as a valued and valuable option and acknowledged as one aspect of just and fair educational provision otherwise, as has been discussed in Chapters

Five and Six, these school communities and those that support them will be vulnerable to marginalisation and discrimination.

Recognition of Diverse Views and Values

Nussbaum (2002, p. 198) observes that the matter "of justice for the disabled is a complex and multifaceted issue". This observation is clearly pertinent to the sphere of education and certainly applicable to the question of what constitutes just educational provision for disabled children. In the light of this observation, Nussbaum adjures us to think about the wide variety of desires, aspirations and needs of these children and their families when considering the issue of just educational provision. Special school provision, I argue, demonstrates one aspect of a society's endeavour to give equal and fair consideration to the variety of desires, aspirations and needs of disabled children and their families. However for some who promote universal inclusion, the need to give fair and equal consideration to a variety of perspectives and needs appears to carry little weight and the choice of a special school placement is constructed as almost a form of deviance:

> the continuation of such schools has often been as a result of parental choice. While one sympathizes with the difficulties particular parents may face over such decisions, from the perspective adopted in this paper such practices cannot be used as a ground for supporting this system of provision.
> (Barton, 1997, p. 235)

From this point of view, the views and desires of those supporting universal inclusion are ascribed greater moral probity than the views and desires of those who wish to access special school provision so that it is claimed that:

> Even a superbly well organised special school offering the highest quality curriculum and educational input to its children has no right to exist if that same education can be provided in a mainstream school.   (Dessent, 1987, p. 97 as cited in Barton, 1997, p. 235)

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But, it is difficult to reconcile a denial of the option of special school provision to some disabled children and their families with the requirements of justice. Such a denial represents a lack of respect both for the moral dignity of these people and for their right to choice in aspects of life that affect theirs and their children's flourishing. Consider the following extract from a longer quotation cited in Chapter Five:

> parents may decide that it is best to accommodate their children in segregated schools…. In this case, it is questionable whether the option selected by the parents is in the interests of the child.
> (Ryba, 1995, p. 223)

Comments such as this, not untypical among those committed to universal inclusion, demonstrate the circumstances where:

> if people don't think that their neighbors view of life is objectively true, they will always want to interfere with them and bring them around to their own view and they won't support policies that extend to people a wide range of opportunities for choice.
> (Nussbaum, 2011b, p. 12)

This description, which Nussbaum ascribes to Berlin, reflects an attitude that both falls short of anything that could be called respectful and also fails to demonstrate an "appreciation that people can reflect reasonably on what they value for themselves" (Robeyns & Brighouse, 2010, p. 30). The impact of this type of attitude is illustrated in the accounts of some parents in Gasson's (2008) study who described how they "experienced controversy about school selection" (p. 115). These parents explained that despite their knowledge and understanding of their child, they felt pressured to choose the option of regular schooling which accorded with the professionals' views of what would be best for their child rather than their own.

In circumstances such as these it is clear that the variety of views and values held by parents are not accorded equal respect; this is scarcely a just state of affairs. Nussbaum (2006) contends that respect for the different values held by citizens is a

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requirement of living in a democracy, choice she argues, "is good in part because of reasonable pluralism: other fellow citizens make different choices, and respecting them includes respecting the space within which those choices are made" (p. 184). Nussbaum is not here advocating choice as it is understood in the context of a neoliberal vision whereby choice represents the fulfilment of the role of the individual as rational chooser within the constraints of the competitive market place. The conception that Nussbaum is arguing for here, is an understanding of choice as an aspect of human flourishing. Sen (2009) explains this as related to the freedom to "choose between different kinds of lives" and argues that, "being able to reason and choose is a significant part of human life" (p. 18). Walzer (as cited in Blackler, 1999, p.198) similarly notes the significance of choice as an aspect of autonomy and points out that "ultimately, what makes it possible for me to choose is the fact that other people *have chosen*". In a democratic society the freedom to choose between different conceptions of human flourishing represents "an aspect of respect for human dignity" (Nussbaum, 2006, p. 186). The presence of special schooling insofar as it enables choice of educational provision demonstrates a society's respect for the human dignity of those who desire that option and respect for their ability to "reflect reasonably" on the interests of their children.

