

*Institutional Change toward Inclusive Education or Path-dependent
Reproduction of Segregated Schooling in Germany?*

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Abstract

Germany has among the most highly stratified and segregated educational systems in Europe. Its differentiated special school system, in particular, exemplifies institutional inertia. Yet Article 24 of the United Nations Convention on the Rights of Disabled People (CRPD), ratified in Germany in 2008, mandates implementation of inclusive education. To achieve the UN-CRPD's goals, Germany's sixteen *Bundesländer* must radically transform their education systems, whose structures remain antithetical to inclusive education. Examining education policy reform processes in two contrasting cases, we investigate four types of mechanisms of institutional reproduction responsible for path-dependent developments: power-based, legitimacy-based, utilitarian, and functional. We compare Schleswig-Holstein, where inclusive education has diffused broadly, with Bavaria, where implementation has stalled due to backlash and school segregation remains pervasive. Delving below the national level and emphasizing the importance of timing, we show contrasting effects of an exogenous shock on the direction of endogenous reforms.

Keywords:

Inclusive education, special education, school segregation, institutional change, path dependence, UN Convention on the Rights of Persons with Disabilities, Germany

1. Between Germany's "*Sonderschulwunder*" and the Right to (Inclusive) Education

Educational policy reforms are influenced by a variety of factors and on multiple levels. They seem to be increasingly influenced or even determined by global developments. The performance of national educational systems is now measured continuously and compared based upon a range of indicators by international organizations such as the OECD or the World Bank seeking to influence the direction and scope of education reforms. Supranational governments, such as the European Union or the United Nations, increasingly guide the direction of policy agendas. As part of such rising regional coordination processes, transnational standards and norms are developed and diffuse globally (see, e.g., Powell, Bernhard & Graf 2012). Educational organizations often orient themselves to "best practice" models, with consultants, academic conferences, professional journals, and personnel mobility among the crucial mechanisms for the spread of ideas and concepts between organizational levels and between organizations in educational systems (Hanson 2001: 649). Over the past several decades – from "Education for All" and special education to inclusive education – a series of objectives have been codified in international human rights conventions (see Peters 2004). These have the potential to delegitimize established (sub-)national structures and set in motion processes of reform to ensure compliance with global norms, often of equity, efficiency or excellence.

Yet, the worldwide diffusion of educational standards produces tensions, not necessarily leading to convergence of cultures or structures. On the one hand, these processes generate pressure for change and even lead policymakers to modify established rules, tools or practices. On the other hand, the highly institutionalized education systems often confound these pressures. Departures from the status quo are challenging, especially given multi-level governance, in which numerous authority structures interact at the nexus of international, national, and subnational levels (see Hooghe & Marks 2001). This latter situation is often found in federal systems, such as the United States and Germany, in which path-dependent developments and persistence in schooling contrast to rhetorical shifts leading to superficial convergence during incessant education reforms (see Tyack & Cuban 1995; Powell 2011). Some organizational fields in particular persist, resisting transformative change pressures, whether from above or below. Among these is special education, and especially special schools, mostly spatially segregated from other schools.

The existence of special schools, as part of stratified educational systems, is deeply rooted in society. Special schools have a more than a hundred year history of expansion throughout the country (see Hänsel 2005). Thus, despite the ratification of the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) (UN 2006), which mandates inclusive education, school segregation is still prevalent in all regions of Germany. Exhibiting forceful institutional inertia, since the 1970s reform efforts have, in some regions, succeeded to call spe-

cial schooling into question by providing inclusive alternatives (see Schnell 2003): In some states, especially in primary education, inclusive education has grown alongside forms of special schools and classes. However, in no state has special schooling been fully replaced, thus far.

