2 Governing and designing education systems to promote equity and inclusion

This chapter examines the governance and design of equity and inclusion in education systems. Specifically, it explores how educational goals, curricula, regulatory frameworks, responsibilities and administration, diversity of the educational offering, learning environments, as well as school choice and student selection policies respond to diversity in education and influence on equity and inclusion objectives. The chapter ends by highlighting policy pointers for addressing diversity in education and improving equity and inclusion of diverse groups in the governance and design of education systems.

Introduction

This chapter examines how the governance and design of education systems can impact on equity and inclusion in a context of increasing diversity. More specifically, it explores how educational goals and curricular as well as regulatory frameworks can affect equity and inclusion. Education systems differ in whether and how they pursue goals and in how they formulate targets for promoting equity and inclusion. They are expressed both at a generic level (e.g., overall educational goals) and in more specific ways (e.g., curricula). Policies to promote equity and inclusion in education are developed within regulatory frameworks, both inside and outside the education system. Regulatory frameworks include legislation, government regulations and other legal instruments or agreements at the system level. Countries' regulatory frameworks are underpinned, and should be informed, by the commitments they have made in international treaties, declarations and other legal instruments, which in many instances give rise to binding legal obligations domestically.

The chapter also explores how governance features, such as the allocation of responsibilities for and the administration of education, can impact on equity and inclusion in education. Policies on equity and inclusion are often managed by a number of ministerial bodies, and governmental agencies and stakeholders also have responsibilities at various stages of the policy cycle.

Furthermore, the chapter examines certain design features, such as the diversity of the educational offering, learning environments, as well as school choice and student selection policies that can facilitate or impede the achievement of equity and inclusion objectives. The design and diversity of education offerings are important for effectively responding to the diverse needs of students. Three particularly important ways through which the educational provision can impact on equity and inclusion goals are: the diversity of educational offerings (e.g., range of study pathways), the specialisation of learning environments (e.g., specialised classrooms for students with special education needs and the design of school choice policies).

This chapter is organised in six sections. After this introduction, the second section explores education goals and curricula. The third section examines regulatory frameworks while the fourth section discusses responsibilities for and the administration of equity and inclusion. Education provisions are the topic of the fifth section. The final section provides pointers for policy development.

Education goals and curricula for equity and inclusion

Education systems differ in whether and how they pursue goals and in how they formulate targets for promoting equity and inclusion. These goals are expressed both at a generic level (e.g., overall educational goals) and in more specific ways (e.g., curricula) (OECD, 2013[1]).

Educational goals for equity and inclusion

Clear and widely supported educational goals provide a solid reference point based on which policies can be formed. In many cases, educational goals are formulated as standing objectives of an education system. These can be embedded in international treaties and national legislation (discussed in the following section) as well as policy documents and strategies. Educational goals are generally established with the aim of achieving the alignment of processes and school agents' contributions (OECD, 2013[1]). The overall goals for education systems typically include the personal development of individuals, the acquisition of skills and competencies (e.g., learning over the life course, critical thinking), equality of educational opportunities, and certain values and attitudes identified as priorities by government, such as civic participation and respect for fundamental rights, democracy, diversity, and the environment (Cerna et al., 2021[2]).

Equitable or inclusive education can also be viewed as a goal of an education system in itself. Indeed, several education systems formulated equity or inclusion as goals. In Iceland, for instance, one of the pillars of the Education Policy 2030, the country's ten-year education strategy document, focuses on equal opportunities for all by responding to diversity, student welfare, bridging the urban-rural divide and strengthening early childhood education and care and vocational education and training (OECD, 2021[3]). In Japan, The Third Basic Plan for the Promotion of Education aims to build safety nets for learning so that everyone can be a leader in society through, for instance, reducing the educational cost burden at home in order to achieve equal opportunity in education (Ministry of Education, Culture, Sports, Science and Technology, 2018[4]). In New Zealand, several of the National Education Goals focus on equity (Ministry of Education, 2021[5]). These include attaining educational opportunity for all New Zealanders by identifying and removing barriers to achievement (National Education Goal 2) and increased participation and success of Māori by the advancement of Māori education initiatives (National Education Goal 9). In Portugal, the Government's programme promotes an education policy that focuses on equity and quality and states that schools are responsible for guaranteeing equality of opportunity in access to quality and inclusive education (OECD, 2022[6]).

As can be seen, goals are often framed in general terms to provide the overall vision for the system. The policy-making process that follows should ensure that actions are taken to fulfil the goals. Indeed, it is not uncommon for governments to devise statements about the ultimate goals of their education systems and subsequently establish priorities for education policy for the period in which they are in office (Cerna et al., 2021[2]). While goals generally set out the long-term vision for an education system, priorities can focus much more on individual actions that can fulfil the goals. A small number of clear and measurable priorities that set national expectations in the form of policies, curriculum, standards or accountability mechanisms can guide education systems towards higher performance levels (OECD, 2015[7]). In addition, it is becoming increasingly common for governments to establish education targets as well as indicators to assess progress towards these targets (Cerna et al., 2021[2]). Monitoring and evaluation frameworks are important in ensuring that measures taken in pursuit of educational goals are having the desired impacts.

Several systems set indicators and targets specific to different dimensions of diversity, which are further elaborated in Chapter 6. In Ireland, for instance, the Statement of Strategy 2019-2021 by the Department of Education and Skills set out five strategic goals. In terms of equity and inclusion, the strategic goal 2 aims to "advance the progress of learners at risk of educational disadvantage and learners with special educational needs in order to support them to achieve their potential" (Department of Education, 2020[8]). This overarching goal was translated into annual action plans with more specific actions, sub-actions, indicators and targets (Department of Education, 2021[9]), with progress reports summarising the extent to which the actions and sub-actions were achieved or not (Department of Education, 2022[10]).

In Lithuania, the Agreement on National Education Policy (2021-2030) aims to ensure, among other goals, "that education outcomes depend as little as possible on individual negative social, economic or cultural predicament" (Ministry of Education, Science and Sport, 2022[11]). The Agreement then sets out several priorities with shorter time horizons in pursuit of this goal. These include the establishment of a single quality standard for general education for all children by 2024, and a pilot and eventual full-scale roll-out of inclusive education measures for students with special education needs (SEN) in at least five municipalities and their schools by the end of 2023 (Ministry of Education, Science and Sport, 2022[11]). Finally, the Agreement sets out several indicators and targets to monitor the progress. In the United States, to advance racial equity and support for underserved communities, the equity action plan aims to support America's education system through the COVID-19 pandemic, support learners with disabilities and advancing equity in contracting and procurement, among other goals (U.S. Department of Education, n.d.[12]).

In 2022, equity and/or inclusion were identified as priorities in most education systems.[1] The Strength through Diversity Policy Survey 2022 revealed that all responding education systems identified equity and/or inclusion as priorities, albeit with variation as to how they defined the two concepts (see Chapter 1).

In 16 jurisdictions, equity and inclusion were identified as priorities without a distinction between the two concepts. In 16 jurisdictions, equity and inclusion were priorities and the concepts were differentiated. Finally, in Lithuania, only inclusion was identified as a priority (equity was not defined as a concept).

Educational goals and priorities, along with indicators and targets, are also established at the international level. Goal 4 of the Sustainable Development Goals (SDGs), for instance, is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. This goal is then broken down into ten targets, such as ensuring free, equitable and quality primary and secondary education for all girls and boys by 2030. Finally, several indicators measure the progress (Box 2.1).

Box 2.1. Educational goals at global and European Union levels

Educational goals also exist at the global and regional levels. The following examples focus on the Sustainable Development Goals and European Union (EU) targets in relation to equity and inclusion in education.

Goals at the global level (SDGs)

Educational targets at the global level include those set out in the SDGs. In particular Goal 4 on Quality Education includes several targets relating to diversity, equity and education (United Nations, n.d.[13]). These goals focus particularly on gender, disability and cultural diversity.

- By 2030, ensure that **all girls and boys** complete free, **equitable** and quality primary and secondary education leading to relevant and Goal-4 effective learning outcomes.
- By 2030, ensure that **all girls and boys** have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.
- By 2030, ensure **equal access for all women and men** to affordable and quality technical, vocational and tertiary education, including university.
- By 2030, **eliminate gender disparities in education** and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, Indigenous peoples and children in vulnerable situations.
- By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, **gender equality**, promotion of a culture of peace and non-violence, global citizenship and appreciation of **cultural diversity** and of culture's contribution to sustainable development.
- Build and upgrade education facilities that are child, **disability and gender sensitive** and provide safe, nonviolent, **inclusive** and effective **learning environments** for all.

Goals at the European Union level

Educational goals and targets pertaining to equity and inclusion in education also exist at the regional level, for example in the EU. The EU has targets in education and training that focus on reducing gaps between groups, ensuring that all students can achieve at their best, and that they remain in education. Such targets, which are designed to foster equity and inclusion, include the following (European Commission, 2021[14]):

- The share of low-achieving 15-year-olds in reading, mathematics and science should be less than 15%, by 2030.
- The share of low-achieving eight-graders in computer and information literacy should be less than 15%, by 2030.

- At least 96% of children between three years old and the starting age for compulsory primary education should participate in early childhood education and care, by 2030.
- The share of early leavers from education and training should be less than 9%, by 2030.
- The share of 25-34-year-olds with tertiary educational attainment should be at least 45%, by 2030.
- The share of recent graduates from vocational education and training (VET) benefiting from exposure to work-based learning during their vocational education and training should be at least 60%, by 2025.
- At least 47% of adults aged 25-64 should have participated in learning during the last 12 months, by 2025.

Source: European Commission (2021[14]), Overview on EU-level targets in education and training, https://op.europa.eu/webpub/eac/education-and-training-monitor-2021/en/chapters/leaflet.html (accessed 8 July 2022); United Nations (n.d.[13]), https://www.un.org/sustainabledevelopment/education/ (accessed 8 July 2022).

According to Cerna et al. (2021[2]), educational priorities are generally reflected in policies and targets pertaining to:

- educational outcomes (e.g., completion rates, performance levels, quality of outcomes) and equity of outcomes (e.g., outcomes for particular student groups),
- education processes (e.g., implementation of a reform; accountability and transparency; school leadership; quality of teaching),
- education staff (e.g., raising the status of teaching, working conditions), and specific areas of priority (e.g., expansion of vocational education, strengthening of early childhood education).

Curriculum for equity and inclusion

Curriculum is the central means for enacting the principles of inclusion and equity within an education system (UNESCO, 2017[15]). Curriculum reflects what is meant to be taught (content) and learned (goals). It needs to be coherent with how it is to be taught (pedagogical methods) and learned (tasks), as well as with the materials to support learning (e.g., textbooks, computers) and the methods to assess learning (e.g., examinations, projects) (UNESCO, 2020[16]).

Curriculum matters for equity and inclusion in education. Research on the learning outcomes of disadvantaged groups finds that curriculum can be effectively designed to respond to the unique needs of diverse learners (Darling-Hammond et al., 2019[17]). Hence countries are increasingly designing curricula that enable equity in education, adopting a whole-child and person-development approach through learning and assessment practices that support all learners to thrive. While some countries focus on equality, i.e., offering equal opportunities to all learners (e.g., minimum curriculum standards or a core curriculum), others take an equity-focused approach, providing differential support for learners based on their individual needs (e.g., remedial learning for learners with difficulties). Some others embrace diversity and embed inclusion as the principle of curriculum design and implementation (e.g., recognising the cultural identity of individual learners) (OECD, 2021[18]; OECD, 2022[19]).

An equity-centred approach to curriculum development

While equality in curriculum development means offering the same opportunities to all, this does not mean that everyone will benefit from the same curriculum to the same extent since there are other factors that may influence students' learning experiences and outcomes, such as socio-economic background and gender, among others (OECD, 2021[18]).

In contrast, an equity-centred approach can be defined as one that provides all students with opportunities to develop the knowledge and skills that allow them to participate in further education and society, without lowering expectations due to their personal and social backgrounds (Voogt, Nieveen and Thijs, 2018[20]; Cerna et al., 2021[2]; OECD, 2021[18]). The starting point in an equity approach to curriculum development is acknowledging that certain individual and contextual differences among learners, such as their socio-economic status, are related with disparities in student performance (OECD, 2013[21]), and recognising how different students may encounter unfair limitations or barriers in education as a result of their background or personal characteristics (OECD, 2021[18]). Personal and social characteristics and circumstances, such as gender, socio-economic status or ethnic origin, should not be, or result in, obstacles to students' success (ibid.). An equitable curriculum provides all students with a school experience that enables them to have the opportunity to succeed in life, regardless of their personal and social backgrounds (Muller and Young, 2019[22]). An equity approach to curriculum development therefore means recognising that adaptations may be required to ensure that diverse learners are offered the necessary opportunities to learn[2] so that all students have the ability to acquire the knowledge and skills to participate in society (OECD, 2020[23]; OECD, 2021[18]). These may include, for instance, extra-curricular remedial learning for those falling behind, to ensure that such students are able to develop the targeted knowledge and skills, mother-tongue tuition for immigrant students, or specific support to ensure the engagement of gifted students (see Chapter 5). An equity-centred approach to curriculum can also mean implementing specific measures to ensure changes in circumstances or contextual events do not have the effect of compounding existing patterns of disadvantage. For example, in response to the COVID-19 pandemic, several education systems implemented targeted measures to reach out to learners who may have faced particular barriers in remote learning (OECD, 2020[24]). Box 2.2 describes some curriculum adaptations to promote equity.

Box 2.2. Curriculum adaptations to promote equity

A recent international curriculum analysis by the OECD Future of Education and Skills project revealed the types of curriculum adaptations countries/jurisdictions have in place to achieve greater equity. Most countries/jurisdictions (92% of those surveyed) reported providing for curriculum adaptations to support students with SEN (OECD, 2021[18]). In Australia, for example, education providers have the ability to adjust and tailor the curriculum to ensure it is appropriate and accessible for students with disabilities, among other measures to enable students' full participation (Australian Government, 2022[25]).

With respect to cultural and linguistic diversity, 77% of participating countries/jurisdictions reported that they provide special curriculum provision for language learners, non-native speakers and/or immigrants. Furthermore, 56% reported that curriculum provision considers the specific needs of Indigenous or minority students. Some countries/jurisdictions design a needs-based language curriculum specifically for immigrant students, to give them access to instruction in their mother language or to training in the language of instruction of the host country (OECD, 2021[18]). In Finland, for example, students from multilingual families (foreign background) are offered optional lessons in their family's language, with the city of Helsinki offering optional lessons in 40 different languages in 2015 (ibid.).

Curriculum adaptations are also implemented to address individual differences in students' educational experiences or abilities. Well over one-third of countries/jurisdictions include provisions for gifted or talented students (46%) (OECD, 2021[18]). Some countries/jurisdictions reported addressing socio-economic disadvantage (27%) and/or geographic disadvantage (19%) through the curriculum (ibid.). In addition, 38% of participating countries/jurisdictions in the OECD address early school leavers or potential dropouts.

Table 2.1. Groups receiving special provisions within the curriculum, by country/jurisdiction

	Special education needs	Language learners/non-native speakers/ immigrants	Indigenous or minority	Gifted/talented	Socio-economically disadvantaged	Early school leavers or potential dropouts	Geographically disadvantaged
Australia	x	x	x	x			
British Columbia (Canada)	x	x	x				
Chile	x	x	x	x		x	
Costa Rica	x						
Czech Republic	x				x		
Denmark	x	x					
Estonia	x	x				x	
Finland	x	x	x		x		
Hungary	x			x		x	
Ireland	x	x		x	x		
Japan	x	x	x	x	x	x	x
Korea	x	x	x	x			x
Mexico	x	x	x	x		x	
Netherlands	x	x	x	x			
New Zealand	x	x	x	x		x	x
Northern Ireland (UK)[1]							
Norway	x	x	x				
Ontario (Canada)	x	x	x	x	x		x
Poland	x	x					
Portugal	x	x	x	x	x	x	x
Quebec (Canada)	x	x	x			x	
Scotland (UK)	x						
Sweden	x	x	x				
Türkiye	x	x				x	
United States[1,2]	x	x	x	x	x	x	
Wales (UK)							

Note: Based on available data from 26 OECD countries/jurisdictions. Countries with missing or not applicable values in all categories of the table were not included in the analysis. They were included if data was available for at least one of the categories in the table and could be clearly coded as "yes" or "no".
1. Responses for these countries/jurisdictions were submitted by independent researchers, not government officials.
2. Provisions may vary from state to state.
Source: Data from Edu2030 PQC, item 0.6, OECD (2021[18]). Adapting Curriculum to Bridge Equity Gaps: Towards an Inclusive Curriculum, https://doi.org/10.1787/6b49e118-en.

Inclusion in curriculum development

Inclusion in curriculum development can be defined as offering all learners a high-quality curriculum that allows them to reach their full potential by taking into account and respecting their diverse characteristics, needs, abilities and expectations, and by removing structural and cultural barriers to participation, including biases, unstated school norms, values and beliefs and discrimination (OECD, 2021[18]). Unlike the equity-centred approach to curriculum development, an inclusive curriculum does not assume the same

standards for all learners, but respects and values their unique needs, talents, aspirations and expectations. It strives to ensure that all students are part of the shared learning experiences of the classroom (IBE, 2019[26]) and to create learning environments where broader societal and education goals of inclusion are celebrated (Power et al., 2018[27]; Apple, 2019[28]; Snyder, 1971[29]; OECD, 2021[18]). While the equity-centred approach may inadvertently lead to the stigmatisation of certain learners (e.g., students in remedial classes may be regarded as weak learners), an inclusive curriculum aims at instilling in learners a positive sense of self-esteem and self-worth as well as a sense of belonging in school and society (Cerna et al., 2021[2]). An inclusive curriculum thus explicitly supports not only the learning but also the well-being of all learners, while promoting broader societal goals of tolerance, respect and inclusion (OECD, 2021[18]).

Developing an inclusive curriculum may involve broadening the definition of learning used by teachers and education policy makers, beyond its narrow conception as the mere acquisition of knowledge presented by a teacher to one that actively involves students and enables them to take the lead in making sense of their experiences (UNESCO, 2017[15]). This broader conception of learning frames the role of teachers as guiding students and facilitating their engagement and learning, rather than instruction (ibid.).

To develop inclusive curricula, policy makers may draw on design principles, such as flexibility, student choice, engagement, teacher agency and student agency (OECD, 2021[18]). Guiding principles for the design and implementation of flexible curriculum goals can be found in the Universal Design for Learning, a research-based framework created specifically to support education professionals in the design of inclusive curricula and learning environments (ibid.). Discussed in more detail in Chapter 5, Universal Design for Learning aims to dismantle barriers to participation and learning for all learners by centring learner variability within curriculum development (Rose and Meyer, 2002[30]; Waitoller and King Thorius, 2016[31]).

An inclusive curriculum is one in which diverse students can see themselves – and their backgrounds, values, cultures and linguistic traditions - reflected. This can be key in shaping individuals' sense of self and belonging within society. Incorporating Indigenous languages, worldviews and cultures into the curriculum has, for instance, been identified as being crucial to promote the well-being of Indigenous students (OECD, 2017[32]). An OECD Review of Indigenous Education in Canada highlighted the need to give visibility to Indigenous cultures in schools and classroom as well as the value of adopting Indigenous cultural practices and including Indigenous histories and cultures in the curriculum. The review also stressed the importance of using curriculum resources developed by and reflecting Indigenous peoples and the benefit of providing learning opportunities in Indigenous languages (ibid.).

An inclusive curriculum also allows students to see themselves represented as successful in different subjects and career pathways (McKendree et al., 2002[33]). A curriculum that highlights the capabilities and successes of persons with diverse sexual orientations and gender identities or expressions can, for instance, help to develop positive attitudes and greater acceptance among students, as well as helping to promote LGBTQI+ students' sense of self (McBrien, Rutigliano and Sticca, 2022[34]).