Nussbaum (2006) further suggests that respect for human dignity requires recognition that each person is an "end, and cannot be sacrificed to a larger social good" (p. 177). Denial of the right to choose a special school placement on the grounds that such a choice may compromise the aims of inclusion would seem to come dangerously close to treating some disabled children and their families as "mere means to the ends" (Nussbaum, p.70) of inclusion. The comment of one parent in

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Gasson's (2008) study in relation to her secondary-aged son attending a local high

school, points poignantly to the fact that the danger of their child being the means to

an end may not be lost on parents:

> What could he do and what could he gain from it? –Absolutely
> nothing. It would be good for the rest of the school in terms of
> exposing others to disabilities and teaching them some tolerance
> perhaps. But wouldn't it be nicer for him just to go out in his
> wheelchair and feel the leaves? (p. 124)

The comment of another parent in the same study, that "we don't want to be

the token family to suit other people's agendas", (Gasson, 2008, p. 124) lends

further support to this.

The provision of special schooling represents not only an acknowledgement of

the difference in "capacities and aspirations of students and parents" (Rizvi & Lingard,

1996, p. 22) such as the desire for an adolescent child to have the option while at

school to "go out in his wheelchair and feel the leaves", but also a recognition of the

inadequacy of "assumptions of uniformity" (Rizvi & Lingard, 1996, p. 22) to the task

of achieving just educational provision for all disabled children. There are many

children and young people who are complex in their educational needs but what might

constitute just education for each of these children is not necessarily the same thing;

the choices they and their families make will reflect that. So while Harry's parents

wanted their sons to go to a special school, other parents may want their children to

go to the local school. Harry's parents had particular dreams and aspirations for him

and his brother, other parents will have different dreams and aspirations, as will

disabled children and young people themselves. The point is that we aspire to live in a

pluralist society and in such a society these differences and the decisions that flow

democratically from them, should not be judged to have a greater or lesser moral

worth or a greater or lesser moral claim, and yet if the ideal of educational provision for disabled children is construed and articulated in policy as universal inclusion, then that is a possible, if not the probable outcome. In contrast to the notion of universal inclusion, the provision of special schooling represents one facet of justice in education for disabled children and a just response to "what Marx called, "rich human need", that is to say the need for an irreducible plurality of opportunities for life activities" (Nussbaum, 2006, p. 167).

The Obligations of Parents

Rawls (2005) argues that if the choices or liberty of citizens are to be denied, the justification for this must be based on reasons that those citizens can understand and also that "we might reasonably expect that they as free and equal might reasonably accept" (p. xlix). As regards the denial of the choice of special school provision, it is hard to see what reasons could be provided that all parents of disabled children "as free and equal might reasonably accept". What reasons for full inclusion can be advanced that all parents of disabled children will not only understand but also that they might reasonably accept? More would be needed than reasons such as ensuring the cause of inclusion or benefitting society in the future by making it ultimately more inclusive. It is unlikely that any parent would see some putative future social gain as a good enough reason to compromise what Walzer (1983) describes as the "educational presents" of his/her own child.

