



Analysis of the Execution of Special Education Policies in China

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Abstract. The Action Plan for the Development and Improvement of Special Education during the 14th Five-Year Plan Period underscores China's commitment to improving the quality of special education. However, the execution of education policies for people with disabilities continues to face significant hurdles. Through an analysis of the current policy framework and based on insights from interviews, this study delves into three critical challenges: the insufficient legal effect of pertinent policies, the discrepancy in policy execution across regions, and the gap between policy stipulations and actual needs. Furthermore, it proposes feasible recommendations for advancing special education quality: bolstering the legal effect of policies, ensuring robust local-level policy execution, and refining existing policies to better align with actual needs.

Keywords: special education, policy execution, education guarantee

1 Introduction

On December 31, 2022, the General Office of the State Council forwarded the Action Plan for the Development and Improvement of Special Education during the 14th Five-Year Plan Period^[1], which was jointly put forward by the Ministry of Education, the National Development and Reform Commission, the Ministry of Civil Affairs, the Ministry of Finance, the Ministry of Human Resources and Social Security, the National Health Commission, and the China Disabled Persons' Federation. The plan aims to initially establish a high-quality special education system by 2025, greatly expand its accessibility, comprehensively enhance educational quality, and further improve safeguard mechanisms. The introduction of this Plan highlights the current importance of improving special education. However, China's special education still faces a variety of issues and challenges, such as the insufficient legal effect of pertinent policies, discrepancies in policy execution across regions, and the gap between policy stipulations and actual needs. These issues and challenges have led to outcomes that fall short of expectations, including a shortage of special education schools, a lack of qualified special education teachers, unbalanced regional development, and uneven progress across different educational stages, among others.

Some scholars^[2] have highlighted key shortcomings in educational legislation, such as the low legislative level of existing educational laws, the failure of current laws and regulations to adequately address the needs of special education, and the unfeasibility of certain provisions. Others^[3] have pointed out that the execution and monitoring of policies in China fall short of expectations, and that the underlying issues were often obscured by broad, aggregated development statistics. Additionally, the formulation of policies and the establishment of facilities lack supporting supervision mechanisms.

This paper first examines the current issues in policy execution by analyzing existing policies and data. Drawing on this analysis, interviews were conducted with students who are receiving special education to explore how these policy issues affect students with disabilities. Finally, this paper concludes by offering practical recommendations for building a high-quality special education system in the future.

2 Literature Review

Policy execution has long been an important issue in the development of special education in China. Effective policy execution can ensure that specific measures such as resource allocation, teacher recruitment, and facility establishment are properly carried out, thus improving the conditions for running special education schools, raising education quality, reducing disparities between urban and rural areas as well as across regions, and fostering equity and sustainable development of special education. Against this backdrop, this paper examines the issues regarding policy execution as discussed in existing literature, with a focus on areas such as legal effect, policy setting, and the rigor of local execution, while also considering potential solutions.

Meng Wanjin et al.^[2] have identified several weaknesses in China's current special education policies. First, the primary legislation governing special education, the Regulations on Education for Individuals with Disabilities, operates at a relatively low legislative level, which limits its legal effect. As a result, the right to education of children with disabilities is not as robustly protected as those of their non-disabled peers. Second, the principles and systems established in existing special education laws and regulations fall short of addressing the unique needs of special education, leaving the right of children with disabilities to receive appropriate education inadequately safeguarded. Third, some provisions in current special education laws lack feasibility, and the absence of a clear legal accountability mechanism has led to insufficient enforcement of these laws and regulations.

Han Jing^[3] noted that many scholars had identified common issues in legal texts through comparative textual analysis. For example, China lacks laws tailored to special education, and relies primarily on rules and regulations promulgated at the ministerial level. This results in a relatively low legislative level, which diminishes their binding power. Moreover, many policy provisions and legal texts are overly declarative, making them difficult to enforce in practice.

By examining the challenges in China's special education from multiple perspectives, academic researchers have stressed the importance of integrating theory with practice and have proposed multi-dimensional countermeasures and recommendations

to tackle these issues. For instance, Han Xinghua explored the issue of equal access to education from the perspective of the legislation of special education and its improvement. Targeted approaches for legislation improvement were suggested as follows: “First, we need to enact specialized laws for special education; second, we need to establish an educational relief system for individuals with disabilities; and third, we need to fully leverage and refine existing special education laws and regulations.”

By reviewing the texts of policies on special education released since 2020, Zhang Yuexin et al.^[4] analyzed and summarized the experiences in special education from the perspectives of policy direction, objectives, measures, and characteristics. Their discussion focused on three key issues: the lack of policies tailored to special education, the underutilization of scientific research in shaping special education policies, and the need to improve responsiveness and proactive efforts in local policy execution.