To meet the mandate of the UN-CRPD, ratified in 2008, Germany must initiate deep reforms. In Article 24 of the Convention, States Parties undertake to create an inclusive education system (UN 2006). The UN-CRPD is perceived as “exogenous shock” that has unmasked the taken-for-grantedness of special education. Although special schools may not be prohibited categorically by Article 24 of the UN-CRPD, the systematic segregation of people with disabilities from the general education system is contrary to the spirit and letter of the law (see Degener 2009). Ratification of the UN-CRPD provides new momentum for reform through extensive awareness-raising. However, “backlash” has also been among the prevalent responses to such comprehensive reform agendas, as was the case with the Americans with Disabilities Act of 1990, enormously influential as a model for anti-discrimination laws worldwide (see O’Brien 2001; Krieger 2003 on backlash; Quinn & Degener 2002 on global disability rights law).

Since the mentioned inertia will not vanish solely with legal changes, transformation demanded by the Convention is likely to require considerable struggle. Furthermore, an all-German reform is constitutionally excluded, because the field of education policy, and therefore of special education, falls within the exclusive jurisdiction of the sixteen *Länder*. Nevertheless, all *Länder* were involved in passing the Convention through the *Bundesrat*. When developing an inclusive education system, the German stratified school system’s underlying model of homogenization of learning groups poses a difficult-to-resolve paradox: How can the right to inclusion be guaranteed within a performance-based, highly-selective, and stratified school system? The paradigm of inclusion calls not only special schools, but also the fundamental legitimacy of the entire educational system into question (Powell 2011). Thus, the implementation of the UN-CRPD addresses a core conflict of the educational policy in Germany that in all *Länder* has for decades provoked pointed political disputes.

The question of implementation and the resulting transformation of education from segregation to inclusion has considerable import for the life chances of children and youth with special educational needs. Few countries have as differentiated a special school system as Germany, which in the 1960s experienced not only an economic miracle, but also a “*Sonderschulwunder*” leading to ten different special school forms (Powell 2011). Yet special schools in Germany have been found deficient for decades: Three-quarters of all special students leave school without any qualifications (KMK 2012). Graduates face a low probability of successfully transitioning to vocational training and employment; many struggle with the stigma of “abnormality” for years (Pfahl 2011). The supposed benefits of educating pupils with perceived special educational needs (SEN)

in segregated special schools have been called into question by disability activists and advocates, reform-minded parents, scientists and practitioners as well as international organizations (e.g., UNESCO)—for decades (see, e.g., Preuss-Lausitz 1981; Peters 2004; Munöz 2007; Moser 2012).

Thus far, analyses of the impact of UN-CRPD have mainly examined legal aspects (Degener 2009; Riedel 2010). Here, we discuss the potential and importance of the UN-CRPD for ongoing reform processes in the German states and for removing barriers for inclusion in schooling in particular. First, we clarify which specific mechanisms cause inertia in German special education. What would be required to erode or even override these mechanisms? We then confront these expectations with actual reform processes in two states. Which drivers of change can be identified empirically in the two cases? Can the UN-CRPD accelerate change by informing institutional reproduction mechanisms repealed? To what extent do we find differences in the extent of institutional change in these states associated with the theoretically postulated driving forces?

To answer these questions, we take a neo-institutional perspective, which provides complementary theoretical lenses relevant to the understanding of inertia and of change. Our analytical framework relies on the concept of path dependence (Section 2). In Section 3, we justify the selection of cases and describe our methods and data. The empirical part starts with an analysis of institutional inertia in German special schooling, discussing the concrete barriers to implementation of inclusive reforms in Germany in general (Section 4). Because of the cultural sovereignty of the *Länder* and large existing disparities between states; however, we cannot remain at the German national level. Therefore, we contrast reform processes in two *Länder* since the 1970s and investigate contrasting situations to measure the importance of the UN-CRPD as a catalyst and driving force of institutional change (Section 5).