Inclusive curricula also promote values such as tolerance and solidarity and a respect for and appreciation of diversity in society. This may be achieved through targeted programmes, such as citizenship education. Citizenship education is broadly understood to refer to "a subject area which aims to promote harmonious co-existence and foster the mutually beneficial development of individuals and the community in which they live. In democratic societies, citizenship education supports students in becoming active, informed and responsible citizens, who are willing and able to take responsibility for themselves and for their communities" (European Commission/EACEA/Eurydice, 2018[35]). It may also equip students to "learn to learn together" and acquire the skills to communicate with people from different cultures (Cerna et al., 2019[36]). In increasingly diverse societies, facing new challenges, such as those associated with the emergence of social media, promoting citizenship education may be increasingly important for fostering inclusion, cohesion and sustainability within and between our societies. Citizenship education has received increased attention by education researchers and policy makers in response to the perceived failures of

education systems to address the complexities of globalisation and contribute to advancing human rights, freedom, democracy and global justice (OECD, 2022[6]).

Portugal is one example of an education system that has made citizenship education a mandatory component of its curriculum, in line with its 2017 National Strategy for Citizenship Education. The "Citizenship and Development" subject includes a variety of topics (such as human rights, gender equality, interculturality and environmental education), with mandatory and optional courses at all levels of education (OECD, 2022[6]). The French Community of Belgium also made the subject "Education to philosophy and citizenship" a mandatory part of the curriculum for upper-secondary schools in the State school network in 2017 (Briga, 2018[37]).

In addition to dedicated subjects, values related to inclusion can be promoted as cross-curricular themes. In Austria, for example, the Teaching Principle on Reflexive Gender Education and Equality aims to increase gender-responsiveness and eliminate bias at all levels of education through encouraging the inclusion of a gender perspective in all subjects of the curriculum in an interdisciplinary (Austrian Federal Ministry of Education, Science and Research, 2022[38]). Intercultural competence is also included as a cross-curricular theme in some education systems - though, as discussed in Chapter 5, it is important to note that intercultural education has been recognised as a concept that needs to be embedded into the learning environment as a whole, rather than merely representing a simple "add-on" to the curriculum (UNESCO, 2006[39]). In Germany, for instance, there are policies in place in all Länder to promote aspects of intercultural learning as a transversal competence within the curriculum (Briga, 2018[37]). Similarly, in France, intercultural competence is a cross-cutting element of the different domains of the *Socle commun de connaissances, de compétences et de culture* (Common basis of knowledge, competences and culture) that sets out the knowledge and competences that need to be acquired by students during the period of compulsory education (ibid.).

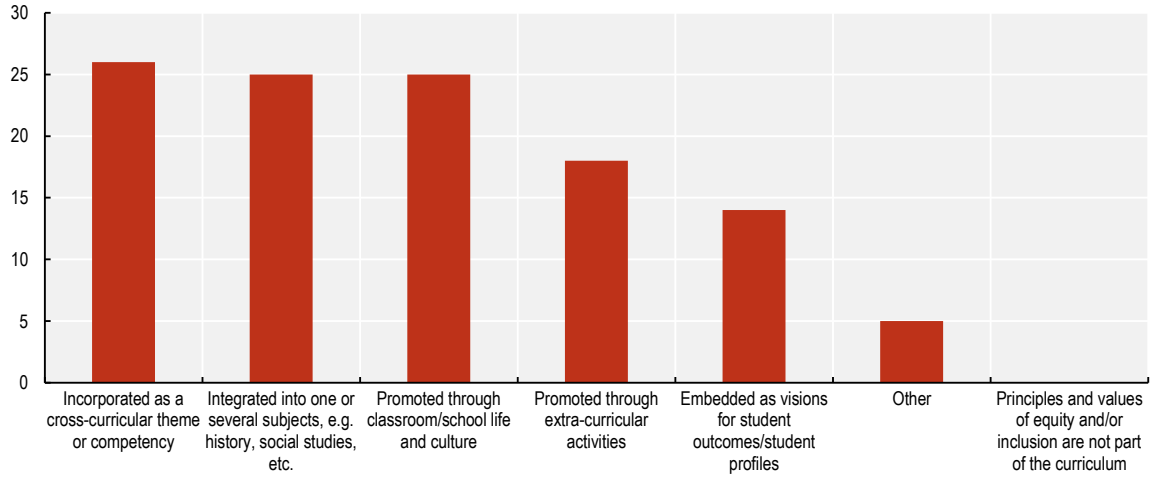
In Greece, mainstream schools can implement education programmes to strengthen knowledge and awareness of human rights, diversity, respect, dignity and inclusion to support the mainstreaming of students with SEN among students without SEN (European Agency for Special Needs and Inclusive Education, 2018[40]).

Principles of equity and inclusion in the curriculum

The Strength through Diversity Policy Survey (2022) showed that 26 education systems in the OECD both incorporate the principles and values of equity and/or inclusion as cross-curricular themes or competences and integrate them in one or more subjects (see Figure 2.1). Twenty-five education systems also promote these equity and inclusion principles through classroom, school life and culture, and 18 education systems promote these principles through extra-curricular activities. However, only 14 education systems (Australia, the Flemish Community of Belgium, Canada, Finland, Greece, Ireland, Italy, Lithuania, New Zealand, Portugal, Sweden, Northern Ireland (United Kingdom), Scotland (United Kingdom) and the United States) embed the principles of equity and inclusion as part of their vision for student outcomes and/or student profiles.

Figure 2.1. Curriculum strategies (2022)

Number of education systems that use the following curriculum strategies to encourage the principles and values of equity and/or inclusion (ISCED 2)



Note: This figure is based on answers to the question "Which curriculum strategies are used in your education jurisdiction to encourage the principles and values of equity and/or inclusion at ISCED 2 level?". Thirty-two education systems responded to this question. Response options were not mutually exclusive.
Options selected have been ranked in descending order of the number of education systems.
Source: OECD (2022[41]), Strength through Diversity Policy Survey 2022

StatLink https://stat.link/8isvxn

Even if not explicitly incorporated as part of the curriculum, principles and values related to equity and inclusion can also be implicitly built into the curriculum or be included elsewhere in education policy (OECD, 2021[18]).

Despite growing attention to issues of inclusion, however, many education systems are still lacking comprehensive curriculum policy frameworks that take into account the needs of students embodying one or more of the dimensions of diversity addressed in the Project. For example, in Europe, 23 out of 49 countries curricula do not explicitly include discussion of sexual orientation and gender identity (UNESCO, 2020[42]). In a report on inclusive education, the International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth and Student Organisation (IGLYO) (2018[43]) noted that, among the European countries surveyed, only 19 have discussion of LGBTQI+ issues embedded in or as a compulsory part of the curriculum. Among these are 14 OECD countries: Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany (certain Länder), Iceland, the Netherlands, Norway, the Slovak Republic, Spain (certain regions), Sweden and the United Kingdom (McBrien, Rutigliano and Sticca, 2022[44]).

Many countries also do not have curricula that inclusively address the needs of ethnic minority and Indigenous communities. In Europe, for example, curricula seldom make any reference to Roma culture and history (Rutigliano, 2020[45]). Furthermore, only 23 countries have ratified the 1989 ILO Indigenous and Tribal Peoples Convention, which "affirmed the relevance of curriculum, the importance of being taught in the mother-tongue and the need for 'history textbooks and other educational materials [to] provide a fair, accurate and informative portrayal of the societies and cultures of these peoples' (Article 31)" (Tanyu et al., 2020[46]).

Curricular autonomy and flexibility can help tailor the learning experience to the students' needs

Curriculum flexibility refers to the ability of schools and teachers to make local decisions about the curriculum (see more in Chapter 5). It allows schools and teachers a determined amount of freedom to make site-specific curricular choices on learning content and goals, pedagogy, assessment, and time and place of learning, and thus provides opportunities to tailor learning to the local context and/or students' learning needs (OECD, 2021[18]). The OECD discusses curriculum flexibility within the context of curriculum autonomy, which is where responsibility is delegated to local entities to make decisions about the curriculum, based on the context and profile of the student body (ibid.).

Research on curriculum autonomy and flexibility is limited, and the available evidence on the advantages and disadvantages of various forms of flexibility is mixed (OECD, 2021[18]). Curriculum flexibility and autonomy have been argued as beneficial in the sense that they create space for innovation (through broadening the scope of innovation possibilities beyond those permitted by a prescriptive curriculum) and allow schools to develop local solutions for local problems in ways that are responsive to students' particular needs (Sinnema, 2016[47]). However, offering flexibility in terms of curriculum content has been recognised as having the potential to inadvertently have negative impacts on students' performance and perpetuate or increase existing gaps between students (based on, for instance, their socio-economic background or geographical location), thus raising concerns from an equity perspective (OECD, 2021[18]; Sinnema, 2016[47]). This may occur, for instance, as a result of regional and local variations in how curriculum flexibility is used as well as variations in investments in teaching and capacity-building (OECD, 2021[18]; Sinnema, 2016[47]). In addition, while some have argued that curriculum flexibility can give teachers a stronger sense of professional identity and satisfaction, others have emphasised the increased expectations and workload implications arising from decision-making regarding the curriculum (Sinnema, 2016[47]).

While results from PISA 2015 show a positive association between school autonomy, particularly with regard to the curriculum, and students' science scores, no correlation between autonomy and student achievement was found after accounting for the socio-economic profile of the students. In fact, steering of the curriculum at the national level was found to result in more equitable science scores. However, this finding may be explained by the fact that, across OECD countries, socio-economically disadvantaged schools and rural schools are granted less autonomy than advantaged schools and urban schools (Voogt et al., 2018[48]).

Overall, what seems to matter is *how* curriculum flexibility is used. Where positive effects have been found, this has tended to be in combination with adaptive instruction and enriched activities that give students targeted opportunities to develop their potential (OECD, 2021[18]). Researchers have also noted that school-based decision-making regarding the curriculum also requires capacity-building for teachers as well as the development of a school environment that supports teachers as curriculum-makers (Voogt et al., 2018[48]).

To mitigate the risks associated with curriculum flexibility, some countries try to reserve flexible curriculum for specific groups of students, such as linguistic minorities and low-achieving students. Other countries encourage schools to be flexible and proactive to support students from disadvantaged backgrounds, for instance through the use of Individual Education Plans (IEPs). For example, in Scotland (United Kingdom), the Curriculum for Excellence provides an inclusive, flexible framework that can be used to meet local needs and offer a personalised approach for all learners, which allows them to progress at different rates and in different ways to reach their full potential (Strength through Diversity Policy Survey 2022). The Curriculum for Excellence seeks to allow professional autonomy and responsibility in both the planning and delivery of the curriculum, supported by a clear vision at the system level (OECD, 2021[49]). Portugal has also adopted different measures regarding curricular flexibility and autonomy, which are described in detail in Box 2.3.

Box 2.3. Curriculum in Portugal

The Ministry of Education of Portugal has developed a framework for the design and implementation of a 21st century curriculum. This framework comprises three central guiding documents, which have changed the national curriculum for primary and secondary education:

1. The Students' Profile by the End of Compulsory Schooling (*Perfil dos Alunos à Saída da Escolaridade Obrigatória*, Legislative Order No. 6478/20172017), which is a reference guide for the whole curriculum, setting out the principles, vision and academic, social and emotional competences that students should have attained by the time they complete compulsory schooling;
2. The 2017 National Strategy for Citizenship Education (*Estratégia Nacional da Educação para a Cidadania*, ENEC3), which was created to support children and young people in acquiring citizenship skills, knowledge and values throughout compulsory education. It includes the Citizenship and Development subject, which promotes and reflects on the principles of diversity, equity and inclusion and encourages interdisciplinary activities;
3. The Essential Learning, which are curricular orientation documents that describe the bases for the planning, realisation and assessment of each school subject for each year of schooling to Vocational Courses and Artistic Specialised Courses (Legislative Orders No. 7414/2020 and No. 7415/2020).

In Portugal, schools and teachers have been given greater responsibility for making decisions about curricula and pedagogy, in order to deepen, strengthen and enrich the Essential Learning by subject and year of schooling.

Decree Law No. 55/2018 provides schools with up to 25% of curriculum autonomy in order to meet their specific needs. In practice, this means that schools have the flexibility to tailor pedagogical practices, promote interdisciplinary learning and project-based methodologies, and create new subjects. It also gives schools the flexibility to allow upper-secondary students to adjust their programme design to their needs and interests, by allowing them to replace subjects within the scientific component of each course, among other measures.

Source: OECD (2022[6]), Review of Inclusive Education in Portugal, https://dx.doi.org/10.1787/a9c95902-en.

Curriculum adaptations can help meet individual learning needs

Curriculum adaptations can be applied to respond to individual learning needs across education systems. These adaptations are often associated with, and informed by, Individual Education Plans (see Chapter 5). Adaptations are broad categories of adjustments to meet the individual learning needs of students and foster their inclusion. Accommodations and modifications are two aspects of adaptations. These two categories differ as accommodations concern *how* students learn, while modifications concern *what* students learn (Understood, 2019[50]).[3] Accommodations are intended to help students learn the same information as other students, through changes to the structures and the environment that provide support. By contrast, modifications can involve a structural change in the student's curriculum, which may result in them learning different material, being assessed using a different standard that used for other students, or being excused from particular projects (Morin, 2019[51]).

Adaptations can be made for different student groups, including students with SEN, gifted students and immigrant students. For example, accommodations and modifications are commonly used to support students with SEN, including for instance students with Attention Deficit Hyperactivity Disorder (ADHD)

(see Mezzanotte (2020[52]) and Chapter 5). In Estonia, for instance, every child the legal right to attend a school in their residential area or study in a mainstream school with an adapted curriculum and receive different kinds of support (UNESCO Global Education Monitoring Report, 2021[53]). In Spain, adaptations or modifications can be made within the established curriculum to enable students with SEN to achieve the objectives and master the content as generally laid out for all students. These adaptations may take two different forms: curriculum access adaptations (changes related to spatial resources, the introduction of new materials and use of additional communication systems) and curricular adaptations, such as changes in objectives, contents, methodology, activities and assessment criteria and procedures, which are carried out within the classroom planning (European Agency for Special Needs and Inclusive Education, 2020[54]).

Adaptations are often also offered to students with an immigrant background, mostly in terms of training in language of instruction or instruction in their mother tongue. For example, to promote the inclusion of students with an immigrant background who have recently arrived in the Portuguese educational system, the Ministry of Education in Portugal has implemented measures to support the acquisition of the Portuguese language. These students are offered the school subject Portuguese as a second language (PL2 or *Português Língua Não Materna*, PLNM), in both primary and secondary education (ISCED 1, 2 and 3) (OECD, 2022[6]).

Students with SEN, gifted students, and immigrant/refugee students are not the only groups that can receive specific curricular provisions. Table 2.1 above maps provisions within the curriculum across several OECD countries. In the case of education for gifted students, education systems usually apply two different adaptation measures: acceleration and enrichment (Rutigliano and Quarshie, 2021[55]). While acceleration is a "vertical" extension of the curriculum, involving the early introduction of content or a quickening of the pace of delivery and response, enrichment is a "horizontal" extension of the curriculum, involving the extension of learning activities to provide additional depth and breadth in accordance with the child's abilities and needs (Hensley, 2013[56]).

Acceleration strategies are defined as "an educational intervention based on the mastery of higher grade-level knowledge than typical grade-level content or speeding up the pace of the material presented". Typically, acceleration might include grade-skipping, early entrance to kindergarten, school or college, or subject-specific acceleration in order to provide advanced instruction more likely to respond to the student's ability or potential (Steenbergen-Hu, Makel and Olszewski-Kubilius, 2016[57]). The benefits of academic acceleration are nonetheless subject of debate, and there is a growing resistance to this practice from both teachers and parents (Rutigliano and Quarshie, 2021[55]).

In Austria, acceleration is a strategy codified by the law. Since 1974, the School Education Act has enabled gifted and talented students to skip grades, or, since 2006, to skip school levels with the condition that a minimum of nine years of schooling must be completed (Weilguny et al., 2013[58]). The 2017 Basic Decree on the Promotion of Giftedness and Talented People further specifies acceleration measures for gifted and talented students. In 2021, national implementations for a "new upper-level scheme" were being introduced to academic secondary schools, secondary technical and vocational schools and colleges for higher vocational education that would increase the intensity of the learning/studying process and would provide an improved overview of individual learning deficits. One of the key elements of this reform was the development of a package for gifted students to be able to complete curriculum areas before their peers (Rutigliano and Quarshie, 2021[55]).

In Finland, gifted students are not labelled as such at the school level, but acceleration in the form of grade-skipping, ungraded systems and subject matter acceleration are permissible where they are identified as benefiting the particular needs of students (Tirri and Kuusisto, 2013[59]; Laine and Tirri, 2016[60]).

In comparison with acceleration, "enrichment provides richer and more varied [curricular] content through modification and supplementation of content in addition to standard content in the regular classroom" (Kim,

2016, p. 103[61]). Enrichment strategies include differentiated instruction within the classroom, extra-curricular activities and summer camps, as well as intensive courses at university (Rutigliano and Quarshie, 2021[55]). Enrichment of the curriculum in and out of the classroom tends to have a positive impact on gifted students' outcomes. This is the case especially when combined with targeted or individualised instruction. For example, in Israel, the Department for Gifted and Outstanding Students has implemented a programme for excellence starting from Grade 1. Gifted children, defined as those who rank in the top 3% of their class and who have passed qualifying tests, participate in enrichment programmes, ranging from full-time special schools to extra-curricular courses (UNESCO Global Education Monitoring Report, 2021[62]).

Some countries such as New Zealand combine enrichment and acceleration strategies in education for gifted students. A report that traced changes in New Zealand's education provision to gifted students over 10 years showed an increasing preference for a combination of enrichment and acceleration approaches as opposed to either one being used individually (Riley and Bicknell, 2013[63]).

Regulatory frameworks for equity and inclusion

Policies to promote equity and inclusion in education are developed within regulatory frameworks, both inside and outside the education system (Cerna et al., 2021[2]). Regulatory frameworks include legislation, government regulations and other legal instruments or agreements at the system level (OECD, 2019[64]). Countries' regulatory frameworks are underpinned, and should be informed, by the commitments they have made in international treaties, declarations and other legal instruments, which in many instances give rise to binding legal obligations domestically.

International treaties, declarations and statements

Most OECD countries are parties to several international treaties and declarations that contain provisions relating to equity and inclusion in education, which provide an underlying framework for the development of educational law and policy at the system level.

The right to education for everyone is guaranteed in article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has been signed or ratified by all OECD countries (UN General Assembly, 1966[65]). The content of the right to education and the resulting state obligations are unpacked and explained by the UN Committee on Economic, Social and Cultural Rights in its General Comment No. 13 (United Nations Committee on Economic, Social and Cultural Rights, 1999[66]). The General Comment sets out four essential and interrelated elements of the right to education, as follows (United Nations Committee on Economic, Social and Cultural Rights, 1999[66]):

1. Availability: Functioning educational institutions and programmes need to be available in sufficient quantity within the jurisdiction of the state party.
2. Accessibility: Educational institutions and programmes need to be accessible to all, without discrimination. This involves ensuring that there is no discrimination in access to education (in both law and fact), that education is within safe physical reach (either by attendance at a reasonably convenient geographic location or through technology), and that education is economically accessible to all (with free primary education being available to all and free secondary and tertiary education being required to be progressively introduced).
3. Acceptability: Education needs to be acceptable to all learners, in both form and substance (including curricula and teaching methods). This includes ensuring that education is relevant, culturally appropriate and "of good quality" for all learners.
4. Adaptability: Education is required to be flexible so that it "can adapt to the needs of changing societies and communities and responds to the needs of students within their diverse social and

cultural settings" (United Nations Committee on Economic, Social and Cultural Rights, 1999, p. 3[66]).

The UN Declaration on the Elimination of All Forms of Racial Discrimination requires countries to guarantee the right to everyone to equality in the enjoyment of the right to education without distinction as to race, colour, or national or ethnic origin (UN General Assembly, 1965[67]). Article 10 of the UN Convention on the Elimination of All Forms of Discrimination Against Women also requires countries to take all appropriate measures to eliminate discrimination against women in the field of education (UN General Assembly, 1979[68]). Among other measures, this involves taking steps both to eliminate stereotypes regarding the roles of men and women, both in and through education (including, in particular, through any necessary adaptations to teaching methods and revisions to textbooks and school programmes) (UN General Assembly, 1979[68]).