Moreover, as Kittay (2009), the mother of an adult daughter whom she describes as "severely intellectually disabled", points out, parents have particular

obligations to their children. Parents are required "to assure that the child's life is protected, that the child's development and growth are fostered, and, … that the child can find social acceptance" (p. 623). With regard to education, it may be only through the choice of special schooling that some parents are able to discharge these obligations. McLaren (2013), the father of a fifteen year old autistic son who has "highly complex and challenging behaviour" (p.28), "severe sensory processing difficulties" (p.32) and "obsessive compulsive behaviours"(p.27), points out the stark reality that inclusion in a regular classroom is not an experience that some parents may wish to subject their children to:

> It would be considered inhumane treatment if a child with physical disabilities was expected to negotiate their way up a flight of stairs. However, children presenting with major sensory processing difficulties are expected to negotiate their way through the noisy and over-stimulating environment of a regular classroom. It can also be argued that if this environment causes them considerable pain and distress, it is likewise an inhumane form of treatment.   (p. 33)

A More Nuanced Approach

Terzi (2010) argues that:

> there is a crucial but neglected philosophical core to the issue of fair educational provision for disabled children which centres on the fundamental question: what constitutes a just educational provision for students with disabilities?   (p. 3)

In the circumstances that prevail in the current policy environment where inclusive education is the dominant orthodoxy and pervasive motif in educational thinking with respect to disabled children, the question Terzi raises could be considered otiose for the answer is, of course, inclusion. But as Terzi points out the question of what constitutes just educational provision is fundamentally a philosophical and moral question, as such it is not one that necessarily admits of certainty (Codd, 1987). Yet, as I argue here, certainty of principle and certainty of purpose lie at the heart of the

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argument for universal inclusion. Norwich (2013), drawing on Berlin, describes this universal position as a "hedgehog stance". Berlin (as cited in Norwich, 2013) drew a distinction between those who:

> Relate everything to a central single vision… in which they think and feel about a single universal organising principle in terms of which alone all they are and say has significance – and on the other side, those who pursue many ends, often unrelated and even contradictory, connected if at all…The first kind of … personality belongs to the hedgehogs, the second to the foxes.
>
> (Norwich, 2013 p. 9-10)

Norwich suggests that inclusion, in what he describes as its " radical position" or what I have called universal inclusion, is a hedgehog position in that it proposes "one big value and idea that provides security and purpose" (p. 10) and insists on fitting "varied experiences and values into an unchanging, all-encompassing unitary vision" (p. 10). As Dyson (1999) points out, universal inclusion presents the answer as prior to the question, in so doing it frames the problem in a particular way and restricts consideration of alternative conceptions of what is owed to disabled children and their families. Given the context from which inclusion developed, a context in which disabled people's experiences were characterised by denial of rights and exclusion from social institutions and life, this position is understandable, the "struggle" for rights requires determination and a solidarity of purpose. Nonetheless, as Rizvi and Lingard (1996) argue, "relevant differences in relative power, capacities and aspirations of students or parents must be acknowledged without risk to the notion of social justice" (p. 22). Policies of inclusive education seem to preclude this acknowledgement. But in order to achieve a just state of affairs for all disabled children and their families with respect to education provision and to enact this in policy, it is necessary to take such factors into account. This requires a more nuanced approach than is represented by the hedgehog stance of universal inclusion. It requires

an approach that is amenable to considering a broader conceptualisation of what constitutes just educational provision, one that can entertain a range of possibilities including the option of special schooling.

In a society that recognises plural values it cannot be assumed that there is a shared understanding to call upon when attempting to reconcile conflicting views on solutions to problems and dilemmas (Young, 2000) such as are examined here. Drawing further on Berlin's metaphor as used by Norwich (2014), what is needed is a more fox-like approach and an "openness to difference " (Young, 2000, p. 41) that promotes a state of affairs in which plural values are recognised and can coexist as far as possible, even if somewhat imperfectly; a state of affairs that "takes as little for granted as possible and that does not assume the value of any particular way of life or the justice of any particular set of social and political arrangements" (Nussbaum, 2006, p. 178).