Regarding policy setting, they found that seldom existed policies were formulated specifically for special education. For example, the Online Learning Plan for Special Education Schools in Qinghai Province During School Suspensions reflects a relative lack of deployment at the provincial government and education administrative levels concerning education-related policies. Regarding scientific research, they pointed out that turning policy goals into tangible outcomes requires robust scientific research as a foundation. However, current policies continue to depend heavily on internal consultation within expert committees and decision-making processes dominated by technocrats. As for policy execution, they highlighted those local levels often showed limited responsiveness to central policies, neglecting to tailor central guidelines to fit local realities.

The Blue Paper on Special Education: Report on the Development of Special Education in China (2024)^[5] offers an overview of the current landscape of special education in China and delves into the specific conditions across various aspects. The report highlights that challenges persist in this new stage of special education development. At the policy level, the report calls for stronger implementation efforts, the establishment of a robust evaluation mechanism, and the regular monitoring and assessment of implementation effects. At the level of teachers, the report suggests offering ongoing professional development, career advancement opportunities, and competitive compensation to attract and retain talent. At the service level, the report emphasizes the need to build a comprehensive, multi-tiered support system by integrating resources from the government, schools, families, and society. At the school level, the report underscores the importance of deepening curriculum reform and ensuring the rationality of curriculum design. Furthermore, the report recommends increasing investment in the construction of information-based infrastructure.

As argued by Liu Jiale^[6], China’s existing legal provisions demonstrate its commitment to protecting the right to education of children with disabilities. As the state and society continue to advance, the allocation of sports education resources for children with disabilities is developing towards higher quality and greater rationality. However, the regulations for protecting the access of children with disabilities to sports education resources remain overly broad, lacking clear standards and legal accountability. This situation creates significant challenges in operation, implementation and supervision, ultimately hindering the rational distribution and effective use of resources in sports

education for children with disabilities. In addition, there are also significant regional disparities. Regions as China's economic hubs can provide more support for students with disabilities by embracing new technologies. For instance, Shenzhen's Barrier-Free Incubation Space hosts multiple R&D teams that have launched initiatives like "Face Control," which uses facial recognition technology to enable children with physical disabilities to communicate and interact online without using their hands to operate a mouse. The level of attention and policy support for children with disabilities varies significantly from region to region, leading to considerable disparities in access to special education resources for these children across different areas.

3 Policy Analysis

3.1 Current Situation

The Regulations on Education for Individuals with Disabilities^[7] outline the rights and guaranteed conditions for students with disabilities across compulsory, vocational, and pre-school education: School-age children with disabilities shall attend regular schools or special schools to receive compulsory education after being registered in people's governments at the county level; people's governments at or above the county level shall establish special vocational education institutions as needed, and shall support regular kindergartens to enroll children with disabilities and special education schools, as well as welfare agencies and rehabilitation establishments for children with disabilities to provide preschool education; people's governments at or above the county level shall strengthen their leadership over the education for individuals with disabilities, make overall arrangements, rationally allocate resources, ensure financial input for the education for individuals with disabilities, and improve the conditions for school running. The Regulations were amended twice, first on January 8, 2011, and again on January 11, 2017. Ding Xiangshun^[8], a professor at the Renmin University of China Law School, argued that these amendments represent another step by China in actively fulfilling its obligations under the UN's Convention on the Rights of Persons with Disabilities and in protecting the right to education of individuals with disabilities. This step signifies a significant advancement in China's legal framework for individuals with disabilities, bringing it more in line with international norms and marking a significant milestone in the history of education for individuals with disabilities in China. Wang Daquan^[9], Deputy Director-General of the Department of Policies and Regulations at the Ministry of Education, adds that these amendments are not only a landmark in the development course of education for individuals with disabilities, but also play a crucial role in the improvement of the entire education legal system and in the transformation of educational development concepts and ideas.

Chapter III in the Law of the People's Republic of China on the Protection of Persons with Disabilities^[10] also stipulates that the State guarantees the right of persons with disabilities to equally receive education; people's governments at various levels shall give financial aid to students with disabilities receiving compulsory education and an education other than compulsory education; regular primary schools and junior high

schools must admit children or adolescents with disabilities who are able to adapt themselves to life and study there; regular senior high schools, secondary vocational schools, and institutions of higher learning must admit students with disabilities who meet the admission requirements laid down by the State; different special education institutions shall provide corresponding education for individuals with disabilities of all ages.

3.2 Challenges

During the interview conducted on January 23, 2024, interviewee A, a current student of a special education school in Jinan, shared her observations on the differences in special education resources between her hometown of Shigatse, Xizang, and Jinan, Shandong. After finishing her junior high school education at a special education school in Shigatse, she came to Jinan independently to pursue her studies at a senior high school for special education. This experience has provided her with valuable insights into the special education systems in both regions. She pointed out that special education schools are not widely available in Xizang. In Shigatse, for example, there are no senior high schools for special education, forcing students to travel to other cities like Lhasa to continue their studies. As a blind student, she noted that Shigatse schools have few Braille teachers, offering little support for academic challenges outside of class. In contrast, teachers in Jinan have more time to provide guidance for students. Shigatse schools also lack age-specific classes, often mixing students of different ages, while Jinan schools have clear grade divisions from kindergarten to high school, even with high school students further separated into college preparatory and vocational tracks. Vocational training in Xizang is also less specialized than those in other regions of China. For instance, blind students in Jinan can study traditional Chinese medical health preservation or massage, so they can take exams for professional licenses, making it easier for them to find jobs. However, the quality of such vocational training in Xizang is comparatively weaker.