The right to education is restated in the UN Convention on the Rights of the Child (CRC) (UN OHCHR, 1989[69]), and is reaffirmed in relation to persons with disabilities in the UN Convention on the Rights of Persons with Disabilities (CRPD), which specifies that education must be inclusive, with the provision of "effective individualised support mechanisms…provided in environments that maximise academic and social development, with the goal of full inclusion" (UN General Assembly, 2006[70]). In line with this, the CRPD states that countries shall take "appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille" and to provide training for educational staff in "the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities" (UN General Assembly, 2006[70]). In 2016, the UN Committee explained and unpacked further the normative of the right as it applies to persons with disabilities in *General Comment No, 4 on the right to inclusive education*. Paragraph 9 of the General Comment provides an overview of what the right to inclusive education involves in terms of international human rights law (UN Committee on the Rights of Persons with Disabilities, 2016[71]):

> *Ensuring the right to inclusive education entails a transformation in culture, policy and practice in all formal and informal educational environments to accommodate the differing requirements and identities of individual students, together with a commitment to removing the barriers that impede that possibility. It involves strengthening the capacity of the education system to reach out to all learners. It focuses on the full and effective participation, accessibility, attendance and achievement of all students, especially those who, for different reasons, are excluded or at risk of being marginalized. Inclusion involves access to and progress in high-quality formal and informal education without discrimination. Inclusion seeks to enable communities, systems and structures to combat discrimination, including harmful stereotypes, recognise diversity, promote participation and overcome barriers to learning and participation for all by focusing on the well-being and success of students with disabilities. It requires an in-depth transformation of education systems in legislation, policy and the mechanisms for financing, administering, designing, delivering and monitoring education.*

The right to education is also reaffirmed in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which, while not legally binding, has been endorsed by the majority of countries (Saul, Kinley and Mowbray, 2016[72]). The UNDRIP sets out existing human rights standards as they apply to Indigenous peoples and "establishes a universal framework of minimum standards for [their] survival, dignity, well-being and rights" (UN General Assembly, 2022[73]). Article 14(1) states that Indigenous peoples have the right to all levels of education without discrimination and article 15(1) also specifies that the diversity and dignity of Indigenous peoples' cultures, traditions, histories and aspirations" are to be appropriately reflected in education (article 15(1)). Indigenous peoples also have the right to establish and control their educational systems and institutions providing education in their own languages and in a manner appropriate to their cultural methods of teaching and learning, and should, where possible, have access to an education in their own culture and in their own language (United Nations General Assembly, 2007[74]). The UNDRIP is complemented by the International Labour Organisation's Indigenous and Tribal Peoples Convention 1989. Article 27 of the Convention provides that education programmes and services are to be developed in co-operation with Indigenous peoples "to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social,

economic and cultural aspirations." Article 27 further states that governments shall recognise the right of Indigenous peoples "to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples" and that "appropriate resources shall be provided for this purpose" (International Labour Organization, 2017[75]).

Objectives for education are specified at the international level in the ICESCR, the CRC and the CRPD. These include the full development of the human personality, talents and mental and physical abilities to their fullest potential; respect for human rights; respect for the child's cultural identity, language and values; and enabling all persons to participate effectively in a free society (UN General Assembly, 2006[70]; UN General Assembly, 1966[65]; UN OHCHR, 1989[69]).

Further detail regarding the legal standards implied by the above provisions (along with other relevant international and regional legal standards)[4] and guidance regarding their implementation in practice is provided in the Abidjan Principles, which serve as a reference guide on the right to education as it is guaranteed in international human rights law (see Box 2.4).

Box 2.4. Guidance on the right to education in practice: the Abidjan Principles

Developed by a committee of experts, the Abidjan Principles unpack the provisions in international human rights law pertaining to education and provide guidance on their implementation in practice. The Principles, which were adopted in 2019 following a three-year participatory consultation and drafting process, have been recognised as an authoritative interpretative text by international and regional bodies such as the UN Human Rights Council, the European Committee of Social Rights and the Inter-American Commission on Human Rights. Several of the principles explicitly concern equity and inclusion in education, some of which are summarised below:

- Principle 17 sets out some of the key elements of states' obligation to realise the right to education. These include "the elimination of discrimination and the guarantee of equality in education, including by guaranteeing reasonable accommodation to ensure that no persons, including individuals with disabilities, are excluded from education."
- Principle 20 lists the principles that are to be applied in the delivery and governance of education. These include inclusivity, equality and non-discrimination, and participation.
- Principle 23 concerns the need to ensure the realisation of the right to equality in the enjoyment of the right to education, which involves, among other aspects, addressing socio-economic disadvantages; combatting stigma, stereotyping, prejudice, and violence; and recognising the dignity of all persons and the intersectionality of different grounds of discrimination.
- Principles 24, 25 and 26 set out obligations in relation to the right to equality and non-discrimination in enjoyment of the right to education. Principle 24 specifies that the obligation to eliminate all forms of discrimination in the enjoyment of the right to education includes direct and indirect discrimination, denial of reasonable accommodation, and intersectional discrimination. Principle 25 sets out the requirement for states to (a) ensure that laws, policies or practices do not directly or indirectly discriminate in education and (b) address any situation breaching the rights to equality and non-discrimination in relation to the right to education. This includes the need to address "systemic disparities of educational opportunity or outcomes for some groups in society" and "segregation in the education system that is discriminatory on any prohibited ground, in particular socio-economic disadvantage". Principle 26 sets out some of the measures to be taken by states in fulfilment of their obligation to prevent discrimination and ensure equality in the enjoyment of the right to education. These include

measures to ensure education systems are organised in a way that prevents discrimination and ensures equality.

- Principle 28 concerns the need to ensure reasonable accommodation in education for individuals' different capabilities relating to one of more of the prohibited grounds of discrimination, including with regard to the curriculum, the learning environment, in-class communication, pedagogical materials, and assessment.
- Principle 31 concerns the human rights law requirement for education to be "inclusive", which means accommodating "the cultural, linguistic, and other unique traits of society" and enabling "learners to develop their personality and cultural identity and to learn and understand cultural values and practices of the communities to which they belong, as well as those of other communities and societies."
- Principle 32 addresses stakeholder participation in educational governance and specifies the requirement for education to be "accountable, participatory, inclusive and transparent."

Source: The Abidjan Principles (n.d.[76]), Abidjan Principles on the Right to Education, https://www.abidjanprinciples.org/ (accessed 13 December 2022).

All OECD countries are also signatories to the (non-binding) Salamanca Statement on Principles, Policy and Practice in Special Needs Education and Framework for Action, which were adopted in 1994 at a conference on the policy changes needed to promote inclusive education to enable schools to serve all children, particularly those with SEN (UNESCO, 1994[77]). The Salamanca Statement and Framework endorse and are informed by the principle of inclusive education – that education systems and schools should serve all learners, taking into account and responding to the wide diversity of their characteristics and needs (UNESCO, 1994[77]). The Salamanca Statement asserts that (UNESCO, 1994, p. iv[77]):

> *Regular schools with [an] inclusive orientation are the most effective means of combatting 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 the cost effectiveness of the entire education system.*

National frameworks relating to equity and inclusion in education

National constitutions

Education law and policy at the system level is also framed and underpinned by the relevant country's national constitution and/or overarching legislation relating to human rights, equality and non-discrimination.

The constitutions of many OECD countries contain general provisions recognising or guaranteeing equality to all citizens (or, more broadly, all persons) before the law and/or prohibiting discrimination (McCrudden and Prechal, 2009[78]). Prohibitions against discrimination can either be framed generally, or in relation to specific characteristics, such as race, sex, or disability. The constitution of Belgium, for instance, both provides that Belgians are equal before the law (article 10) and specifies that enjoyment of the rights and freedoms for Belgians must be provided without discrimination (article 11) (Legal Affairs and Parliamentary Documentation Department of the Belgian House of Representatives, 2021[79]). Article 11(1) of the constitution of Korea states that "[a]ll citizens shall be equal before the law and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion, or social status" (Korean Legislation Research Institute; Korea Law Translation Centre, n.d.[80]). Similarly, article 15(1) of Canada's Constitution Act 1982 provides that "every individual is equal before and under the law and has

the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability" (Government of Canada, 2022[81]).

While the United Kingdom and New Zealand do not have a formal written constitution, they both have enacted legislation related to equality and non-discrimination. In the United Kingdom, the Equality Act 2010 prohibits discrimination on the basis of one or a combination of specified protected characteristics (age, disability, gender reassignment, marital or civil partnership status, race, religion or belief, sex, sexual orientation) in a number of contexts, including employment, education, housing (United Kingdom Government, 2022[82]; United Kingdom Government, n.d.[83]). The Equality Act 2010 also provides for a "public sector duty regarding socio-economic inequalities", which requires Ministers and national and local authorities to "have due regard to the desirability" of exercising their functions in a way "that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage" (United Kingdom Government, 2022[82]). In New Zealand, individuals are protected from discrimination on specified prohibited grounds in areas of public life (including employment and education) by the Bill of Rights Act 1990 and the Human Rights Act 1993 (New Zealand Human Rights Commission, 2022[84]).

A number of constitutions also contain explicit provisions relating to education. A right to education appears in approximately three-quarters of the world's constitutions (Jung, Hirsch and Rosevear, 2014[85]), with approximately 70% requiring the country in question to provide at least a certain level of education to all free of charge (Constitute, 2022[86]). 59% of constitutions have been found to guarantee equal access to primary education, with 58% prohibiting discrimination in access on the basis of socio-economic status (Cassola, Raub and Heymann, 2016[87]). Mexico's national constitution, for instance, specifies that all people have the right to education and that education provided by the state shall be free of charge and develop all human abilities. Chapter III of Japan's constitution, which sets out the "rights and duties of the people" also states that "all people shall have the right to receive an equal education correspondent to their ability" (Prime Minister of Japan and His Cabinet, 1946[88]). A right to education is also guaranteed in article 73(1) of the Constitution of the Portuguese Republic, with article 73(2) providing that (Portuguese Parliament, 2005, p. 35[89]):

> *The State shall promote the democratisation of education and other necessary conditions, for education, realised through the school and other educational means, to contribute to equal opportunities, the overcoming of economic, social and cultural inequalities, the development of personality and a spirit of tolerance, mutual understanding, solidarity and responsibility, for social progress and democratic participation in collective life.*

Regulatory frameworks relating to equity and inclusion in education at the system level

Legislation and/or other regulatory measures are a key step in ensuring that international legal commitments can be translated into policy and practice at the system level (UN Committee on Economic, Social and Cultural Rights, 1990[90]). Many education systems have adopted legislation and/or other regulatory measures related to equity and inclusion in education, which vary in terms of the extent to which they relate to promoting the learning and well-being of all students, or are rather targeted to address specific groups who are at risk of exclusion in education, most commonly students with disabilities or SEN (UNESCO, 2020[16]). UNESCO's Global Education Monitoring Report analysis shows that laws relating to education, whether general in nature or focused on inclusion in education, tend to target specific groups, and primarily students with disabilities (ibid.). Among the countries examined, 79% were found to have education laws concerning specifically people with disabilities, 60% had education laws relating to linguistic minorities, 50% had education laws promoting gender equality and 49% had education laws relating to ethnic minorities and Indigenous peoples (ibid.). With respect to laws specifically relating to inclusion in education, 11 countries were found to have laws exclusively concerning people with disabilities (ibid.).

Legislative measures addressing specific dimensions of diversity

Legislative measures relating to students with disabilities or SEN may include official definitions and classifications of needs and conditions, criteria for the provision of additional support, and requirements for inclusion within mainstream school settings (Brussino, 2020[91]). In Austria, for example, the Compulsory Schooling Act 1985 stipulates that a student will be regarded as having SEN when, as a result of a physical or mental disability, they cannot follow teaching in a regular class without additional support measures (Brussino, 2020[91]; Eurydice, 2022[92]). Low school performance or language difficulties is not sufficient to establish SEN, as a causal connection with an identified physical or mental disability is required, and an application has to be submitted to the board of education for a declaration of SEN (Brussino, 2020[91]; Eurydice, 2022[92]). In Australia, the Disability Standards for Education 2005 aim to ensure that students with disabilities are able to access and participate in education on the same basis as students without disabilities, and clarify the obligations of education and training providers in this regard (Australian Government, 2022[25]). The Standards include provisions relating to the process for determining and making adjustments to assist students with disabilities, enrolment in education institutions, and access to support services (ibid.). Similarly, Colombia's 2017 Decree 1421 stipulates that students with disabilities should be educated within the same institutions as their peers and provides for "Individual Plans for Reasonable Adjustments" to tailor teaching and learning to students' needs and learning styles (UNESCO Global Education Monitoring Report, 2021[93]; UNESCO, 2020[16]).

Legislation or regulatory policies specifically relating to the education of national minorities and/or Indigenous students may provide for a right to minority or Indigenous language instruction, specify measures to ensure minority or Indigenous language and culture is reflected in the curriculum, and/or establish mechanisms to ensure the participation of communities in education. Lithuania's Law on Education, for example, specifies that municipalities in areas where a national minority has traditionally constituted a substantial part of the population shall guarantee teaching in the national minority language or the learning of the national minority language, if the minority requests it (Article 28(7)). The Law on Education further specifies that general education and non-formal education schools shall create opportunities for learners belonging to national minorities to learn their native language, history and culture (Article 30(2)) (Parliament of the Republic of Lithuania, 2015[94]). Sweden's Compulsory School Ordinance gives Sami students the right to be taught in their native language if the native language of one or both of their parents is not Swedish (though a municipality is only required to arrange Sami mother-tongue teaching if a suitable teacher is available). Legislation also provides that Sami children are entitled to attend a Sami school for the first six years of education, where teaching is required to be in both the Sami and Swedish languages (Swedish Equality Ombudsman, 2008[95]). In Norway, the Sami Act provides that the Sami and Norwegian languages are languages of equal worth and may be used in official contexts. The Kindergarten Act also states that early childhood education and care institutions are to take into account children's cultural background in their daily operations, including the language and culture of Sami children (UNESCO, 2019[96]).

In Canada, the education ministries of the province of British Columbia have also entered into official agreements (Memoranda of Understanding) to work together with Indigenous communities and school districts to promote the educational outcomes of Indigenous students (UNESCO, 2019[96]). In British Columbia, the Memorandum of Understanding led to a framework for the creation of Education Enhancement Agreements, which establish collaborative partnerships between Indigenous communities and school districts (with shared decision making and specific goal setting) to meet the educational needs of Indigenous students (Government of British Columbia, n.d.[97]).

In New Zealand, the Education and Training Act 2020, which aims to provide all learners with "high-quality, culturally responsive, seamless and inclusive education", contains specific provisions relating to equity and inclusion for Indigenous (Māori) learners. Section 127 of the Act, for instance, provides that school boards are required to take all reasonable steps to make instruction available in the Māori language, achieve

equitable outcomes for Māori students, and work "to ensure their plans, policies and local curriculum reflect local *tikanga Māori* (Māori customs, practices and conventions), *mātauranga Māori* (Māori knowledge and wisdom) and *te ao Māori* (the Māori world view)" (New Zealand Ministry of Education, 2021[98]).

Legislation promoting inclusive education generally

While regulatory frameworks relating to equity and inclusion in education still tend to be focused on specific groups, examples of frameworks addressing the need to support all learners can be found in several OECD education systems. In Chile, for instance, the 2015 School Inclusion Law stipulates that "it is the duty of the State to ensure inclusive quality education for all" and that the education system shall encourage educational establishments to be a meeting place for students from different genders, nationalities and socio-economic, cultural and/or ethnic backgrounds. The Law also specifies that the admission processes of educational institutions that receive subsidies or contributions from the state are to be carried out in accordance with the principles of transparency, inclusive education, universal accessibility, equity and non-discrimination (UNESCO Global Education Monitoring Report, 2020[99]).

In Portugal, a new regulatory framework for inclusive education was established in 2018 following an evaluation of the previous decade's policies and practices and a broad national consultation (OECD, 2022[6]). The adoption of the 2018 law for inclusive education reflected a shift away from the narrow conceptualisation of inclusion in education as ensuring the participation of students with SEN in mainstream schools and from the idea that a formal special needs diagnosis or categorisation is required for the provision of specific support. The law aims to end segregation and discrimination based on diagnoses and clinical labels by removing categorisation systems for students and the restricted concept of "support measures for students with special education needs". Rather than focusing on specific "groups" of students, it promotes a broader approach, in which every student has the right to receive adapted measures to support their learning and inclusion and to specific resources that might be mobilised to meet their educational needs in all education and training offerings.

In some instances, general frameworks for inclusion in education have evolved out of legislation or policy measures concerning the inclusion of students with SEN in mainstream education. In Italy, for example, the 1977 law providing for the inclusion of students with disabilities within mainstream schools has been followed by other laws and directives extending the principle of inclusion in education to other learners. These include the Ministerial Directive of 27 December 2012, which requires schools to put in place measures to support students with particular learning needs arising from "assessed disabilities, specific developmental disorders or socio-economic, linguistic and cultural disadvantages." The 2015 Good School Reform Act seeks to promote the education of all learners by taking into account their particular learning styles, with the broader aim of counteracting inequalities and preventing school dropouts (European Agency for Special Needs and Inclusive Education, 2021[100]).

Similarly, New Brunswick, Canada has promoted the concept of inclusive education through legislation and policy since 1986, when the enactment of Bill 85 by the legislature established a requirement for all students to be included within the public education system and that students with disabilities and other SEN be educated in mainstream classes (AuCoin, Porter and Baker-Korotkov, 2020[101]). An official definition of inclusive education was developed by the local government in 2009, which introduced the concept of a common learning environment and clarified that, rather than just being of concern in relation to students with SEN, inclusion involves accommodating the diverse needs of all learners (ibid.). Building on these developments, a comprehensive policy on inclusive education - Policy 322 - was adopted by the Department of Education and Early Childhood Development in 2013 to strengthen inclusion in public education. Policy 322 establishes a series of legally binding requirements with the objective of ensuring that public schools are inclusive (New Brunswick Department of Education and Early Childhood Development, 2013[102]). These include requirements for school practice, such as ensuring a common learning environment where student-centred learning principles are applied and where appropriate

accommodations for students' needs are considered and implemented in a timely manner, and the development of personalised learning plans in certain circumstances. Policy 322 also specifies that the Department of Education and Early Childhood Development and school districts "must establish and maintain systemic supports for public education that make inclusion of all students a practical reality", as well as setting out requirements for both teaching staff and school leaders (New Brunswick Department of Education and Early Childhood Development, 2013[102]). The policy is legally binding and has been used a model by other education systems, both in Canada and other regions of the world, to promote inclusive education for all students (AuCoin, Porter and Baker-Korotkov, 2020[101]).

Addressing the needs of and supporting all learners to achieve their educational potential is also central to the legal and policy framework for education in Scotland (United Kingdom). In Scotland, the Education (Additional Support for Learning (Scotland) Act 2004 (EASL Act)) sets out the legal framework for identifying and responding to the additional support needs of students who are facing barriers to learning, with the aim of ensuring that all learners are provided with the necessary support towards achieving their full potential (Scottish Government, 2017[103]). Introducing the term "additional support needs" as a replacement for the term "special education needs", the EASL Act signalled a shift in focus away from a narrow definition of SEN to addressing the needs of all learners (Barrett et al., 2015[104]). It also promotes collaboration among the different actors who support students, as well as setting out the rights of children, young people and parents within the education system (Scottish Government, 2017[103]). Statutory guidance accompanying the EASL Act outlines the range of factors that may give rise to additional support needs among learners, including learning environment, social and emotional factors, health and disability and family circumstances (Education Scotland, n.d.[105]). The EASL Act was amended by the Education (Scotland) Act 2016, which provides for certain rights for specific learners in relation to any support needs they may have in order to achieve their educational potential at school. The 2016 Act also establishes responsibilities on the part of Scottish Ministers and local authorities "to have regard to the need to reduce inequalities of outcomes arising out of socio-economic disadvantage when exercising their functions relating to school education" (Scottish Government, 2017[103]). These legislative developments formed the background to the development of the National Framework for Inclusion, which is designed to support teachers in implementing inclusive pedagogy in practice (Barrett et al., 2015[104]). The Framework is based on the understanding of inclusion as a process to increase participation in education and on the belief that, through quality teaching, the capacity of all students to learn can improve (ibid.).