Respect for Plural Values

Rawls (2005) suggests that, "reasonable persons…desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all accept" (p. 50). Of course what is not stated but is implicit in Rawls' statement, is that before there can be cooperation and acceptance and in order for these to occur there must be "free expression of all needs and points of view" (Young, 2000, p.91); but more than that, this expression must be accorded respect and recognition. These ideas are fundamental to democratic societies, as "the natural outcome of the use of human reason within free political and social institutions is a multiplicity of values and ways of life " (Reich, 2007, p. 710). Nussbaum (2006) defines a "reasonable citizen" as

"one who respects other citizens as equals"(p. 33). A consequence of our respect for others, she argues is that "we want a society in which we can live together on terms of cooperation that are fair to all and that can be publicly seen to be fair to all (Nussbaum, 2011c, p. 2).

> Respect for persons requires respecting the many diverse ways they choose to organise their lives and the many beliefs they hold. That means that the political conception must limit itself to what citizens of many different sorts can share wholeheartedly. Otherwise, whatever appearances (and intentions) may be, it does not fully respect them.   (Nussbaum, 2011b, p. 3)

The "political conception" expressed in the idea of universal inclusion is not something that is shared "wholeheartedly", rather it presupposes a particular understanding of what constitutes just education for disabled children. Thus it does not demonstrate respect of the kind Nussbaum describes above for those who hold other views. Moreover, it does not acknowledge disagreement of any sort or that the idea is controversial in any way. As demonstrated in the New Zealand context discussed earlier, this position inevitably denies the voices of some.

Walzer (as cited in Crowder, 2014, p. 493) suggests that "justice requires that the society be faithful to the disagreements, providing the institutional channels for their expression, adjudicative mechanisms, and alternative distributions". At the core of what Walzer is asserting is that respect for persons and for justice requires that there should be some agreement or at least some attempt to reach agreement about policies and principles. Crowder (2014) similarly argues that in a pluralist society policies and principles should be tested on the basis of "the extent to which they command agreement" (p. 493), that is in terms of their faithfulness to democratic principles. This perspective reflects Dewey's insistence, as described by Noddings

(2012), that "outcomes must be acceptable, or at least better than any identifiable alternatives, for all involved" (p. 163).

It is difficult to see how the instantiation of universal inclusion in policy such as in SE2000, can meet the requirement to be "faithful to disagreements" when the absolute certainty of universal inclusion, essentially denies the possibility of disagreement or acknowledgement of alternative views. But at the same time, among those most affected by the policy, that is parents and disabled children themselves, there clearly are different views and alternative perspectives. To achieve a just state of affairs with respect to education provision for all disabled children, those perspectives and voices must also be heard and accorded respect and recognition. This requires policies and practices that acknowledge and value the diverse views and beliefs people hold and the diverse circumstances in which they live their lives. It also requires democratic and just decision-making processes that are truly and demonstrably fair.

What the Best and Wisest Parent Wants…

> What the best and wisest parent wants for his own child that must the community want for all its children. Any other ideal for our schools is narrow and unlovely; acted upon it destroys our democracy.   -John Dewey, School and Society, Chapter 1, 1907

In Chapter Three I referred to the perennial question that challenges philosophers and others with respect to determining a reasonable metric of justice; that is "what should we look at, when evaluating whether one state of affairs is more or less just than another?" (Robeyns & Brighouse, 2010, p. 1). Dewey's passage above gives us a hint as to what could serve as a touchstone when considering how to achieve a just state of affairs with regard to educational arrangements for disabled children. Admittedly, this

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paragraph is not unproblematic insofar as the idea of the "best and wisest" parent is certainly open to varying interpretation. Nonetheless I think that Dewey alerts us to something that may be of particular relevance and importance to the matter of just education provision and policy for disabled children.

In the majority of cases the best advocates for children like Harry, his brother and Kittay's daughter, Sesha, are likely to be those who know them well, those who can hear their voices: "To be heard, to be recognized, to have her needs and wants reckoned along with those of others, the mentally retarded individual requires an advocate—a role that has voice at its center" (Kittay, 2001, p. 560). As Kittay (2009) argues "a close attentive eye"(p. 219) and a "strong affective bond" (p. 220), such as that between parent and child, are necessary in order to "get a glimpse into the lives" of persons like her daughter or Harry and his brother. It is this closeness that enables advocacy through a "lens of understanding the impact of different conditions, disorders, disabilities or difficulties on children's individual experiences and capabilities" (Parsons et al., 2009, p. 54) and perhaps more importantly, as Kittay (2001) suggests, "by considering her in the fullness of her joys and capacities" (p. 560).