Thus, it can be concluded that despite policies aimed at enhancing school conditions, significant deficiencies remain in areas such as school infrastructure, teacher availability, and teaching quality, leaving the needs of students with disabilities unmet. The primary reasons for this situation are as follows:

(1) Insufficient legal effect

The Regulations on Education for Individuals with Disabilities is an administrative regulation issued by the State Council, holding a lower legal status than laws passed by the National People's Congress (NPC) and its Standing Committee. In China's legal system, administrative regulations carry less efficacy. On the other hand, the Education Law of the People's Republic of China stands as the cornerstone of educational legislation, possessing the highest legal effect. It occupies a central position in the education legal system, providing the groundwork for other education-related laws and regulations. Consequently, the rights and supporting conditions for regular students are backed by more authoritative legal safeguards than those for students with disabilities. This disparity is also mentioned in Meng Wanjin's "Analysis of the Causes of Educational Inequality for Children with Disabilities—A Discussion on Educational Equity for Children with Disabilities"², which points out the lack of a core Special Education

Law in China's current legal system for special education. At least 140 laws specifically addressing disability issues have been enacted in 52 countries, according to UNESCO's data from 1994. To ensure the right to education of children with disabilities, the United States, the United Kingdom, South Korea, and Taiwan, China, have all promulgated their dedicated Special Education Law. However, China's primary special education legislation, the Regulations on Education for Individuals with Disabilities, operates at a lower legislative level compared to the Compulsory Education Law, which mainly focuses on general education. This discrepancy leads to weaker legal effect and inadequate protection for the right to education of children with disabilities, compared to regular children.

(2) Discrepancy in policy execution across regions

Although a variety of supporting measures outlined in the Regulations on Education for Individuals with Disabilities have been implemented by the people's government at the county level, disparities still exist according to the Comprehensive Development Index for Special Education and Balanced Development Index for Special Education in China, as calculated in the Blue Paper on Special Education (2024). Specifically, the Comprehensive Development Index for Special Education ranges between 29 and 58, indicating substantial regional disparities in development. The Balanced Development Index for Special Education improved from 23.942 in 2011 to 37.065 in 2020, showing some progress in reducing imbalances. Nonetheless, the issue of uneven development remains pronounced. The execution of special education policies also varies significantly across regions. In some economically underdeveloped areas, a lack of resources hinders effective policy execution, resulting in persistent challenges such as insufficient teaching staff and inadequate facilities.

(3) The gap between policy stipulations and actual needs

Although China has established the Regulations on Education for Individuals with Disabilities to safeguard the right to education of individuals with disabilities, certain needs remain not met in practice. For example, as set out in Article 40 of the Regulations, people's governments at or above the county level shall place emphasis on educating and training teachers specializing in education for individuals with disabilities, and adopt measures to gradually raise their status and benefits, improve their working environment and conditions, and encourage them to engage in education for individuals with disabilities for life^[11]. However, according to the 2023 National Education Development Report^[12] released by the Ministry of Education's Department of Development Planning, there are just 77,000 full-time special education teachers across China, resulting in a student-to-teacher ratio of 11.85:1. This shortage hampers teachers' capacity to offer personalized tutoring for students, leading some schools to cut classes or merge grades. Article 28 stipulates that local people's governments at or above the county level shall, on the basis of needs, rationally establish special vocational education institutions, improve the conditions for school running, and expand the enrollment of students with disabilities in secondary vocational schools. However, the reality is that the quality of vocational education cannot be fully guaranteed. In some regions, outdated vocational education systems make it difficult for graduates to pass relevant qualification exams and obtain professional licenses.

4 Conclusions

Based on the analysis above, the following recommendations are proposed to improve special education policies in the future, focusing on three key areas: legal effect, rigor of local execution, and policy setting.

We need to strengthen the legal effect of special education policies to offer robust legal support for future work. While China's current policies have outlined specific requirements for enrolling individuals with disabilities at various stages, more attention must be given to addressing disparities in the accessibility and quality of special education across regions. We need to adopt a regional balanced development strategy to ensure equitable access to facilities, funding, teaching staff, and other resources across all regions. Greater efforts should be made to bolster the development of special education in economically underdeveloped areas. We also need to strengthen provincial governments' supervision on local enforcement of special education policies. To tackle challenges such as teacher shortages and employment barriers for individuals with disabilities, existing policies should be refined to provide comprehensive support for students with disabilities from preschool education through to employment. Some scholars have also highlighted that systematic planning is required to clarify the roles, coordination and collaboration of specific departments, such as civil affairs, finance, labor and social security, personnel and the Disabled Persons' Federation. They also advocate for a cohesive transition plan and policies to support students with disabilities through key aspects, including enrollment, examinations, teaching, rehabilitation, employment, and labor welfare.

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