Intersectionality of diversity in education

As discussed in Chapter 1, the term "intersectionality" was initially coined by the Black feminist legal scholar Kimberlé Crenshaw (1989[106]), to raise awareness of how gender and ethnicity combine to create challenges, especially for Black women. Drawing upon three legal cases in the United States, she argued that by viewing Black women as purely Black or as purely female ignores other challenges specific to the intersection of these two characteristics. The concept has since inspired extensive discussion and has been applied in many other academic fields such as psychology, sociology, and medical and life sciences, with many researchers calling for explicit recognition of intersectionality in, for instance, health research (Bauer et al., 2021[107]). An intersectionality approach is in contrast to more traditional siloed equality work that has tended to focus on one marginalised group at a time (Christoffersen, 2021[108]).

Intersectionality does not refer solely to the characteristics of the individual, but also to broader macro environments. For instance, while individual discrimination experiences exist, they are often symptoms of macro-level systems of power, such as sexism and racism (Hill Collins and Bilge, 2016[109]). Dimensions of diversity thus do not only characterise individuals, but also the social context in which they reside (Varsik and Gorochovskij, Forthcoming[110]).

In education, there are many examples where an intersectional approach has revealed previously unrecognised disparities in outcomes. For instance, while it has been observed that socio-economically disadvantaged students or students from certain ethnic backgrounds achieve lower academic results, an intersectional analysis between ethnicity and socio-economic status revealed that, among socio-economically disadvantaged students, almost all ethnic minority groups achieved significantly better results than the cultural majority group (in this case White British students), while only one ethnic minority group outperformed the cultural majority group among non-socio-economically disadvantaged students (Strand, 2014[111]).

An intersectionality framework highlights that different aspects of individuals' identities are not independent of one another. Instead, they interact to create unique identities and experiences, which cannot be understood by analysing each dimension separately or in isolation from their social and historical contexts (Bowleg, 2012[112]).

Frameworks can help policy makers to systematically assess interventions and processes for their effectiveness in mitigating intersectional issues. Applying intersectional methodologies in an analysis can help evaluate policies according to their impact on groups who are otherwise marginalised by focusing on the individuals' intersecting identities. Drawing on the review by Hankivsky and Cormier (2011[113]) and work by Hankivsky (2012[114]), a selection of three policy frameworks that operationalise intersectionality is summarised briefly in Box 2.5 (for more information, see (Varsik and Gorochovskij, Forthcoming[110])).

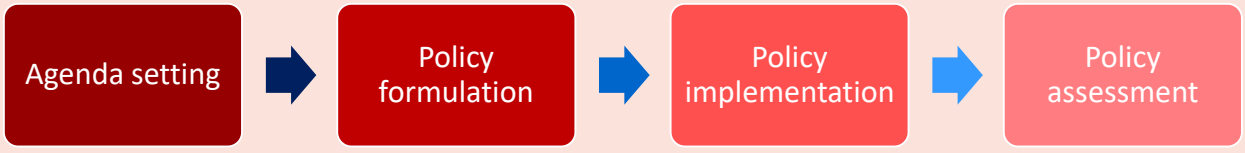
Box 2.5. Selected policy frameworks on intersectionality

Intersectional policy analysis

A possible method for analysing policies from an intersectional perspective is to examine each step of the policy-making process to determine the need for an intersectional perspective (Bishwakarma, Hunt and Zajicek, 2007[115]; Hankivsky and Cormier, 2011[113]). If the need is identified, the intersectional policy process analysis can determine whether it is appropriately included in each step (Hankivsky and Cormier, 2011[113]).

While going through this process, representatives from each intersectional group at which the policy is targeted should be proportionally included in the policy discussion. This can help ensure a thorough examination of the process from a diversity of perspectives. In order to achieve this Bishwakarma, Hunt and Zajicek (2007[115]) developed a guide consisting of four stages: agenda setting, policy formulation, policy implementation and policy assessment (see Figure 2.2).

Figure 2.2. Intersectional policy analysis



Source: Illustration by Varsik and Gorochovskij (Forthcoming[110]) based on Bishwakarma, Hunt and Zajicek (2007[115]), Intersectionality and informed policy and Hankivsky and Cormier (2011[113]), Intersectionality and Public Policy: Some Lessons from Existing Models, https://doi.org/10.1177/1065912910376385.

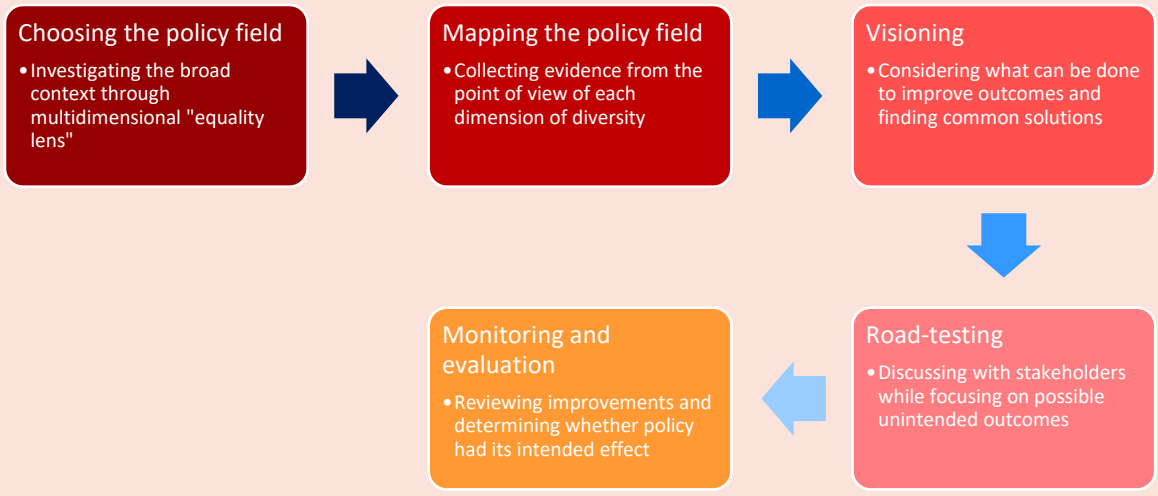
Multi-strand approach

An alternative way to integrate an intersectional perspective in policy making is to employ the multi-strand approach. This methodology was initially developed to promote equality and human rights in Wales (United Kingdom) by Alison Parken (2010[116]). It is based on the principle that each "strand" (or dimension) of diversity should be represented in policy making without prioritising one over the others. It thus aims to avoid thinking in silos, and prefers to consider differences in outcomes between different dimensions.

Furthermore, it seeks to combine expertise from a range of perspectives, such as equality and human rights, and to incorporate representatives from diverse groups into the policy discussion without letting any specific dimension or intersection dominate the conversation (Hankivsky and Cormier, 2011[113]).

This method differs from the intersectional policy process analysis by not focusing on the evaluation of a single policy (new or existing) (Hankivsky and Cormier, 2011[113]). Instead, the multi-strand approach emphasises the examination of the entire policy field. The analysis focuses on how different dimensions of diversity are affected by policy and whether any changes can serve to address the existing disparities. After mapping the policy field and envisioning possible changes, proposals are "road-tested" by imagining how they would impact individuals at different intersections of diversity to examine intended and unintended consequences (Parken, 2010[116]). Lastly, the methodology emphasises continuous monitoring of outcomes. The framework can be summarised in five steps illustrated in Figure 2.3.

Figure 2.3. Multi-strand approach



Source: Illustration by Varsik and Gorochovskij (Forthcoming[110]) based on Hankivsky and Cormier (2011[113]), Intersectionality and Public Policy: Some Lessons from Existing Models, https://doi.org/10.1177/1065912910376385 and Parken (2010[116]), A multi-strand approach to promoting equalities and human rights in policy making, http://dx.doi.org/10.1332/030557309X445690.

Intersectionality-based policy analysis framework

The Intersectionality-Based Policy Analysis (IBPA) Framework published by the Institute for Intersectionality Research and Policy aims to provide user-friendly methods for policy makers to translate intersectionality into practical approaches (Hankivsky, 2012[114]). The IBPA Framework is a joint outcome of a number of authors who engaged in a participative process, during which they received feedback from scholars in the field in 2011-12. The IBPA Framework primarily targets stakeholders in health and health-related policy sectors, but it can potentially guide policy makers in the education area as well. The IBPA Framework has two components. The first component comprises eight guiding principles that advance the

central tenets of intersectionality. These are summarised in Figure 2.4. The second component comprises 12 sets of questions that can guide or shape an intersectional analysis.

Figure 2.4. Intersectionality-based policy analysis framework

Source: Illustration by Varsik and Gorochovskij (Forthcoming[110]) based on Hankivsky (2012[114]), An Intersectionality-Based Policy Analysis Framework, https://data2.unhcr.org/en/documents/download/46176 (accessed 19 January 2023).

The Strength through Diversity Policy Survey 2022 revealed that most OECD education systems did not have policies in place at lower secondary level to overcome the challenges associated with embodying more than one dimensions of diversity associated with disadvantage. Of the systems (Colombia, Mexico, Northern Ireland (United Kingdom)) that did report having such policies, the most common intersections considered were the dimensions of immigrant background and SEN.

Nine education systems reported that they had policies targeting students both with an immigrant background and SEN, and eleven systems reported having policies targeting students with an immigrant background who were also socio-economically disadvantaged (Table 2.2). Four education systems also targeted students with an immigrant background in rural areas/disadvantaged geographical areas. Three systems targeted female/male students with an immigrant background.

In addition, four education systems had policies targeting students from ethnic groups or national minorities with SEN. Six systems had policies in place targeting the intersection of gifted students with SEN (though this may be a result of the fact that in some systems, gifted students are considered a sub-category of SEN). Northern Ireland (United Kingdom) and Ireland also had policies in place that targeted Indigenous students (Travellers) with SEN and Indigenous students from a disadvantaged socio-economic background. Northern Ireland (United Kingdom) and Korea also reported having policies in place targeting students in rural areas/disadvantaged geographical areas with SEN. Finally, Portugal had in place policies

targeting female students from ethnic groups or national minorities. In Scotland (United Kingdom), as mentioned, additional support for students is based on each individual's needs. There are therefore no policies targeting specific groups of students.

Table 2.2. Education systems with policies targeting intersections of student groups

Intersection	Education systems
Students with an immigrant background and special education needs	Colombia, Flemish Comm. (Belgium), French Comm. (Belgium), Greece, Iceland, Ireland, Italy, Sweden, Türkiye
Female students with an immigrant background	Flemish Comm. (Belgium), Korea, Türkiye
Male students with an immigrant background	Flemish Comm. (Belgium), Korea, Türkiye
Students from ethnic groups or national minorities with special education needs	Colombia, Ireland, Slovak Republic, Sweden
Male students from ethnic groups or national minorities	
Female students from ethnic groups or national minorities	Portugal
Students with special education needs and gifted students	Greece, Ireland, Italy, Korea, Slovak Republic, Türkiye
Male LGBTQI+ students	
Female LGBTQI+ students	
LGBTQI+ students with special education needs	Ireland
LGBTQI+ students with an immigrant background	
Students with an immigrant background from a disadvantaged socio-economic background	Denmark, Flemish Comm. (Belgium), French Comm. (Belgium), Greece, Iceland, Ireland, Italy, Netherlands, Northern Ireland (UK), Sweden, Türkiye
Students with an immigrant background in rural areas/disadvantaged geographical areas	Denmark, Northern Ireland (UK), Sweden, Türkiye
Indigenous students with special education needs	Ireland, Northern Ireland (UK)
Indigenous students from a disadvantaged socio-economic background	Ireland, Northern Ireland (UK)
Students with special education needs in rural areas/disadvantaged geographical areas	Korea, Northern Ireland (UK)

Note: Based on answers to the question: "Are there specific policies that target the intersection of any of the following groups of students at ISCED 2 level?"
In the Flemish Community of Belgium, the responses relate to research projects commissioned by the Ministry of Education and Training, not formal education policies or legislation.
Source: OECD (2022[41]) Strength through Diversity Policy Survey 2022.

Even though the concept of intersectionality is complex and multidimensional (Hancock, 2007[117]), an intersectional approach to policy making is important to promote equity and inclusion in education. Research and policies addressing single dimensions of diversity may not identify, reflect or address the needs of individuals with intersecting identities. Consequently, policies targeted at separate dimensions of diversity without an intersectional lens may not be able to address adequately issues that they were meant to solve. For instance, students with an immigrant background can also come from a minority ethnic background and can face language barriers, victimisation due to their ethnicity and stereotyping resulting from their immigrant heritage. These challenges need to be addressed comprehensively in order to fully include students into the education system (Varsik and Gorochovskij, Forthcoming[110]).

An intersectional approach also requires that marginalised groups be included within policy discussions and thus has the potential to transform the policy-making process through making policy makers more conscious of lived experiences (Hankivsky and Cormier, 2011[113]). In addition, an intersectional approach encourages considerations of micro- and macro-level influences that shape individuals' experiences (Bowleg, 2012[112]). Looking at socio-structural factors can transform research to explicitly consider the role

of systemic factors for individual outcomes. Such a focus on structural factors can also encourage interventions on a structural level, rather than just addressing issues on the individual or group-level (Varsik and Gorochovskij, Forthcoming[110]).

Furthermore, a focus on intersectionality could encourage a more comprehensive collection of disaggregated data and thus improve the study of the micro- and macro-level causes of inequalities (Bauer, 2014[118]; Bowleg, 2012[112]). In the context of education, data disaggregated by ethnicity or SEN are often missing (OECD, 2020[119]). By recognising and acting on the importance of disaggregated data collections on the policy level, researchers can be provided with valuable data points that can help them take into account real-lived experiences. Evidence created on this basis can close previous research gaps and provide policy makers with valuable insights useful to design and improve policies (Varsik and Gorochovskij, Forthcoming[110]).

An intersectional perspective can also promote the development of cost-efficient policies and interventions that are well-targeted at the populations with the highest needs (Bowleg, 2012[112]; Hancock, 2007[117]). Focusing on a single dimension of diversity ignores heterogeneity and may thus fail to address all members of the targeted group. An intersectional lens can help examine whether policies are having their intended effect and are properly reaching the full population of interest, encouraging policy success (ibid.).

Finally, in the academic and research arena, the usage of intersectionality as a framework can provide a unifying language, which can help connect discussions around reducing outcome disparities as a function of different dimensions of diversity (Bowleg, 2012[112]). Using intersectionality in keywords or abstracts could potentially develop a comprehensive body of literature across different scientific disciplines. This would enable researchers to engage in discussions and thus further advance the concept (Varsik and Gorochovskij, Forthcoming[110]).

Responsibilities for and administration of equity and inclusion in education

Another aspect of the governance of education to achieve equity and inclusion objectives is the allocation of responsibilities for the design and implementation of policies to achieve these objectives, including policies relating to the diversity of the education offer itself, the design of the learning environment, and policies governing school choice. Policies on equity and inclusion are often managed by a number of ministerial bodies, and governmental agencies and stakeholders also have responsibilities at various stages of the policy cycle.

Responsibilities for ensuring equity and inclusion in education are shared across different levels of government and different ministries

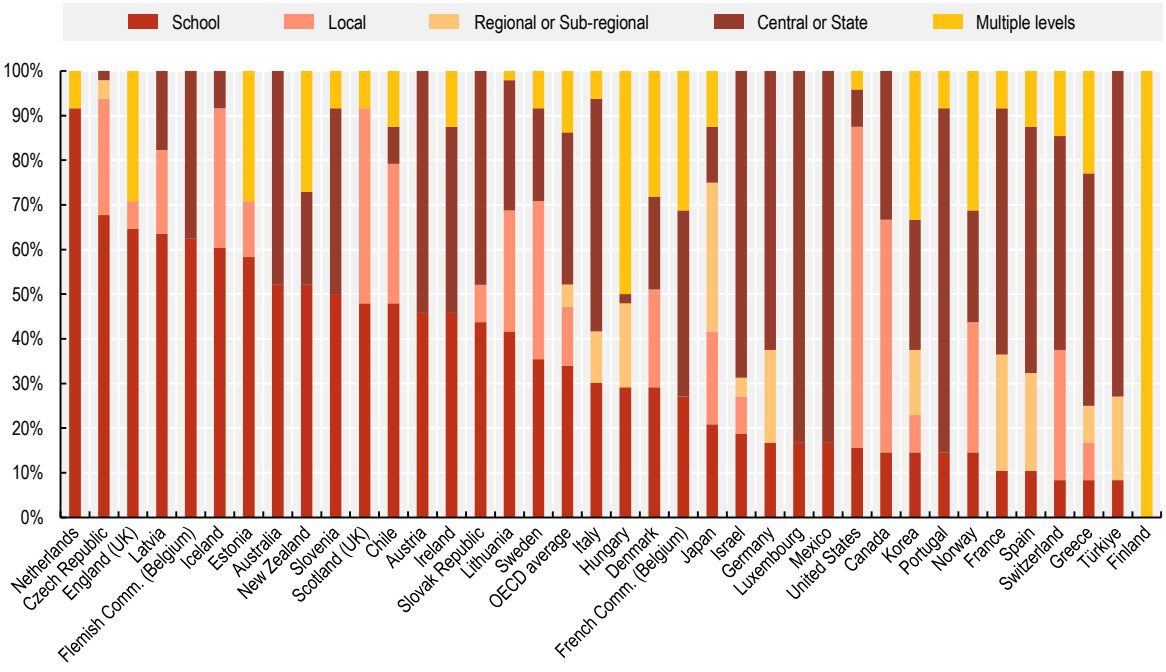
Vertical co-ordination

A wide range of institutions have responsibility for governing an education system in such a way as to promote equity and inclusion. These include education authorities both at the national level (e.g., ministry of education and dedicated units within it) and at the sub-national level (e.g., states, regions, municipalities). These authorities may have specific units within them responsible for ensuring equity and inclusion in education or for developing policies designed to meet the needs of specific student groups (e.g., students with SEN, children of immigrant families). In some countries, there are specific education governance and provision arrangements for specific groups (e.g., Māori-medium education in New Zealand, Intercultural universities in Mexico, Indigenous education living on reserves in Canada) (Cerna et al., 2021[2]).

Figure 2.5 shows that there was great variation between education systems with respect to the level of government where decisions are taken on education in 2017. In some education systems, such as the

Czech Republic, England (United Kingdom), the Flemish Community of Belgium, Iceland, Latvia, and the Netherlands, over 60% of decisions relating to public lower secondary education were taken at the school level. However, in education systems such as Luxembourg, Mexico and Türkiye, over 70% of decisions were taken at the central level. The local level played a key role in federal systems such as Australia, Canada, Germany and the United States.

Figure 2.5. Percentage of decisions taken at each level of government in public lower secondary education (2017)



Note: Countries are ranked in descending order of the percentage of decisions taken at the school level.
Source: Adapted from OECD (2018[120]), Education at a Glance 2018: OECD Indicators, Figure D6.1., https://dx.doi.org/10.1787/eag-2018-en.

This has implications for policies on equitable and inclusive education. Most countries govern equity and inclusion in education by combining central direction (either at the national or sub-national level) over policy development and standard setting with some measure of devolved responsibility for the implementation of policies impacting on equity and inclusion at the local and school levels. Indeed, 15 OECD countries with available data in the Profiles Enhancing Education Reviews collated by UNESCO indicated that responsibilities on inclusion in education are shared between central and local levels (UNESCO, n.d.[121]). The devolution of measures to support equity and inclusion in education to the local level is typically accompanied by nationally set frameworks, guidance materials, and tools for the use of school agents (Cerna et al., 2021[2]). The central departments often formulate overall goals for the education system in co-operation with a wide range of stakeholders. The local entities in turn support the central departments in implementing these goals (UNESCO, n.d.[121]).