On the basis of this understanding and bond families will make choices for their child or children. Some will value the benefits and opportunities that inclusion brings to the child, others will value what special school provision offers. But what is of importance is that no one decision is likely going to be the right decision for all and neither is any one decision so morally superior that it should be privileged over the other. At the heart of this is the fact that disabled children are characterised by difference. The best and wisest parents will differ from each other in their choices but

they will all make their choices on the basis of intimate knowledge and understanding of their children. Kittay argues that care is fundamental to the issue of justice for those such as her daughter, however, as she points out, care concerns not only the cared for but also the carer. Noddings (2012), discussing the "ethics of care" explains that this way of thinking, "insists that ethical decisions must be made in caring interactions with those affected by the discussion" (p.233). These ideas point to the fact that in thinking about just educational provision for all disabled children it is important, as Kitty (2001) suggests, to not only "ask what is due" to these children "and why it is due to them" but also "what is due to those who care"(p. 22) for them.

Attending to the Many Voices

Justice, requires that all "persons should have the right and opportunity to participate in the deliberation and decision-making of the institutions to which their actions directly contribute or which directly affect their actions" (Young, 2000, p. 91). As regards education provision for disabled children, justice requires that "the needs, wishes and views of *all* disabled children and young people and their families" (Parsons et al., 2009, p. 56) are accorded respect and consideration in determining the characteristics of an education "system that is fair, equitable and appropriate for everyone"(Parsons, et al., 2009, p. 56). There are "many disabled voices not just one" (Cigman, 2007b, p. 792) and many parents' voices; respect for parents of disabled children who support special schooling as an option requires that "their capacity to reflect responsibly about the vital interests of their children must be taken seriously" (Cigman, 2007b, p. 781). In a democratic society, respect requires that the voices and perspectives of all are accorded equal deference so that all can "stand forth with their differences acknowledge and respected"(Young, 2001, p. 119).

A just state of affairs with respect to educational arrangements for all disabled children and their families, requires that there be more than a single, simple notion of just educational provision as is conceptualised in universal inclusion. What is needed is a more nuanced approach that genuinely attends to the diversity of persons and the plurality of values. Such an approach would ensure that the policy context was such that the choice to attend a special school is recognised as one morally valid and valued option among other morally valid and valued options.

In some situations, as Anderson (2010) explains, "differences must sometimes be recognised as differences"(p. 93). What may constitute a just state of affairs for any individual will be shaped by that difference and so policy needs to be expansive enough to accommodate and perhaps celebrate that difference. With respect to the education of disabled children, a just state of affairs will be that in which provision and policy acknowledges and recognises the "blooming and buzzing diversity of human experience" (Blackler, 1999, p. 186) that characterises the lives of those children and their families. The provision of special schooling as a valued alternative is entirely consistent with such a goal.

Chapter 8
Conclusions

We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
                              -T.S. Eliot, Little Gidding

This thesis has explored matters to do with special school provision, inclusion and just education provision for disabled children and young people. The thesis has traversed these matters from both a practical perspective with reference to the New Zealand context and a philosophical perspective with reference to questions of justice and injustice as they pertain to special school provision, education policy, inclusion and the education of disabled children.

Griffiths (2003) refers to what she calls "little stories" about particular situations and circumstances, and explains how they can provide the contexts for understanding and insight when theorising about social justice. The little story recounted here is that of the turn to inclusion in New Zealand education policy and the experience of the special school sector in the wake of that. This story provides the context for examining the more complex philosophical questions that have been explored here; the conclusions that follow have their basis in the understanding and insights gleaned from this story. The first two are particularly centred in the New Zealand context but may also have wider application in contexts roughly similar to New Zealand; the others have a broader philosophical application.