In a way, decentralisation can be viewed as the natural response to complexity (Burns and Köster, 2016[122]). The reasons behind decisions to decentralise education systems vary across countries, but the most common arguments involve increased efficiency, improved financial control, reduced bureaucracy, increased responsiveness to local communities, more creative management of human resources,

improved potential for innovation, and creating conditions that provide better incentives to improve the quality of schooling (OECD, 2018[120]).

However, decentralisation can also impact equity in education adversely, given that communities' priorities on reallocation of funds can vary due to differences in local preferences and incomes (Kim and Dougherty, 2018[123]). Decentralisation can incentivise advantaged families to relocate thus biasing the use of funds towards socio-economically advantaged students (ibid.).

Moreover, even in decentralised systems, the national (or sub-national) central-level institutions remain responsible for the overall regulation of the system and act as top-down enforcers of quality standards if schools consistently fail to meet expectations (Burns and Köster, 2016[122]). For instance, ministries of education remain responsible for ensuring high-quality, efficient, innovative and equitable education at the national level. They must fulfil this function while at the same time an increasingly wide spectrum of stakeholders gets involved in the policy-making process, including local administration, other ministries, teacher unions, national boards, students' representatives and others.

Decentralisation can increase inequality if it does not consider regional and local needs. While Kim and Dougherty (2018[123]) did not find a statistically significant relationship between the decentralisation of funds and inequality in education outcomes in the review they undertook for the OECD, they also acknowledged that this might be due to other policies being in place that offset or mitigate any adverse impacts of decentralisation, such as additional funding to decentralised bodies (ibid.). Countries should therefore take efforts to adequately responsibilities delegated to regional and local levels. In the Netherlands, for instance, the Ministry of Education has entered into agreements with several municipalities to track and provide additional funding for programmes that targeted the language development support of disadvantaged children (OECD, 2017[124]). Following a decentralisation reform in Colombia, the Ministry of National Education has provided guidelines for inclusive education while regional education departments implement the policy, raise awareness and develop implementation plans (Ministerio de Justicia y del Derecho [Ministry of Justice and Rights], 2017[125]).

Horizontal co-ordination

In addition to vertical co-ordination (central to local levels), sharing or coordinating responsibilities among government departments or government and non-government actors can have positive impacts for equity and inclusion in education. Although evidence is scarce and often focused on early years, the successful integration of services can, for instance, result in more efficient identification of children's needs, including health, well-being, participation, social justice and equality. Services that provide holistic care are also more accessible, more likely to be approached and thus improve the outcomes of those with complex needs (CfBT Education Trust, 2010[126]; Corter, 2021[127]; OECD, 2015[128]; UNESCO, 2020[16]).

Integration of services has also been promoted for its potential in terms of quality and efficiency gains (UNESCO, 2020[16]). If multiple services are provided at single sites, this can lead to reduced costs of travel that is particularly important for disadvantaged groups.

Integration can only work in systems where stakeholders are willing to co-operate and coordinate. There are often barriers in the form of deep-rooted norms, traditions and bureaucratic cultures that can hinder the process of integration (UNESCO, 2020[16]). Other barriers may relate to obstacles associated within effective governance in general, such as ineffective communication with educators, lack of shared vision or overarching policy framework (Lawrence and Thorne, 2016[129]; Lord et al., 2008[130]; UNESCO, 2020[16]).

Efficient co-operation across institutions in a whole-system approach has been recognised as one of the attributes of high performing systems (Burns and Köster, 2016[122]; Schleicher, 2018[131]). This means alignment and coherence of the policies and practices over sustained periods of time and their consistent implementation. Finding the right balance between potentially conflicting forces - such as accountability and trust, innovation and risk-avoidance, and consensus building and making difficult choices - requires

the alignment of roles and responsibilities across the system, while at the same time improving efficiency and reducing potential overlap or conflict (Burns and Köster, 2016[122]).

Data from the European Agency for Special Needs and Inclusive Education relating to 18 countries in 2014-15 showed that, in many counties, several government departments or ministries were responsible for meeting the needs of learners with SEN. Education ministries were mostly responsible for the governance of learning settings and providing additional teachers and learning materials. Health ministries were most often responsible for screening, assessment and rehabilitation services, social protection ministries for the provision of financial aid and advice, and transport and public works ministries for promoting infrastructure accessibility. Finally, regional and local authorities were mostly responsible for physical accessibility or extra-curricular support (European Agency for Special Needs and Inclusive Education, 2016[132]; UNESCO, 2020[16]). More recent data from 2020 from 16 OECD countries paints a similar picture: health ministries were mostly responsible for screening and assessments of disabilities (UNESCO, n.d.[121]). Several countries also highlighted the existence of inter-ministerial committees or commissions on inclusion of disability affairs (ibid.). For instance, Hungary established the Inter-Ministerial Committee on Disability Affairs in 2015. This advisory and consultative committee is operated by the State Secretariat of Social Affairs and Social Inclusion. Every ministry and every state secretariat (including the State Secretariat of Education) designates a member for this committee (UNESCO Global Education Monitoring Report, 2021[133]).

Finally, several countries have established ministerial bodies and governmental agencies specifically to support the objectives of equity and inclusion for students with SEN. Some examples are the Advisory Council on Special Education of Ontario's Minister of Education, Canada (Ontario Ministry of Education, 2018[134]) and the Special Education Section in Ireland (Brussino, 2020[91]; Ireland Ministry of Education, n.d.[135]). In the area of education for gifted students, responsibility is typically distributed across a number of bodies, which may include, in addition to the ministries of education, national institutions, inter-ministerial agencies and research centres (Rutigliano and Quarshie, 2021[55]). In Austria, for example, the administering actors for gifted education are the Federal Ministry for Education, Art and Culture; the Federal Ministry of Science and Research; and the Austrian Research and Support Centre for the Gifted and the Talented. In some other countries, sub-national authorities have responsibility for identifying, designing and implementing plans for gifted students. These include Canada, Germany, Spain, Switzerland and the United States (Rutigliano and Quarshie, 2021[55]).

Specific agencies have also been established to promote equity and inclusion in relation to gender. The Swedish Gender Equality Agency, for instance, was established in 2018 to guarantee the adequate implementation of the Swedish Gender Equality Policy. One of the objectives of the Gender Equality Policy is to ensure that women and men as well as girls and boys have the same opportunities and conditions regarding education, study options and personal development. The agency coordinates with and provides different forms of support and expertise to other government agencies as well as municipalities, regions, civil society and businesses in order to achieve gender equality policy goals (Government Offices of Sweden, 2022[136]). In Finland, the Centre for Information on Gender Equality (National Institute for Health and Welfare) operates as a national service providing research-based information on gender equality. One of the Centre's focus areas is the state of gender equality in the education sector. In particular, Finland's key gender equality policy goal is the reduction of gender segregation in educational choices (European Institute for Gender Equality, 2017[137]).

Stakeholder engagement is crucial for ensuring equity and inclusion in education

Effective governance requires building the capacity of partners and encouraging open dialogue and engagement with stakeholders (Burns and Cerna, 2016[138]). Indeed, ensuring the widest possible stakeholder participation has been recognised as key to achieving equitable and inclusive education systems (UNESCO, 2021[139]). Stakeholders play an important role in shaping and implementing policies

to promote equity and inclusion in education based on a shared understanding of the concepts (Ainscow, 2005[140]; European Agency for Special Needs and Inclusive Education, 2021[141]).

Many countries have developed engagement mechanisms to collect the views of stakeholders (such as teacher unions, employers' organisations, representatives of parents/guardians and students, organisations who seek to represent provide support to specific diverse groups). In particular, civil society organisations often play an important role in communicating and representing the needs to specific disadvantaged groups before government authorities, both nationally and locally, and often work in partnership with governments to ensure the inclusion of these groups. Sometimes, these organisations benefit from the financial support of public institutions. In many countries, these organisations provide practical help (financial and material) and moral support (valorisation, cultural activities) to diverse and disadvantaged groups, and sometimes fill gaps in situations where support is not provided or needs are not met by governmental actors (Cerna et al., 2021[2]; Ulleberg, 2009[142]).

Stakeholder engagement can come in many forms. The following classification of stakeholder engagement – developed for the specific example of inclusive water governance, but equally relevant to education (OECD, 2015[143]) – distinguishes between six types of stakeholder engagement depending on the processes and intentions pursued: i) communication; ii) consultation; iii) participation; iv) representation; v) partnership; and vi) co-decision and co-production. A description of these types of engagement are provided in Box 2.6.

Box 2.6. Six levels of stakeholder engagement

The OECD (2015[143]) identified six levels of stakeholder engagement in the area of water governance, which have been adapted to the area of equity and inclusion in education.

Communication

As the first level of stakeholder engagement, communication involves making information and data on equitable and inclusive education polices available to all. Information sharing can be done through a variety of channels, such as traditional and social media and get-together workshops (Siarova and van der Graaf, 2022[144]). Communication can also aim to raise awareness to make the targeted audience more knowledgeable and sensitive to a specific issue, such as the rights and needs of students, pedagogical needs of teachers and current gaps in education provision.

Consultation

Consultation seeks to gather stakeholders' comments, perceptions, advice, experiences and ideas. The process is often initiated by decision makers looking for insights and views from the stakeholders involved or who will likely be affected by the outcomes (OECD, 2015[143]). Consultation may involve a wide range of tools starting with discussion fora such as round tables, town meetings, focus groups and surveys (in-person or electronic) followed by other feedback mechanisms such as public opinion polls or comment periods on a draft policy. The process can also include tools for more continuous consultation such as citizen's panels and advisory committees of interest group representatives, e.g., institutionalised advisory bodies (Rietbergen-McCracken, 2010[145]).

Participation

Participation implies that stakeholders are meaningfully involved in the decision-making process, taking an active part in discussions and activities. In these stakeholder activities, the aim is often to improve transparency in decision making and strengthen the foundation on which decisions are taken. This would mean ensuring the actual involvement of a range of education actors in evidence production (for instance through mandating and providing incentives to schools, non-formal education providers and

community-based organisation to collect data on specific needs of families and their integration experiences), in the evaluation of practices and policies, and then in the interpretation of the produced evidence for practice and policy (re)design (Siarova and van der Graaf, 2022[144]).

Representation

Representation is a more structural and institutionalised level of stakeholder engagement. It often consists in having stakeholders' perspectives and interests officially represented in existing structures and policy processes (OECD, 2015[143]). For example, in the case of refugee education, representation can take the form of advisory bodies composed of different types of stakeholders or refugee and integration councils composed of representatives of refugee communities. Typically, stakeholders are involved in the various aspects of design, development, implementation and evaluation, and have a say in the strategic and operational decision-making processes. In such contexts, it is key that involved stakeholders, and educational communities in particular, are addressed as active agents of change (Siarova and van der Graaf, 2022[144]).

Partnerships

Partnerships are the next formalised level of engagement. They consist of agreed-upon collaboration between institutions, organisations, or civil society to combine resources and competences in relation to a common challenge (OECD, 2015[143]). Partnerships can take place at various scales, from local partnerships between municipalities to regional and international partnerships aiming to bring innovation and solutions to segregation, such as the European Union Urban Agenda Partnership to expand the Europe-wide knowledge base on immigrant integration at the urban and/or regional level. Such partnerships can be possible if there is sustainable state funding for data collection and research and policies that encourage practitioners, researchers and other education stakeholders to participate in the design and development of interventions (Siarova and van der Graaf, 2022[144]).

Co-production and co-decision

Co-production of policies and co-decision are the ultimate levels of stakeholder engagement as they are characterised by a balanced share of power over the policy-making process. In OECD countries, it has been proven that co-decision and co-production in public services have led to cost reductions, better service quality and improved user satisfaction (OECD, 2015[143]).

In the context of equitable and inclusive education, co-production depends on having the right mix of leadership, capacity, and empowerment of all the stakeholders involved to ensure that all stakeholders feel responsible for and own the change process as well as contribute in a meaningful way.

Source: Adapted from OECD (2015[143]). Stakeholder engagement for inclusive water governance, https://doi.org/10.1787/9789264231122-en; Siarova and van der Graaf (2022[144]), Multi-stakeholder approach for better integration of refugee students, OECD Education Working Paper No. 265, https://doi.org/10.1787/82b390fb-en.

The following country examples highlight stakeholder engagement in equitable and inclusive education. In general, governments often engage in communication and consultations (i.e., the lower levels of stakeholder engagement). For example, in Portugal, the adoption of the 2018 legislation on inclusive education followed an evaluation process of the previous ten years' policies and practices and a broad national consultation. In preparation, a working group was established that was composed of State Secretaries and representatives from various government organisations. The consultation process engaged many stakeholders including academics, teachers and teacher unions, parents' associations, organisations for disabled persons and the general public. Public consultations on the draft law took place both in writing and through several open talks organised across the country (OECD, 2022[6]).

Another example of consultation stems from England (United Kingdom). A review of its school funding system was launched in 2016, with the aim of designing a new national funding formula that would be fair, transparent, simple, predictable and efficient and, at the same time, provide opportunities for more funding for staff working directly with students. To support this review, the government launched extensive consultations with relevant stakeholders so as to hear their perspectives on what the funding formulae should look like, including on how to define the weights to be attributed to each factor, the unit values and to illustrate the impact that these changes in the formulae would have (Department of Education, 2017[146]).

In Costa Rica, consultation procedures and mechanisms for the participation of Indigenous peoples in the decision-making processes that concern them in the field of education are defined in the 2009 decree on the Indigenous education subsystem (UNESCO Global Education Monitoring Report, 2020[147]). The decree provides for the establishment of three types of permanent mechanisms to promote the participation and consultation of Indigenous peoples: a National Advisory Council on Indigenous Education, Local Councils for Indigenous Education, and Indigenous education and administrative boards. The decree specifies that a Local Council for Indigenous Education is to be established in each Indigenous territory and is to be consulted on a mandatory basis in processes relating to the appointment and recruitment of personnel in educational services (Sistema Costarricense de Información Jurídica, 2022[148]).

The examples of New Brunswick (Canada) and the Flemish Community of Belgium below highlight a higher level of stakeholder engagement through partnerships between the Ministry of Education and other institutions or between schools and local education authorities. Such partnerships can help provide the necessary support and mechanisms to implement equitable and inclusive policies in schools and own the process of change (UNESCO, 2017[15]). In New Brunswick, Canada, extensive consultations with educators and other stakeholders were undertaken before passing major reforms on inclusive education, including Bill 85 and Policy 322 (AuCoin, Porter and Baker-Korotkov, 2020[101]). However, as the province recognises that consultation with stakeholders is not sufficient without greater continuous engagement with the education community, New Brunswick's journey to inclusive education supports the view that an entire community of stakeholders and partners must be engaged through partnerships and collaboration to make inclusive education a success (Ainscow, 2005[140]; AuCoin, Porter and Baker-Korotkov, 2020[101]; Zundans-Fraser and Bain, 2015[149]).

In Belgium, the Flemish Community introduced Local Consultation Platforms (*locale overlegplatformen*) as a tool to create school learning communities and promote collaboration and links between schools and local stakeholders. Local Consultation Platforms bring together social partners, teachers, parents and different institutions with the aim of ensuring equal access to educational opportunities, improving social cohesion, providing optimal learning chances and tackling segregation in schools. These platforms provide an analysis of the school environment, encourage socio-economic diversity and bring insight on how to avoid segregation. Local Consultation Platforms also collaborate with municipalities and keep track of newcomers, trying to provide support for skills assessment and their allocation to particular schools. Additionally, they can provide support in teacher education programmes as well as advice to schools on the ways to engage parents and local communities (European Commission, 2018[150]).

Education provision can be designed to support the goals of equity and inclusion

The design and diversity of education offerings are important for effectively responding to the diverse needs of students. Three particularly important ways through which the educational provision can impact on equity and inclusion goals are: the diversity of educational offerings (e.g., range of study pathways), the specialisation of learning environments (e.g., specialised classrooms for students with SEN) and the design of school choice policies (Cerna et al., 2021[2]).

Diversity of educational offerings

To deliver the curriculum and realise students' learning objectives, countries establish study programmes, disciplinary subjects, and study pathways at the primary and secondary level. The diversity of such educational offerings has considerable impact on the extent to which education systems are able to accommodate the whole diversity of students' abilities, interests and backgrounds and grant equal educational opportunities to all. For instance, an adjusted curriculum can be developed to increase the motivation of gifted children and improve their learning outcomes (Cerna et al., 2021[2]) (see also the section on Curriculum for equity and inclusion). In addition, offering Indigenous languages as part of study options or delivering some subjects in an Indigenous language is a strategy to improve the sense of self-worth and belonging of Indigenous students and to improve the intercultural competencies of non-Indigenous students (OECD, 2017[32]).

In Canada, Indigenous peoples comprise over 50 distinct and diverse groups, each with its own language and traditional land base (Ball, 2014[151]). Canada is a bilingual country with English and French as the two official languages, but jurisdictions may give official status to Indigenous languages. The Yukon Territory, for example, has its own Official Languages Policy that recognises eight Indigenous languages in addition to French and English. As result, all public schools have Indigenous language programming, from kindergarten upwards (Kral et al., 2021[152]). All students – Indigenous and non-Indigenous – attend the Indigenous language class in kindergarten. These classes help First Nations children's transition to public schooling (Meek, 2017[153]).

Similarly, some countries offer preparatory (sometimes called welcome, reception or transition) classes for newly arrived immigrant and refugee students. These are separate classes or lessons where students are provided with intensive language teaching or an adapted curriculum for other subjects and can improve the integration of non-native speakers (European Commission/EACEA/Eurydice, 2019[154]). Examples include Germany, Finland, Slovenia and Sweden (Cerna et al., 2019[36]; OECD, 2018[155]). In Germany, young refugees and newcomer students usually attend a welcome/preparatory class for a period of between one and two years to learn the German language and connect with the German education system. These classes are mostly based in mainstream schools. After reaching a certain German language level, refugee and newcomer students join a mainstream class. In some cases, this is a gradual process, with students participating in some mainstream lessons until they are ready to fully integrate into the class. In some regions, there is the opportunity to enrol in a mainstream class directly. In some Länder, refugee and newcomer students who live in reception centres are not allowed to attend mainstream schools, but rather attend compensatory lessons in the centre, which mainly do not follow the standards and curriculum of mainstream schools (Koehler et al., 2018[156]; Koehler, Palaiologou and Brussino, 2022[157]).

Finland has introduced preparatory classes to facilitate immigrant and refugee students' entry into basic and secondary education. The preparatory classes are available in either Finnish, Swedish, or the child's native language. Finland's Ministry of Education and Culture on Immigrant Issues recognises the importance of aiding the development of immigrant students' mother tongues, and, in 2014, more than 16 000 students participated in courses taught in their own mother language. This has resulted in 53 different languages being taught in Finland (OECD, 2018[158]). Another example is from Slovenia, which provides both preparatory classes to newly arrived immigrant and refugee children and continuing or advanced classes to support their language development during the school year. The continuing classes consist of an individual programme or plan of activities that may include remedial or supplementary classes in Slovenian either before or after school so that students can be integrated into mainstream classes with their native-born peers (ibid.).

Preparatory classes can be particularly important at the secondary level when students are older and therefore less likely to pick up the new language (European Commission/EACEA/Eurydice, 2019[154]). Moreover, in secondary education, the curriculum subjects and requirements are increasingly complex and so demand a good command of the language of instruction (Koehler, 2017[159]). However, preparatory

classes can hinder integration by separating migrant students from their native-born peers; and they may lead to delays in migrant students' educational progress if there is too strong a focus on learning the language of instruction over curriculum content (Nilsson and Bunar, 2015[160]). It is therefore important that a variety of learning support measures are provided, such as setting upper limits on class sizes to ensure better learning conditions, or providing specific teaching material adapted to the needs of students (European Commission/EACEA/Eurydice, 2019[154]).