The first conclusion that arises from this study is that the pursuit of universal inclusion does not always lead to policies and practices that are fair and just for all on whom they impact. This can be seen with reference to the New Zealand special school

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sector and the special schools and their communities who experienced disadvantage, uncertainty and marginalisation in the wake of the turn to inclusion and the introduction and implementation of SE2000. This uncertainty and disadvantage can be attributed to the ambivalence of their position under a policy whose goal was to achieve a world-class inclusive education system, and also to the equivocal attitude towards them on the part of the Ministry of Education and Group Special Education. In a policy environment in which just education for disabled children was equated to inclusion in the regular local school and only this, special schools and their communities were vulnerable to marginalisation, oppression and domination. In addition the voices of those who differed from the dominant orthodoxy were, if not totally silenced, certainly muted.

The second conclusion is that rather than representing injustice with respect to education for disabled children, special school provision can, and in the New Zealand context does, contribute to a more just state of affairs for some children and their families. Where the choice to attend a special school is made freely by the family, the availability of special school provision enhances the opportunities for flourishing of some disabled children and their families. The availability of this option allows for choice, demonstrates respect for the different views and values that families and children hold in regard to education, and represents an acknowledgement of the daily realities of the lives and needs of the children and their families.

The third conclusion is that the notion that inclusion, and only inclusion, represents just education for disabled children coupled with the positioning of special school provision as an injustice and something that should be dispensed with is not an accurate representation of justice in education for all disabled children. But, and

perhaps more importantly, neither are these particularly useful perspectives with respect to understanding what educational arrangements might constitute a just state of affairs for disabled children. Rather, these perspectives in putting regular school and special school provision in opposition to each other, create an arbitrary distinction between them that makes it less possible to acknowledge that both have merit and both can contribute to a more just state of affairs for disabled children. What is set up in this situation is an either-or position that creates division among people who essentially aspire to the same thing, to create a just state of affairs with regard to educational arrangements for disabled children. Moreover, in that division there is also the implication that one position, inclusion, is morally superior to the other. The effect of this is that those who support special schooling may be excluded from participation in any consideration of the broader and more complex matter of how an education system that is just for disabled children might be configured. The paradox is that in its certainty the promotion of inclusion thus leads to exclusion.

The fourth conclusion is that, with respect to location, a just state of affairs for all disabled children and their families will be that in which educational arrangements are such that they: Result in the mitigation of injustice for those children and their families in terms of their daily lived experiences in relation to schooling; reflect and so respect the many voices and views as to the nature of these arrangements; reflect and attend to the multiplicity of needs and aspirations of these children and their families and provide what is necessary to support and foster these.

The final conclusion that emerges here is that what is needed is a more nuanced understanding of the nature of just educational arrangements; an approach that acknowledges the value of different types of provision but also recognises that

what might suit one child and family might not suit another. This is much more likely to be productive of a just state of affairs for disabled children. Sen (2009) speaks of justice being not about achieving perfectly just social arrangements, even if there was agreement about what these might be, but about mitigating manifest injustice. In relation to the matter of just education provision for disabled children, inclusion presents a theory of a perfectly just arrangement and is wedded to the achievement of that. But there is a difficulty here; this idea of a perfectly just arrangement is undermined by the fact it is not one that has universal agreement. Some families, scholars, teachers, and activists support it; others do not. With respect to those most concerned, the children and their families, their views about this are varied and diverse. A single conception of what is a perfectly just arrangement will, as has been demonstrated earlier, inevitably result in an unjust situation for some and thus can only ever be an imperfectly just arrangement.