Study pathways in education

Study pathways are important at both primary and secondary levels, and can influence access to tertiary education and transition to labour markets. The way in which education systems organise different levels, sectors and programmes of education affects how children and families engage with and transition through the schooling process (OECD, 2018[155]). In OECD countries, students choose between (or are selected into) a great variety of educational pathways such as general or vocational tracks, separate or mainstream schools or classes for diverse student groups, and different programmes within schools. Offering students and families a variety of educational pathways and parallel programmes can help ensure an educational provision that matches each student's interests and potential. However, it may lead to increased segregation, mismatches in students' pathway choices and a fragmentation of the educational offer (OECD, 2018[155]).

The transition between lower and upper-secondary levels of education is often one of the most difficult ones. This transition point is frequently aligned with movement into general and VET tracks and happens in many countries near the age for the end of compulsory education. As a result, it can be an important point for some students leading to either early school leaving or tracking into an educational programme that prepares students for entry into either post-secondary education or the labour market (OECD, 2018[155]).

Study pathways also raise equity concerns. There is great variation in the completion of upper-secondary education across OECD countries. While more than 90% of individuals in Greece, Korea and Slovenia below the age of 25 graduate from upper-secondary education, less than 70% in Costa Rica, Mexico and the United Kingdom are able to complete their degrees by this age (OECD, 2021[161]). In addition, there is variation between general and vocational programmes. On average across OECD countries, 63% of young adults in 2020 were expected to graduate from upper-secondary general programmes before the age of 25, compared to 37% for vocational programmes (OECD, 2022[162]). OECD (2018[120]) evidence shows that students' socio-economic background is a key determinant of their enrolment in vocational programmes: in all countries with available data, students whose parents have lower educational attainment are substantially over-represented in vocational programmes (see also the section on Vocational tracks in secondary education).

Student selection in education

Student selection can take different forms, and is often based on academic performance (OECD, 2012[163]). In some countries, selection consists of tracking students into different study programmes, usually in different schools or different classrooms within the same school with different curricula and final qualifications. These generally lead to either academic or vocational programmes, and to different further educational opportunities and professional prospects. In other countries, although students follow similar curricula, they are grouped into classrooms according to their abilities and are taught at different levels of difficulty, both in the orientation and pacing of instruction. In some countries, ability grouping occurs in all subjects while in other countries it is limited to one or few subjects. The extent of differentiation by school admission or grouping within the school in OECD countries is shown in

Table 2.3.

Table 2.3. Types of differentiation in lower secondary across OECD countries

	First age at selection in the education system	Number of school types or distinct education programmes available to 15-year-old students	Percentage of students in schools where students' records of academic performance are sometimes or always considered for admittance	Percentage of students in schools that group students by ability into different classes for some or all subjects	Percentage of students in schools that group students by ability within their class for some or all subjects
Australia	16	1	67.8	83.6	69.8
Austria	10	4	81.8	10.7	31.3
Belgium	12	4	49.5	40.2	47.4
Canada	16	1	49.5	82.1	50.1
Chile	16	3	20.7	27.3	43.3
Colombia	15	3	71.2	34.7	30.8
Costa Rica	15	3	68.0	47.1	80.1
Czech Republic	11	5	60.7	20.5	56.7
Denmark	15	4	23.8	23.4	74.4
Estonia	16	1	58.8	33.6	58.7
Finland	16	2	11.0	31.8	54.3
France	15	3	61.4	16.4	43.1
Germany	10	5	65.9	27.6	41.8
Greece	15	2	12.3	9.7	19.6
Hungary	10	3	93.1	29.4	78.1
Iceland	16	1	12.4	11.0	47.8
Ireland	15	2	21.2	92.8	52.4
Israel	15	2	63.8	97.9	72.9
Italy	14	4	64.9	13.8	49.9
Japan	15	4	100.0	49.3	50.3
Korea	15	3	58.8	28.4	57.9
Latvia	16	4	51.2	19.1	45.9
Lithuania	14	3	47.2	42.9	62.3
Luxembourg	11	4	82.5	64.3	45.5
Mexico	15	3	62.4	45.9	67.6
Netherlands	12	4	91.6	68.4	79.9
New Zealand	16	1	54.1	84.3	83.5
Norway	16	1	6.4	13.1	47.8
Poland	16	1	52.9	33.4	80.9
Portugal	15	3	20.3	11.8	15.9
Slovak Republic	11	4	68.2	35.7	60.2
Slovenia	14	3	69.7	35.0	56.3
Spain	16	2	15.3	38.4	41.5
Sweden	16	1	6.6	16.0	25.0
Switzerland	12	6	62.7	69.2	62.6
Türkiye	11	3	93.6	54.4	44.2
United Kingdom	16	1	22.8	98.5	71.1
United States	16	1	45.9	87.0	70.7
OECD average	14.2	2.8	51.4	42.7	53.8

Note: The terminology for the last category has been adapted to match the terminology of the Strength through Diversity Project.

Source: OECD (2019[164]), PISA 2018 Results (Volume I): What Students Know and Can Do, Table B3.3.3, https://doi.org/10.1787/5f07c754-en and OECD (2020[165]), PISA 2018 Results (Volume V): Effective Policies, Successful Schools, Table V.B1.3.4, Table V.B1.3.7, https://doi.org/10.1787/ca768d40-en.

As the table above illustrates, all OECD education systems introduce some form of tracking by the age of 16 at the latest, with the average age of first formal selection is 14 years in OECD countries. More than two-thirds of the education systems start this process from or after the age of 15. Three countries (Austria, Germany and Hungary) start tracking at the age of 10. A number of countries including Australia, Canada, Chile, Estonia, Finland, Iceland, New Zealand, Norway, Sweden, Spain, the United Kingdom and the United States introduce differentiated educational pathways at the age of 16.

In addition to the age at which students are allocated into different tracks, the number of tracks and the degree of differentiation between them can influence the variation in student outcomes and the level of educational inequalities, with research showing that the higher the number of school types and/or pathways in an education system, the larger the impact of socio-economic background on educational performance (Ammermüller, 2005[166]; Horn, 2009[167]).

Table 2.3 indicates that the number of tracks varies between one and six across OECD countries (with an OECD average of 2.8). PISA 2018 shows that countries with fewer academic programmes available to 15-year-olds tend to select students into different programmes at an older age. OECD countries that offer only one academic programme to 15-year-olds (Australia, Canada, Denmark, Estonia, Iceland, New Zealand, Norway, Poland, Sweden, the United Kingdom and the United States) select students into programmes at the age of 16 or later. Similarly, all countries that offer two academic programmes select students into programmes at the age of 15 or later. By contrast, countries with more academic programmes available to 15-year-olds tend to track students at an earlier age (OECD, 2020[165]).

School selection policies based on academic performance can also impact equity.

Table 2.3 shows that on average across OECD countries, around 50% of students are in schools where students' records of academic performance are considered for admittance. However, there is a wide variation between countries such as Norway and Sweden (with around 6% of students in schools using a record of academic performance for admittance) and countries such as Hungary, Japan and Türkiye (with more than 90% of students in such schools).

Students can also be grouped by ability in different classes for some or all subjects.

Table 2.3 indicates that across OECD countries, 42.7% of students are in schools that group students by ability into different classes. Again, there is great variation between countries. In countries such as Austria and Greece, around 10% of students are in schools that group them by ability into different classes. In contrast, in countries such as Ireland, Israel and the United Kingdom, over 90% of students are in schools that group them by ability into different classes. In addition, 53.8% of students are in schools that group students by ability in their classes (

Table 2.3). However, the percentages vary considerably across countries. In Greece and Portugal, fewer than 20% of students are in schools that group students by ability within their class, compared to around 80% of students in Costa Rica and the Netherlands (OECD, 2020[165]).

Impact of student selection on equity

Student selection and tracking policies determine the way students are grouped together or directed to separate classrooms, pathways and schools according to their abilities (Shavit and Müller, 2006[168]). Overall, they have been recognised as exacerbating differences in learning between students and in educational inequities (OECD, 2012[163]), with evidence showing that the track where students are assigned has a great impact on their educational and life prospects (Shavit and Müller, 2006[168]). The existence of different pathways and schools affect learning in two ways. Firstly, the teaching environment can vary,

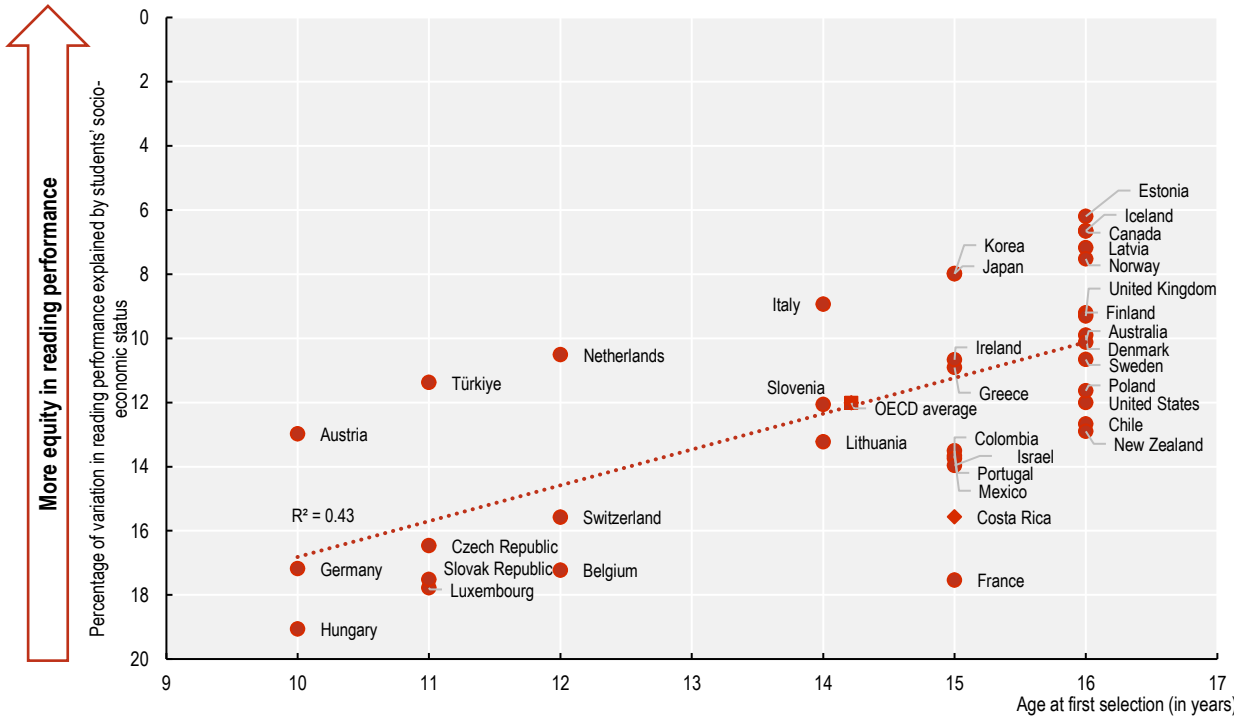
since it depends on the curriculum, the teachers and the resources. Less demanding tracks tend to provide less stimulating learning environments (OECD, 2012[163]; Oakes, 2005[169]). Secondly, students' outcomes can also be affected by the students alongside them (Field, Kuczera and Pont, 2007[170]; Ammermüller, 2005[166]; Hanushek and Wößmann, 2006[171]).

Students from lower socio-economic background are particularly affected by academic selection, and especially by early tracking (European Commission/EACEA/Eurydice, 2020[172]). They are disproportionally placed in the least academically-oriented tracks or groups early on, which widens initial inequities (Spinath and Spinath, 2005[173]). Other diverse groups of students may be negatively affected by academic selection such as early tracking. For example, students with an immigrant background may be locked into a lower educational environment before having the opportunity to develop the linguistic, social and cultural skills to attain their maximum potential (OECD, 2010[174]).

Studies have found that the earlier tracking is introduced, the wider the learning differences between students (Hanushek and Wößmann, 2006[171]; OECD, 2012[163]). There thus seems to be an adverse relationship between equity and the age at which students are channelled down different pathways. Early tracking is found to both widen the gap between low and high performers, and increase the impact of socio-economic background on performance (Contini and Cugnata, 2018[175]; Horn, 2009[167]; Schütz, Ursprung and Wößmann, 2008[176]). Early tracking magnifies early achievement, which is more influenced by socio-economic background than achievement in later years. This not only reinforces the parental background effect, but also contributes to reducing the educational expectations of less privileged students (Buchmann and Park, 2009[177]; Parker et al., 2018[178]; Parker et al., 2018[178]). Reduced educational expectation and aspiration in turn influences educational choices, thereby further decreasing the equity of educational outcomes. However, the effects of tracking vary depending on different factors, such as the age of first tracking; the number of tracks and the degree of differentiation; the labour-market orientation and size of vocational tracks; selection procedures; the permeability between tracks; and the prevalence of course-by-course tracking (European Commission/EACEA/Eurydice, 2020[172]). This may explain some of the ambiguity of the research evidence and suggests that the effects of tracking may be different in different countries (OECD, 2016[179]; Pekkarinen, Uusitalo and Kerr, 2009[180]).

PISA 2018 shows that students' age at first selection into different programmes was not consistently correlated to mean reading performance. However, selecting students into different programmes at an earlier age was correlated with less equity in reading performance, even after accounting for per capita GDP across OECD countries, and across all countries/economies. As shown in Figure 2.6, differences in the age at first selection accounted for 43% of the differences in equity in reading performance across OECD countries (OECD, 2020[165]).

Figure 2.6. Age at first selection and equity in reading performance



Source: Adapted from OECD (2020[165]), PISA 2018 Results (Volume V): Effective Policies, Successful Schools, Figure V.3.9, https://doi.org/10.1787/ca768d40-en.

Besides early tracking, academic selectivity and ability grouping can also impact equity. In particular, they can reinforce socio-economic differences between or within schools (European Commission/EACEA/Eurydice, 2020[172]; Chmielewski, 2014[181]). More specifically, while academic selectivity was not consistently correlated with mean student performance, OECD countries with fewer academically selective schools generally showed greater equity in student performance in 2018. Across OECD countries, the percentage of students in schools that never consider students' record of academic performance for admission was positively correlated with equity in reading performance, before and after accounting for per capita GDP (OECD, 2020[165]). Furthermore, across OECD countries, changes between 2009 and 2018 in the percentage of students attending a school where admission is never based on the student's record of academic performance were positively correlated with changes in equity in reading. This means that equity in education tended to improve in countries where the prevalence of academic selectivity decreased (ibid.).

In PISA 2018, the system-level correlation between ability grouping within class and mean reading performance differed depending on whether this kind of ability grouping was implemented for some subjects or for all subjects. The percentage of students in schools that group students by ability in class for some subjects was positively correlated with mean performance in reading, before and after accounting for per capita GDP, across OECD countries, and across all participating countries and economies. PISA 2018 shows that 18% of differences in mean reading performance across all countries/economies can be explained by cross-national differences in ability grouping in class for some subjects (OECD, 2020[165]).

In contrast, the percentage of students in schools that group students by ability within their class for all subjects was negatively correlated with mean performance in reading, before and after accounting for per capita GDP, across OECD countries, and across all participating countries and economies. PISA 2018 shows that some 23% of differences in mean reading performance across all countries/economies can be

explained by cross-national differences in ability grouping in class for all subjects. These findings suggest that the relationship between ability grouping in class and performance may be associated with the way ability grouping is implemented (OECD, 2020[165]). A number of countries and programmes have implemented policies and initiatives to mitigate the impacts of ability grouping and tracking (see Box 2.7).

Box 2.7. Mitigating the impacts of ability grouping and tracking

Some education systems have sought to reduce the impacts of tracking and ability grouping on equity by providing flexibility to change tracks or pathways, improving the selection methods for the different tracks or groups, and/or delaying the age at which students are allocated into different tracks. For instance, in Germany (where tracking begins relatively early), students are allowed to change tracks when moving from lower to upper secondary education (OECD, 2018[155]). In the Netherlands, teachers have the discretion to delay tracking of students in lower secondary education by placing them in "bridge classes", which allow for flexibility among the curricula associated with different tracks (OECD, 2018[155]; Gomendio, 2016[182]). The Flemish Community of Belgium has also sought to delay early tracking and retain more students from disadvantaged backgrounds in general education pathways as part of its "Master Plan for Secondary Education", which provides for a more comprehensive stage of schooling in lower secondary education (OECD, 2018[155]). Similarly, Austria has sought to mitigate the effects of early tracking and ability grouping in lower secondary education through the creation of the New Secondary School (*Neue Mittelschule*), which was introduced in 2008 as a pilot project and has since become the standard form of lower secondary school in the country. Rather than separate students into different ability groups in core subjects, which was the case previously, students are assessed on a differentiated grading scheme in years 7 and 8 and benefit from more individualised and project-based learning and competence orientation (ibid.).

While delaying early tracking appears promising as a means to reduce the impact of student background in the selection of study programmes, its effectiveness in practice depends on other complementary policies. These include the development of effective systems to monitor the characteristics of students going into different tracks and early diagnosis processes to assess students' learning needs and identify appropriate interventions to help them with challenges that may impact on their learning (OECD, 2018[155]).

To assist schools in mitigating the negative equity impacts that may arise from ability grouping, the Best Practice in Grouping Students Project in the United Kingdom has published a research-informed guide that sets out specific recommendations as to what schools should and should not do when grouping students (Francis et al., 2018[183]). These recommendations include:

- Making grouping as subject-specific as possible, in light of the fact students' attainment levels differ across subject levels;
- Grouping students by attainment alone and without regard to factors that can be subject to unconscious bias on the part of teachers, such as "effort" or "attitude to work";
- Regularly re-testing students and moving them between ability groups where appropriate;
- Using a lottery system when assigning borderline students to groups (to ensure there is no risk of bias in assigning students from particular backgrounds to lower or higher sets);
- Ensuring that all students have access to a rich curriculum, rather than reducing content and lowering standards for students in lower ability group levels; and
- Applying high expectations for learning opportunities, curriculum, behaviour and homework consistently across all sets.

Source: OECD (2018[155]), *Responsive School Systems: Connecting Facilities, Sectors and Programmes for Student Success*, https://doi.org/10.1787/9789264306707-en, Francis et al. (2018[183]), Dos and don'ts of attainment grouping, https://www.ucl.ac.uk/ioe/sites/ioe/files/dos_and_donts_of_attainment_grouping_-_ucl_institute_of_education.pdf (accessed 12 October 2022).

Vocational tracks in secondary education

Education systems often distinguish between general and VET tracks. VET can help engage learners in education and training by providing an attractive alternative to those who are not interested in academic learning in a typical classroom setting. It can therefore contribute to reducing dropout rates and to re-engaging early school leavers in the education system (OECD, 2021[161]).

However, evidence shows inequities in terms of the types of educational trajectories different students pursue, which impacts on future learning and employment opportunities. Young men and boys, for instance, are less likely to complete upper-secondary education and are also usually over-represented in vocational paths (OECD, 2021[161]). Socio-economically disadvantaged students (without at least one parent with higher education) are also more likely to enrol in upper-secondary vocational programmes than in general ones and less likely to complete the level (ibid.). Moreover, some young people might follow vocational tracks that do not necessarily respond to their needs and, if no proper bridging or pathways exist between tracks, this may jeopardise their future learning opportunities.