Limits and Possibilities

The scope of this study is bounded within particular limitations and constraints. Firstly, the argument made in this work is circumscribed by the characteristics of the context in which it is grounded including the nature and characteristics of the disabled children and young people of concern. The analysis and ideas proposed here assume two specific conditions that obtain in New Zealand but may not in other jurisdictions. These conditions, that the right of all disabled children to be educated in the local regular school is enshrined in law, and that enrolment in a special school is a freely elected choice of the family/whanau and does not occur as a result of a direction by any state education body or agency, are fundamental and prior to the argument made in this work. Similarly the concerns of this thesis centre only on children and young

people with the characteristics and qualities described in Chapter One and no claims are made with respect to other children and young people.

Secondly, the critique and analysis here has been concerned with inclusion only as it relates to the matter of location and the way it positions special school provision as antithetical to just education for disabled children. But, as noted in Chapter One, inclusion is a broad and wide-ranging concept that can refer among other things to a radical programme of education reform and to pedagogical practices and philosophies focused on improving and educational experiences in schools and other educational settings for all children and young people. Nothing in the argument presented here is intended as a criticism of the efforts and work being done in relation to these aspects of inclusion.

A number of possibilities for further research are indicated in the light of this study. The special school sector in New Zealand is, as noted in Chapter One, an under researched area but it is an area that warrants both theoretical and empirical research. This thesis has examined matters from a theoretical perspective and demonstrates how philosophical thinking and thinking philosophically can illuminate the nuances and complexities of educational issues, and give insights that could be used to support policy development and thinking more widely. There is a growing international body of work (Cigman, 2007a, 2007b; Kittay, 2005, 2009; Norwich 2013, 2014; Nussbaum, 2006, 2009) that draws on philosophical understanding and perspectives to explore matters to do with the disability, justice, education and education policy such as those examined here. There is potential for further development in this area in the New Zealand educational research context. Such work and critique could contribute to greater philosophical clarity and understanding with respect to matters such as those

examined here. At the same time, such work would, at a more practical level, provide insights that could inform the work and deliberations of those charged with the difficult process of policy development and implementation, and thus support the development of considered and ethically sound policies and practices.

Undoubtedly matters of justice and injustice lie at the heart of the broad and complex matter of what educational arrangements might best represent a just state of affairs for disabled children. But at the pragmatic level of policy development and implementation these matters may play out as dilemmas and contradictions that call for compromise and resolution. The dilemmas and contradictions of policymaking were beyond the scope of this study, however the work here does point to the need for research that explores these more pragmatic matters with regard to policymaking and the education of disabled children. Ball (1993) points out that policy "is both contested and changing, always in a state of 'becoming', of 'was' and 'never was' and 'not quite' " (p.11) thus any given policy resolution can never be seen to be the ultimate and final policy resolution. In order then to best understand the impact, effects and contradictions of policy it is important to continue to explore, examine and scrutinise education policies from a range of perspectives, and also to examine the ever changing demands of the circumstances with which such policies are concerned.

There is an absence of any recent empirical research that examines special school provision in New Zealand and so a need for research that will provide greater understanding of the sector and how it operates, and the nature and quality of the experiences of children in these schools. As noted earlier the debates in New Zealand with respect to inclusion are somewhat one-sided, until there is more research into special school provision this is unlikely to change. Finally, but most importantly, this

thesis demonstrates that there is a need for more work that examines the experiences and views of the children and families who have been involved with special schools and also those who work in the schools including principals, teachers and others. These voices have been relatively silent in the debates and discussions about these matters; it is time their stories were heard.

Final Thoughts

This thesis has been an exploration of a matter that puzzled me. T.S. Eliot's words are germane here, for I find that at the end of all my exploring I must return to where I started, that is to Harry and his brother. Children and young people such as Harry and his brother, and their families are at the heart of the matters discussed here. All these children and their families are entitled to expect just educational arrangements, that is, that they should have access to education provision that affords them respect and dignity and enables them to flourish. Certainly for some disabled children this will be achieved in a regular school setting, but this is not the case for all. For Harry and Jack and their family, it was the special school setting that provided them with an education which afforded them dignity and respect, and enabled them all to flourish.

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