Various countries have put in place preparatory programmes, such as pre-apprenticeship programmes, and/or shorter programmes, to support vocational students at risk of dropping out. Such programmes provide additional support and coaching. France, for example, recently introduced the *prépa-apprentissage*, a pathway that aims to identify and close basic and employability skills gaps before starting an apprenticeship. Switzerland offers two-year 'EBA' apprenticeships (*Grundbildung mit Eidgenössischem Berufsattest*) designed for youth who face difficulties at school, struggle to find a three or four-year apprenticeship, or who are at risk of dropping out, which are supported by individual coaching designed to help participants improve their academic, technical and social skills (OECD, 2018[184]). Estonia established funding for VET institutions to set up new programmes for at-risk youth, namely young people who have fallen out of compulsory education, or those who are not in education, employment or training, students who need enhanced support, and those with poorly defined career goals. Institutions can use the grants for curriculum development, including planning for out-of-school learning, and for training and networking activities for school staff and partners in the workplace (OECD, 2021[185]). Austria's integrative apprenticeships programme targets vulnerable students at risk of dropout by offering them a special wage (negotiated with employers) and close guidance from a dedicated training assistant while providing employers with a targeted subsidy. Training assistants define the nature of the training contract between the employer and the apprentice, prepare the workplace for the apprentices' arrival, and provide academic support throughout the training programme (Kis, 2016[186]).

Some countries have also developed flexible and shorter types of learning opportunities to enable upskilling and reskilling of the labour force, personal development and widening access to vocational education and training. Finland, for example, implemented a modular approach in most vocational qualifications, designing a personalised learning plan for all learners and allowing them to acquire the required skills at vocational institutions, on the job or elsewhere (OECD, 2020[187]). However, the modularisation of VET programmes remains a challenge, especially for practical learning activities that are part of apprenticeship programmes.

More generally, countries have implemented a range of initiatives to address the barriers that young people may face in upper-secondary education and facilitate their engagement. Norway is considering providing more flexible upper-secondary education with no time limit – so that young people can take the time they

need, sometimes more than others and sometimes less – for completion (Ministry of Education and Research, 2021[188]). In Ireland, all students have the space to learn broadly, mature and develop in a Transition Year before the pressure of examinations (Department of Education, 2022[189]). New Zealand's National Certificate of Educational Achievement enables young people to choose subjects and courses flexibly, combining general and vocational content at different levels, tailored to their personal interests (Ministry of Education, New Zealand, 2022[190]). Organising the final stage of school education with more flexible timeframes and modules also means it is more open to adults returning to education.

Specialisation of learning environments

Although equity and inclusion might be the desired outcome, achieving this goal may, in some cases, require the provision of specialised learning environments for certain students. Providing specialised learning settings can be an effective strategy for responding to the needs of given students.

The different types of learning settings can be classified into six categories, following the example of the comprehensive model of settings that is offered in Ontario, Canada: i) Dedicated schools, ii) Dedicated classes, iii) Regular classes with indirect support, iv) Regular classes with resource support, v) Integrated classes, vi) Withdrawal classes (Mezzanotte, 2020[52]). The characteristics of these models are summarised in Table 2.4.

Table 2.4. Types of learning settings

Full/Part time	Placement	Description
Full time	Dedicated schools	The student can apply to specific schools, dedicated to students with moderate/severe learning disabilities.
	Dedicated classes: Special education class full time	The student is placed in a special education class, where the student-teacher ratio conforms to the standards, for the entire school day.
	A regular class with indirect support	The student is placed in a regular class for the entire day, and the teacher receives specialised consultative services.
Full/Part time	A regular class with resource support	The student is placed in the regular class for most or all of the day and receives specialised instruction, individually or in a small group, within the regular classroom from a qualified special education teacher.
Part time	Integrated classes: Special education class with partial integration	The student is placed in a special education class where the student-teacher ratio conforms to the standards, for at least 50 per cent of the school day, but is integrated with a regular class for at least one instructional period daily.
	A regular class with withdrawal assistance	The student is placed in the regular class and receives instruction outside of the classroom for less than 50 per cent of the school day, from a qualified special education teacher.

Source: Adapted from Ontario Public Service (2017[191]), Special Education in Ontario, https://files.ontario.ca/edu-special-education-policy-resource-guide-en-2022-05-30.pdf (accessed 11 January 2023)

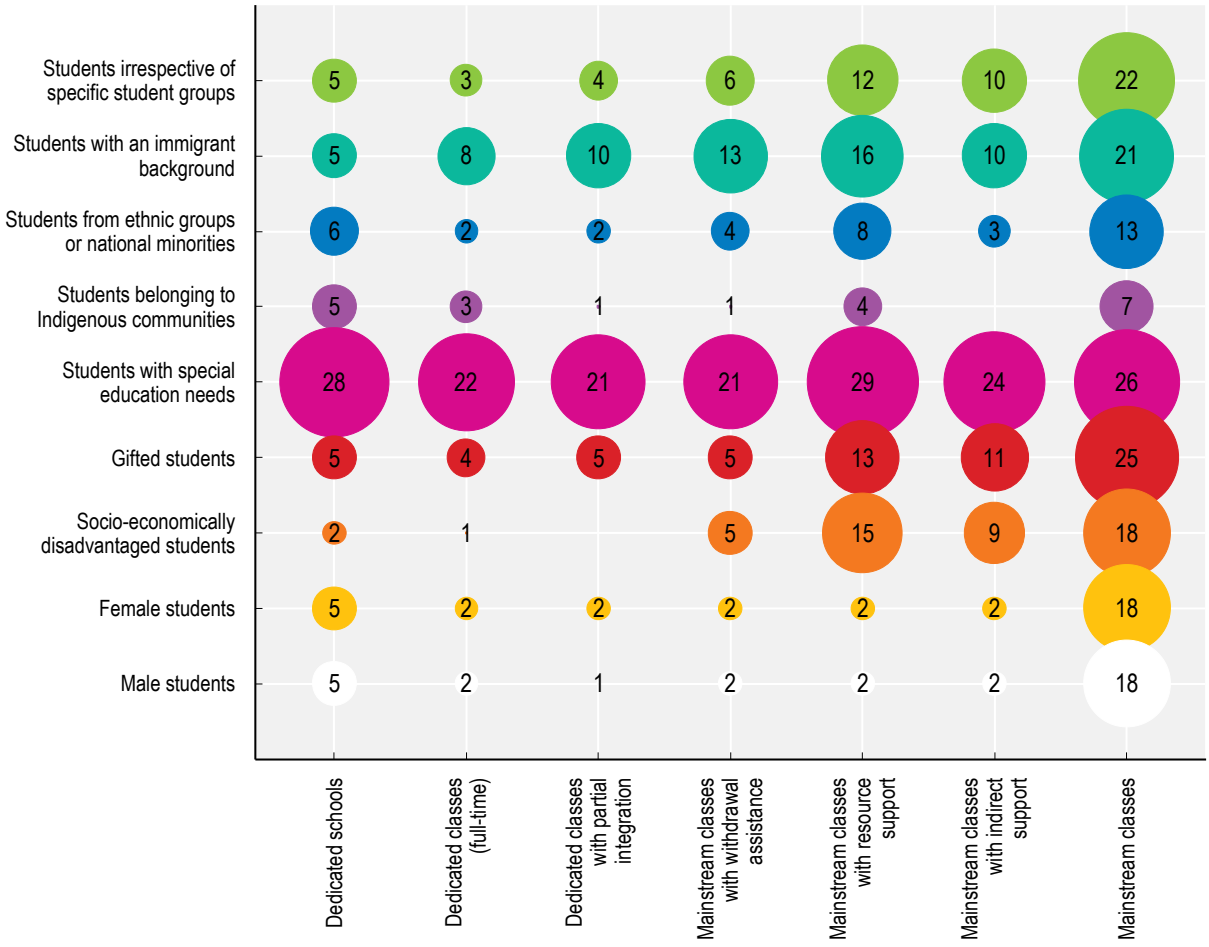
Figure 2.7 shows that learning environments are most often tailored to meet the needs of students with SEN, students with an immigrant background and socio-economically disadvantaged students. For all student groups, except for students with SEN and to some extent students belonging to Indigenous communities, learning settings are skewed towards mainstreaming students. In fact, no more than six education systems provided dedicated schools for students belonging to groups other than students with SEN. Indeed, except for students with SEN and students with an immigrant background, no more than five education systems provided dedicated classes. For all student groups, except for students with SEN, most education systems provided full-time mainstream classes, followed by mainstream classes with resource or indirect support.

With respect to students with SEN, most countries offer a range of options. These support options include specialised schools, exclusively dedicated to serve students with SEN, specialised classes within mainstream schools and the integration in mainstream classes within mainstream schools. In many education systems, students with SEN are included in mainstream classes with resource support (29 systems) or in dedicated schools (28 systems). Other settings include full-time mainstream classes (26 systems) and dedicated classes. Nonetheless, in some education systems, students with SEN are included in mainstream classes with indirect support, mainstream classes with withdrawal assistance, or dedicated classes with partial integration.

Finally, several education systems indicated that they provided various particular learning settings to students irrespective of specific student groups. This is understandable given that several education systems have “needs-based” approaches in which they evaluate student placements based on their needs rather than specific labels.

Figure 2.7. Learning settings (2022)

Number of education systems that provide the following settings (ISCED 2)



Note: This figure is based on answers to the question "Which education settings does the policy framework in your education jurisdiction provide for diverse groups of students at ISCED 2 level?". Thirty-three education systems responded to this question. Response options were not mutually exclusive. The numbers inside the bubbles indicate the sum of education systems that responded positively to the question above for that specific student group. Sizes of the bubbles are proportional to these sums.
Source: OECD (2022[41]), Strength through Diversity Policy Survey 2022.

StatLink https://stat.link/48gmj9

Some countries have established distinct education sub-systems that primarily serve a specific group of students. In New Zealand, the 1989 Education Act made provisions for Māori communities to set up and govern their own schools, which facilitated the establishment of a Māori-medium sector (Nusche et al., 2012[192]). The Māori-medium sector provides a range of learning pathways from early childhood education through to tertiary education. It aims to provide education in an environment where the values of Māori teaching and learning philosophies are promoted and Māori is used as the language of communication.

In the area of education for gifted students, national and sub-national education authorities in some countries have established selective schools. These schools usually focus on specific domains, including sciences, languages and music. For example, Korea has set up new educational institutions for gifted education, which include gifted secondary schools (specialised schools with autonomous curricula not subject to state regulation), gifted centres, and departments for gifted education (Rutigliano and Quarshie,

2021[55]). In Poland, gifted students can also choose specialised schools supported by the Ministry of Education or/and the Ministry of Culture in music, visual arts, ballet or sports (Limont, 2012[193]). In many other education systems, gifted education is rather exclusively provided either within the regular classroom or through extra-curricular activities, usually categorised as enrichment programmes (Rutigliano and Quarshie, 2021[55]).

There are some advantages and disadvantages of special education settings (Brussino, 2020[91]; D'Alessio, Donnelly and Watkins, 2010[194]; European Agency for Development in Special Needs Education, 1999[195]; Keslair, Maurin and McNally, 2012[196]; OECD, 2005[197]; World Health Organization, 2011[198]). On the one hand, full-time specialised support can potentially better meet the individual needs of students with SEN, particularly if student-teacher ratios are lower (as they typically are). Furthermore, teaching staff and school personnel in special education settings can be more likely to be appropriately qualified to provide education and support to students with SEN. Finally, in special education settings, students interact with peers who have similar challenges; this can be a positive aspect in promoting feelings of inclusion and acceptance in the classroom. On the other hand, special education settings can lower academic expectations of students with SEN and the lack of integration with students without SEN increases the risks of stigma and lack of societal inclusion in school and later in life. Moreover, special education settings are understood to be more costly, and transition to mainstream schools from special settings can entail academic and socio-emotional challenges for some students.

School choice and student selection policies

School-choice policies and programmes have expanded in scope and size in most of the education systems with available data since the 1980s, though with wide variation across countries with regard to their form (OECD, 2019[199]). Arguments in favour of school choice policies and programmes include the idea that they may increase student engagement by enabling students to attend schools that more closely match their needs and preferences (Vaughn and Witko, 2013[200]). Similarly, school choice might improve the alignment between the educational vision of a specific school and the beliefs and identity of a student and his/her family. Competition between schools has also been recognised as, in theory, having the potential to improve the educational outcomes for all students by increasing accessibility and the overall quality of education (OECD, 2015[201]; Cerna et al., 2019[36]). From an equity point of view, greater choice may allow socio-economically disadvantaged students to be liberated from residence constraints by being able to choose schools outside their own (often disadvantaged) neighbourhood (European Commission/EACEA/Eurydice, 2020[172]; Musset, 2012[202]). In this way, it may, at least in theory, allow more disadvantaged children access high-quality schools.

However, not all students are able to equally benefit from the ability to choose the school they wish to attend. Research evidence shows that, when presented with the option of choosing a school, not all parents and students choose actively, and those who do so tend to belong to advantaged families who have greater access to information on the options available. Choice only slightly increases opportunities for students who face financial, residence, transport and information constraints (Cornelisz, 2017[203]; Echazarra and Radinger, 2019[204]). For example, school choice may be very limited or non-existent for students living in remote areas, where there is one school or alternative schools are far away, in bigger settlements. Similarly, students living in severe socio-economic conditions may not have the resources – time or financial – to choose to study outside their local neighbourhood (European Commission/EACEA/Eurydice, 2020[172]). Evidence also indicates that parents from a lower-income background prefer schools that are close to where they live (Allen, 2007[205]; Reay and Ball, 1997[206]).

In fact, in the absence of proper regulation, school choice can increase school stratification based on students' ability, socio-economic status and ethnicity (Ladd and Fiske, 2001[207]; Levin, 2009[208]), as has been demonstrated in empirical research of a number of countries including Finland (Berisha and Seppänen, 2016[209]; Bernelius, Huilla and Lobato, 2021[210]) and Sweden (Arreman, 2014[211]; Holm,

2013[212]). Parents' perception of schools is affected by their location and socio-economic composition, with parent and student behaviour revealing a preference for choosing schools which have peers from socio-economically similar or from a more advantaged background (than the neighbourhood school peers) (Butler and van Zanten, 2006[213]; Rowe and Lubienski, 2016[214]; Wouters, Hermann and Haelermans, 2018[215]). This can lead to a smaller social mix in schools, a tendency that can significantly weaken societal ties (OECD, 2022[216]). In Finland, for instance, some of the most disadvantaged catchment areas in Helsinki have witnessed the "flight" or "avoidance" of native Finnish families (Bernelius and Vilkama, 2019[217]). Research findings show that increased mobility, mainly on a municipal and, in some cases, regional level, facilitated by a voucher system allowing movement between schools, led to increased segregation between immigrant and native students (UNESCO, 2021[218]; Kornhall and Bender, 2019[219]). For example, there is evidence from Sweden that many native students change schools when the proportion of immigrant students in their school reaches a certain level (Yang Hansen and Gustafsson, 2016[220]). Furthermore, researchers found the existence of so-called "tipping points", where native Swedes will leave a neighbourhood or school after the minority or migrant population exceeds a certain percentage (Neuman, 2015[221]; Cerna et al., 2019[36]).

In this way, free school choice can foster sorting by ability (Seppánen, 2003[222]; Söderström and Uusitalo, 2010[223]) and socio-economic background (OECD, 2016[224]; Boeskens, 2016[225]). Available evidence suggests that selective admission and substantial add-on tuition fees in particular are likely to exacerbate social segregation and can undermine schools' incentives to compete on the basis of educational quality (Boeskens, 2016[225]). Furthermore, greater choice can lead to performance gaps within schools. Evidence suggests that one of the explanations for this phenomenon is the fact that schools in countries such as Finland are increasingly grouping students by ability and interest in "special emphasis classes" (e.g., music, foreign languages). Admission criteria used to select students into these "special emphasis classes" tends to privilege those from the most advantaged backgrounds. Research also suggests that ability grouping can harm the performance of those placed in lower tracks, which is particularly worrying given that they tend to belong to more disadvantaged groups and already experience greater barriers in and outside of education (OECD, 2020[165]; OECD, 2022[216]).

Other aspects of selection can also lead to increased segregation. For example, the first-come-first-serve principle can lead to increased segregation in schools as native parents, unlike newly immigrated parents, can place their children in a school's queue many years in advance to guarantee placement in the best schools (Cerna et al., 2019[36]). Segregation can also occur at the school-level when schools try to circumvent mandated school choice practices by advertising predominately to certain favoured groups, such as high-achieving students, as well as when schools are built in areas that are typically homogenous and high-achieving (Böhlmark, Holmlund and Lindahl, 2015[226]).

In addition, for publicly-funded private schools, school choice might induce high-achieving and advantaged students to leave the public sector, thereby exacerbating the stratification of students with respect to their socio-economic background and ability. As a result, funding private education might deplete the public sector of vital resources (Boeskens, 2016[225]).

A 2019 OECD report suggests that the impact of school-choice policies is ambiguous (OECD, 2019[199]). The impact of school choice policies, including their sorting effects, is influenced by several factors. These include school funding and any financial incentives to support school choice; the regulations in force; and the support services available to schools (Ladd, 2002[227]; Levin, 2009[208]). For example, choice policies that support disadvantaged and low-performing students (such as certain controlled choice and incentive schemes, which are discussed below in the section on Designing and managing school choice programmes to mitigate negative equity impacts) can enhance equity (Hanushek and Luque, 2003[228]). In addition, the impact of school choice is also largely influenced by associated policies such as the existence of private schools or the availability of different types of public schools. Other significant factors are the information available to parents on school supply, the conditions and procedures involved in choosing a

school, as well as policies determining whether and how schools may select students (European Commission/EACEA/Eurydice, 2020[172]).

Once the specificities of the school system are taken into account, estimates suggest that, within a country/economy, relaxed residence-based admissions regulations are related to an increase in social segregation across schools. However, this does not mean that strict residence-based regulations should be favoured since such regulations can create additional residential segregation and thus reinforce school segregation in the long term. Nonetheless, without some constraints in place, relaxing residence-based regulations may result in greater sorting of students by both ability and socio-economic status (OECD, 2019[199]).

The effect of school choice on student sorting is important because school composition (in particular, 'peer effect'[5]) has an impact on educational performance (Gibbons, Machin and Silva, 2006[229]). Empirical data in PISA 2018 (OECD, 2019[230]) illustrates that in education systems where schools are less socially diverse, the link between students' educational performance and their socio-economic status is stronger. Less diversity in schools tends to favour advantaged students, as less social diversity appears to correlate slightly with better performance for advantaged students and weaker performance for disadvantaged ones (OECD, 2019[199]). In addition, PISA 2015, as well as other academic research, indicates that creaming off high-ability and socio-economically advantaged students has a particularly negative effect on the performance of students in disadvantaged schools (European Commission/EACEA/Eurydice, 2020[172]; OECD, 2019[199]).

Designing and managing school choice programmes to mitigate negative equity impacts

There are several ways in which choice programmes can be designed and managed to limit their negative impacts on equity. Introducing controlled-choice schemes can combine parental choice and ensure a more diverse distribution of students. These schemes commonly allow parents to report several school preferences to a central enrolment point, which public authorities then try to respect as much as possible while maintaining a balanced distribution of students (OECD, 2012[163]). In addition, to ensure balance, introducing incentives for schools to make disadvantaged students attractive to high-quality schools, school selection mechanisms, and vouchers or tax credits can be alternative options. Policies are also required to improve disadvantaged families' access to information about schools and to support them in making informed choices (ibid.). For example, studies from Sweden show that immigrant parents face difficulties in utilising school choice to their child's benefit due to lack of language skills and reduced social and professional networks (Böhlmark, Holmlund and Lindahl, 2015[226]). These sorts of barriers can be overcome to some extent by ensuring that information on school choice policies is translated into the languages of major migrant groups (as well as those of ethnic minorities). This is currently being done in cities like Barcelona (Spain), Helsinki (Finland) and Oslo (Norway). Beyond providing information, it is also crucial to ensure that immigrant families understand fully the education system, for example the differences that start at upper-secondary level between general and vocational streams, and the implications of these choices for children's' future educational and career options. To this end, parents in countries such as the Netherlands have been invited to visit schools and meet teaching staff and school leaders (see Box 2.8).

Box 2.8. Examples from the Netherlands for active school choice

At the local level in the Netherlands, Knowledge-centres for Mixed Schools (*Kenniscentrum Gemengde Scholen*) seek to promote quality immigrant education through reducing segregation. The centres share the common practice of creating manuals on fostering diverse school environments. The knowledge centre in Rotterdam has also attempted to change preferences and misconceptions of foreigners through local tours organised by municipalities which allows parents to visit local schools. Considering many parents reported that they felt more comfortable touring schools in groups, this intervention is especially important for migrant parents who are navigating the system for the first time. After the tour has finished, parents and the facilitator discuss the pros and cons of each of the schools and explain the school choice process (Walraven, 2013[231]). Overall, this programme allows immigrant parents to learn about the schools in their area and make informed decisions for their children (European Commission, 2017[232]).

At the community level, some native Dutch families are engaging in self-organised initiatives with the aim of desegregating schools. Some communities, for instance, are providing awareness education for non-immigrants parents to disarm stigmatisation and fears of integration measures influencing their children negatively (Bunar, 2017[233]). Native Dutch families have also been grouping together and enrolling their children in schools that perform well and that have a high population of students from disadvantaged and/or minority backgrounds, to reduce segregation while ensuring their child is not the only native Dutch student in the classroom (Walraven, 2013[231]). In addition, these parents and communities interact with their local schools about curriculum, differentiation for students and after-school programmes so as to make the learning environment effective for all students. Involvement at the community level could often be an effective measure in reducing segregation; “grassroots participation drives the movement. No matter how strong, appealing, or sensible an idea may be, it needs people to think about it, talk about it, and act upon it if a movement is to advance its goals of changing society” (Van Til and Eschweiler, 2008[234]). Parents in the Netherlands have created approximately 90 parent groups that use school choice as an effective means to desegregate schools and provide a quality education for all (Walraven, 2013[231]).

Source: Cerna et at, (2019[36]), Strength through Diversity Spotlight for Sweden, OECD EDU Working Paper No. 194, https://dx.doi.org/10.1787/059ce467-en.

Boeskens (2016[225]) demonstrates that the regulation of publicly-funded private schools can make an important contribution to the equity and effectiveness of school choice programmes. Key areas for regulation include selective admission procedures (which gives private schools an incentive to compete on exclusiveness rather than their value-add, and can increase inequality and stratification); tuition fees (which can allow private schools to “cream-skim” students from the public sector and increase educational inequalities); and for-profit ownership.

School zoning or catchment areas have considerable potential to achieve balanced school enrolment (see examples in Box 2.9). Available studies show that socially heterogeneous zones can favour equity in students’ distribution (Saporito, 2017[235]). For this to be achieved, it is crucial that interest groups be prevented from gerrymandering catchment areas (i.e., manipulating the boundaries of the zones to favour themselves). International evidence highlights the need for various factors (such as school location and education demand) to be taken into account when establishing school zones to avoid the concentration of socio-economically disadvantaged students (OECD, 2022[216]).

Box 2.9. Building heterogeneous school zones

Catalonia (Spain)

Several municipalities in Catalonia (Spain), including the municipality of Terrassa, have reformed their school zoning systems to achieve more balanced enrolment, with a focus on integrating students with special education needs and from immigrant backgrounds. As part of recent changes, public and charter schools have been merged into the same zoning system. Moreover, to establish increased social heterogeneity within zones, municipalities are adjusting the traditional models of pairing schools and neighbourhoods. Within each zone, an 'exceptional' area is set up along its border. Families in these zones are allowed greater flexibility, and can choose to enrol their children in schools within its school zone, or neighbouring areas. This strategy is meant to resolve any challenges that might arise from these reforms, and to ensure that the new catchment areas do not undermine the principle of proximity (Bonal, 2019[236]).

Zürich (Switzerland)

Researchers from the University of Zürich modelled each block of the city of Zürich according to the share of non-German speaking householders and the share of households in which both parents attained upper-secondary qualification at most. They called this measure the "concentration index" (K-index). After, the researchers reconstituted the catchment area of 77 of the city's primary schools, block by block. As was to be expected, an almost perfect correlation between the concentration index of a school's surroundings and that of a school's catchment area was found. In other words, school segregation reflected existing segregation.

The researchers then developed an algorithm to reduce school segregation levels. The algorithm developed by researchers runs like a board game. At each turn, a school swaps up to four blocks with neighbouring schools, provided the exchange brings the concentration index of that school closer to the city average without harming a more segregated school. When no school can proceed to such an exchange anymore, the process stops. In applying the algorithm, the researchers proposed new catchment areas for Zürich's primary schools. At first sight, the map would change little. Indeed, for schools that are in remote areas little would change. But for others, in denser neighbourhoods, the changes that would come from using this new map would be remarkable.

In one of the most segregated schools, the algorithm could bring the K-index from over 70% to 44% (still 16 percentage points over the city average). Overall, applying the algorithm to Zürich's catchment area could bring the number of students attending schools where the K-index was 15 percentage points above or below the city-wide average from 2 600 to 2 100 (from a total of about 7 000 students) (Algorithm Watch, 2019[237])

Source: OECD (2022[216]), Finland's Right to Learn Programme: Achieving equity and quality in education, OECD Education Policy Perspective No. 61, https://doi.org/10.1787/65eff23e-en.

Besides building heterogeneous school zones, rethinking how students are assigned to schools could also reduce the negative effects of school choice. In systems where parents have a degree of choice, two main admission mechanisms apply. The "Boston mechanism" is a very popular student-placement procedure, which is applied for instance in several cities in the United States, in most Spanish regions, and until 2008 by many local education authorities (LEAs) in the United Kingdom (Terrier, Pathak and Ren, 2021[238]). Under this mechanism, students submit their preferred lists of schools to the local or central authority. The system of allocation follows an algorithm that tries to match as many students as possible with their stated preferences for schools. Students are sorted based on the criteria included in school admission

regulations. Seats of each school are allocated to students based on their ranking of preference, until there are no remaining seats (Abdulkadiroğlu et al., 2005[239]).

The second main assignment mechanism found in systems where parents have a degree of choice is called "deferred acceptance". This mechanism is currently used by LEAs in the United Kingdom and for accessing upper-secondary education in cities like Paris (France), Chicago, Boston (United States) as well as countries such as Finland and Türkiye. With this mechanism, the system also ranks students' preferences, but unlike the Boston mechanism, students are not automatically rejected if they apply to a school with no free capacity. A student can still have access to a school of their second or third preference if another student who has been previously tentatively accepted at the same school has lower priority. In this case, the initial acceptance of a student with lowest priority is revoked, even if they ranked the school as their first preference (Mennle and Seuken, 2017[240]).

The second approach may potentially reduce the negative impact of choice strategies on school segregation (OECD, 2022[216]). The Boston mechanism allows space for strategic behaviour, as families may not always choose the most desired schools but those for which they assume a higher likelihood to be admitted. However, in the deferred acceptance approach, there is no room for strategic behaviour and, therefore, families may reveal their true preferences.

Another policy option that may permit parental choice without exacerbating segregation is to introduce pro-diversity criteria to the allocation of students across the set of local schools available. Different forms of "controlled choice" have been used to reduce high levels of student segregation, for example by reserving a given number or share of places in oversubscribed schools to students from different socio-demographic backgrounds to maintain a balanced distribution of students (OECD, 2019[199]). The use of lottery systems to assign places in oversubscribed schools or formulae aimed to maintain a diverse student composition can also be considered (Musset, 2012[202]). Centralised procedures to match students to schools usually rely on a set of criteria (Abdulkadiroğlu and Sönmez, 2003[241]) that may include socio-economic status. Engaging school communities in defining these criteria and allowing for local variation can ensure that they are sensitive to local contexts; it can also significantly ease implementation of the criteria. Given their complexity, controlled-choice systems may require a certain degree of centralisation in order to minimise administrative costs and avoid problems, like multiple registrations (OECD, 2018[155]).

Some governments have also implemented compensatory financing mechanisms to mitigate the potential negative effects of school choice and public funding of private schools, particularly segregation and social stratification. For example, Chile, the Flemish Community of Belgium and the Netherlands have instituted weighted student-funding schemes, whereby funding follows the student on a per-student basis, and the amount provided depends on the socio-economic status and education needs of each student. These schemes target disadvantaged students and, in doing so, make these students more attractive to schools competing for enrolment (OECD, 2019[199]) (see also Chapter 3).

Pointers for policy development

This chapter reviewed country responses for the governance and design of equity and inclusion in education in light of available research and evidence. Based on the analysis developed in this chapter, this section provides a range of policy options that have the potential to foster equitable and inclusive governance frameworks across OECD countries. These pointers for policy development are drawn from the experiences reported in country-specific work, the Strength through Diversity Policy Survey 2022 and the available research literature.

Develop policy frameworks that promote equity and inclusion in education

Education systems differ in whether and how they pursue goals and in how they formulate targets for promoting equity and inclusion. Many education systems have adopted legislation and/or other regulatory measures related to equity and inclusion in education, which vary in terms of the extent to which they relate to promoting the learning and well-being of all students, or are rather targeted to address specific groups who are at risk of exclusion in education, most commonly students with SEN. However, there are also examples of frameworks addressing the need to support all learners in several OECD education systems.

Equity and inclusion are overarching principles that should guide all educational policies, plans and practices, rather than being the focus of a separate policy. Ensuring that all learners have access to quality education also acknowledges the value of diversity and respect for human dignity. The principles of inclusion and equity are not only about ensuring access to education, but also about having quality learning spaces and pedagogies that enable students to thrive, to understand their realities, and to work for a more just society (UNESCO, 2017[15]). Establishing policy frameworks for promoting equity and inclusion in education is crucial. This would require engaging other sectors, such as health, social welfare and child protection services to ensure a common administrative and legislative framework for equitable and inclusive education.

Countries could also develop an intersectional policy framework to highlight that different aspects of individuals' identities are not independent of each other. Instead, they interact to create unique identities and experiences, which cannot be understood by analysing each dimension separately or in isolation from their social and historical contexts (Bowleg, 2012[112]). These intersecting identities have consequences for policy responses. Policy frameworks can help policy makers to assess systematically interventions and processes for their effectiveness in mitigating intersectional issues.

Designate clear responsibilities for equity and inclusion and promote stronger horizontal and vertical co-ordination

A wide range of institutions have responsibility for governing the education system in such a way as to promote equity and inclusion. These include education authorities both at the national level (e.g., ministry of education and dedicated units within it) and at the sub-national level (e.g., states, regions, municipalities). Most countries govern equity and inclusion in education by combining central direction (either at the national or sub-national level) over policy development and standard setting with some measure of devolved responsibility for the implementation of policies impacting on equity and inclusion at the local and school levels. However, it is important that responsibilities for equity and inclusion are clear and well coordinated in order to avoid overlap of responsibilities or lack of action.

In addition to vertical co-ordination (central to local levels), responsibilities for delivering equitable and inclusive education need to be shared horizontally among government departments or government and non-government actors. Equity and inclusion in education are not only the responsibility of the ministry of education, but require co-operation with other ministries (such as health and social welfare). Nonetheless, sharing of responsibility does not necessarily mean greater collaboration and co-operation. Therefore, countries could implement integrated service delivery that encourages collaboration across social services.

Engage meaningfully all relevant stakeholders from the start and throughout the policy cycle

Stakeholders play an important role in shaping and implementing policies to promote equity and inclusion in education based on a shared understanding of the concepts. They can include teacher unions, employers' organisations, representatives of parents and students, organisations representing specific groups and organisations whose mission is to provide support to these groups. All relevant stakeholders for equitable and inclusive education should be engaged meaningfully from the start and throughout the

policy cycle. This requires involving a broad representation of stakeholders and developing their capacity for engagement. While different forms of stakeholder engagement range from communication, consultation, participation, representation, consultation to co-creation, it is important to strive for higher level of engagement such as partnerships and co-creation. These latter forms of engagement can provide the necessary mechanisms to implement equitable and inclusive policies in schools and allow stakeholders to own the process of change.

It is important to engage stakeholders throughout the whole policy cycle so they can be consulted at every stage and can build partnerships over time. Stakeholders need to collaborate and build partnerships within the system (from early childhood to adult education), across sectors (e.g., reaching out to health and social services), across government levels (from central to local) and between government and non-state institutions (UNESCO, 2020[16]). This type of engagement will ensure that equity and inclusion are prioritised from policy design to the implementation of laws and policies.

Design equitable and inclusive curricula and offer curricular flexibility to enable all learners achieve their potential

Curriculum is the central means for enacting the principles of inclusion and equity within an education. An equity approach to curriculum development recognises that adaptations may be required to ensure that diverse learners are offered the necessary opportunities to learn so that all students have the ability to achieve the knowledge and skills to participate in society (OECD, 2020[23]; OECD, 2021[18]). These may include, for instance, extra-curricular remedial learning for those falling behind, to ensure that such students are able to develop the targeted knowledge and skills, mother-tongue tuition for immigrant students, or specific support to ensure the engagement of gifted students.

Unlike the equity-centred approach to curriculum development, an inclusive curriculum does not assume the same standards for all learners, but respects and values their unique needs, talents, aspirations and expectations. It strives to ensure that all students are part of the shared learning experiences of the classroom and to create learning environments where broader societal and education goals of inclusion are celebrated. Developing an inclusive curriculum should involve broadening the definition of learning used by teachers and education policy makers, beyond its narrow conception as the mere acquisition of knowledge presented by a teacher to one that actively involves students and enables them to take the lead in making sense of their experiences. To develop inclusive curricula, policy makers may draw on design principles, such as flexibility, student choice, engagement, teacher agency and student agency (OECD, 2021[18]).

It is also important to offer curriculum flexibility in order to enable schools and teachers to make local decisions about the curriculum. It can create space for innovation and allow schools to develop local solutions for local problems in ways that are responsive to students' particular needs. Since curricular flexibility can inadvertently have negative impacts on students' performance and perpetuate or increase existing gaps between students, it matters how curriculum flexibility is used. Education systems should combine adaptive instruction and enriched activities that give students targeted opportunities to develop their potential. Investing in teaching and capacity-building is crucial in order to avoid regional and local variations in how curriculum flexibility is used.

Coordinate diversified education offerings and create flexible study pathways

Countries establish study programmes, disciplinary subjects, and study pathways at the primary and secondary level to deliver the curriculum and realise students' learning objectives. The diversity of such educational offerings has considerable impact on the extent to which education systems are able to accommodate the whole spectrum of students' abilities, interests and backgrounds and grant equal educational opportunities to all. These can include an adjusted curriculum, additional language courses or

preparatory classes for different groups of students. Furthermore, study pathways are important at both primary and secondary levels, and can influence students' access to the tertiary level and their transition to labour markets. They have to respond to the needs of students and the labour market through flexible combination of vocational and academic choices and be equivalent and consistent in quality (OECD, 2012[163]).

The co-ordination of education services across levels, sectors and programmes is crucial to reap the benefits of a diversified offer, to ensure students' smooth progression throughout compulsory and upper-secondary education and to employ educational resources efficiently. Both vertical and horizontal co-ordination are important, spanning from students' transitions across levels of education to students' transition across parallel pathways, respectively (OECD, 2018[155]). Countries employ a variety of types of differentiation which can take place between schools or programmes (such as general, vocational and modular tracks; and school selectivity) and within schools (such as ability grouping in classes and ability grouping in different classes). These differentiations can have an important impact on equity. Therefore, it is important that transitions between tracks and study pathways are flexible.

As previously suggested by the OECD (2012[163]), the negative effects of early tracking, academic selectivity and grouping by ability could be lessened by limiting the number of subjects or duration of ability grouping, increasing opportunities to change tracks or classrooms and providing high curricular standards for students in the different tracks. Providing alternatives to early tracking could also be helpful, for example by moving to greater integration in the provision of general, accelerated, pre-vocational and vocational tracks into the same lower and upper-secondary schools (OECD, 2018[155]).

Students coming from different backgrounds have distinct access to information and education opportunities. Moreover, certain groups of students might be less likely to choose or be guided towards certain subject choices or classes that lead to more academically-oriented pathways. Having a transition system which takes into account these differences and provide students with individual guidance could ensure a fairer transition to upper-secondary education and beyond (Perico E Santos, Forthcoming[242]). Education and career guidance counsellors play an important role in enabling students to make better-informed choices and also provide continuing support (OECD, 2018[120]) (see also Chapter 5).

Ensure that learning environments are engaging and responsive to the needs of a diverse student population

Education systems provide a variety of learning settings to support students, ranging from dedicated schools, dedicated classes, regular classes with indirect support, regular classes with resource support, integrated classes to withdrawal classes. While inclusion of all students in mainstream schools might be the desired outcome, providing specialised learning settings can, in some instances, be an effective strategy for responding to the needs of diverse students.

The Strength through Diversity Policy Survey 2022 showed that learning settings are most often tailored to meet the needs of students with SEN, students with an immigrant background and socio-economically disadvantaged students. However, it is important that learning environments are tailored to the needs of all learners and are designed appropriately to be welcoming and engaging. Learning environments should aim for positive learning outcomes, provide students with a sense of well-being and community and offer frequent opportunities for interaction. Learning environments need to encompass classrooms, play spaces and the entire school. Teachers, school leaders and non-teaching staff play an important role in any learning environment and hence require effective training and professional learning to support learners (see also Chapter 4).

Regulate carefully school choice to counter potential segregation

Many countries face the challenge of balancing aspirations for greater flexibility and parents' freedom to choose their child's school with the need to ensure equity in their school systems (OECD, 2019[199]). School choice can result in segregating students by ability, income and ethnic background and in greater inequities across education systems. Therefore, school choice schemes should include mechanisms that mitigate the negative effects on equity and that can lead to more segregation. In particular, the design of choice schemes should consider a number of mechanisms (OECD, 2012[163]). These include introducing controlled-choice programmes with equity considerations to ensure a more diverse distribution of students and avoid selecting only the best students in oversubscribed schools. Furthermore, it is important that disadvantaged students are attractive to high-quality schools. This can include the provision of financial incentives to schools to enrol low-performing and disadvantaged students, attention to selection mechanisms that schools can employ (criteria for admission, time of registration, additional fees), and providing vouchers or tax credits to make high-quality schools affordable for students from disadvantaged families (ibid.). In addition, raising awareness, improving disadvantaged families' access to information about schools and supporting them to make better-informed choices are also crucial.

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Notes

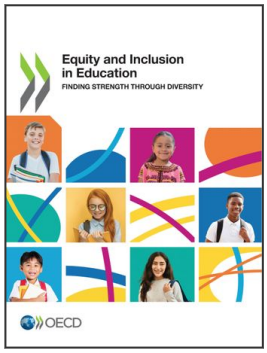
[1] "Priorities" could have been understood by respondents as both standing objectives as well as temporary priorities.

[2] Opportunities to learn generally refers to the input of schooling that researchers recognise as necessary and predictive of successful learning. This is highly relevant in examining learning gaps among groups of students and identifying education factors that may be responsible for increasing equity gaps. Variations exist in how to operationalise and measure opportunities to learn. Existing research conceptualises the key variables of this construct as being related to the amount of instruction time, the curriculum content and the quality of instruction as key elements of the enacted curriculum that are predictive of academic learning (Kurz, 2011[243]; OECD, 2021[18]; Stevens, 1996[246]). In PISA 2012 (OECD, 2013[244]), for instance, opportunities to learn in relation to mathematics literacy was operationalised through three indices that measure students' degree of exposure to three kinds of curriculum content: word problems, formal mathematics topics and applied mathematics problems (OECD, 2021[18]).

[3] Nonetheless, the terms adaptations and accommodations are often used interchangeably.

[4] At the regional level, the right to education is also provided for in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (article 13) (United Nations Office of the High Commissioner for Human Rights, n.d.[248]) and in the European Convention for the Protection of Human Rights and Fundamental Freedoms (article 2) (Council of Europe, 2013[247]).

[5] 'Peer effects' refer to externalities in which peers' backgrounds, behaviours, actions or outcomes affect an individual outcome. Examples of peer effects could include classmates' high achievement motivating the particular student to work harder, a student learning directly from their peers, and a student developing an interest in a particular sport on the basis of their classmates having that interest (Sacerdote, 2011[245]).



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