2. Theoretical Approach: Mechanisms of Institutional Reproduction and Sources of Erosion and Path Dependence

Recent theories of institutional change explore the diffusion of ideas, concepts, standards and policies as well as path dependency in these myriad processes of change on various levels (see, e.g., Campbell 2004; Dobbin et al 2007). With an increasingly globalized and interdependent world, the long-term convergence of institutional arrangements worldwide is expected (e.g., Hall & Soskice 2001) or shown (e.g., Meyer 2005). Yet despite these diffusion mechanisms, once established institutional arrangements persist, with (national or regional) differences difficult to transform (e.g., Ebbinghaus 2005, 2009). Here, the concept of path dependence can help to explain how and why self-reinforcing processes bolster the status quo and hinder transformation (see Sydow & Schreyögg 2013).

Here, we apply path dependence to help investigate gradual changes in education in the sixteen federal German states or *Länder*. Special schooling in particular has shown considerable inertia due to ideational, normative, and regulative barriers to inclusive education (Pfahl 2011; Powell 2011). Worldwide, special educational systems have developed along contrasting development paths: Whereas there are unified school systems for all children in the Nordic countries, and binary-structured systems with general and special education systems in many countries of continental Europe, including Germany, the trend in many countries, as in the U.S., is toward systems with a “continuum” of different settings between segregated special schools and inclusive classrooms (see Richardson & Powell 2011). These contrasting pathways have been shown to be very stable over time. As a result of the ratification of the UN-CRPD, the German states are now being forced to reform their education systems consider fundamental reforms, representing a departure from the established development path of mainly offering special education supports and services in segregated special schools. Once a path has been chosen, shifts or even departures among institutional alternatives are difficult because positive feedback processes consolidate the once-chosen path and determine subsequent developments (Ebbinghaus 2009). Formerly available institutional alternatives are increasingly inaccessible because of cumulative commitments and investments (Pierson 2004: 52).

While the analysis of institutional stability in neo-institutionalism has a long tradition, the phenomenon of institutional change has only recently been given more systematic attention (e.g., Pierson 2004, Thelen 2004; Ebbinghaus 2005, 2009; Djelic & Quack 2007; Mahoney & Thelen 2010). These authors emphasize that analyses of institutional change should not unilaterally focus on radical changes, but also on endogenous, incremental processes of change that take place below the surface of formal stability. These too, over time, may unfold cumulative effects, summing up to transformative institutional change (Thelen 2004). Therefore, we must aim to understand how actors within the existing institutional structures push reforms, leaving aside the intractable elements, while influencing others in the service of the new goals (Streeck & Thelen 2005: 19). Yet exogenous pressures, such as global human rights movements and international charters, may accumulate over long periods of time, only becoming visible as a “shock” upon reaching a certain level (Pierson 2004: Ch. 4).

Consequently, stability and change of institutions are closely related, requiring a theoretical perspective that can explain both phenomena (Thelen 2004). This can be achieved with the help of the concept of path dependence (Ebbinghaus 2009): The key is in the exact specification of the mechanisms that maintain the stability of an institution. Institutions are stable as long as their “reproductive mechanisms” remain undisturbed, but should these erode, reform-minded actors arguing for specific changes can bring about institutional change (Goldstone 2003). To under-

stand potential drivers of institutional change, we must not only explain the reproductive mechanisms of an institution, but also ask how certain events or processes interfere or alter the institution's specific reproductive mechanisms.

In neo-institutionalism, distinguishing between four types of mechanisms predominates, with path-dependent developments arising from: utilitarian, functional, power-based, and legitimacy-based reproductive mechanisms (Mahoney 2000). While analytically distinct, these mechanisms are often intertwined and affect each other. Here, we discuss each type.

Power-based reproductive mechanisms

Power-based explanations attribute the inertia of established institutional arrangements to the interests of powerful actor coalitions of actors. Institutions are not neutral coordination mechanisms, but rather reproduce, reflect and reinforce inequalities in the distribution of resources and political power (Thelen 1999: 394). Institutions create incentive structures and patterns of resource allocation, which promote (or hinder) the development and expansion of certain social groups and distribute privileges, causing beneficiaries to defend their maintenance and expansion (Pierson 1993: 599). Power-based reproductive mechanisms may disappear if power relations shift within social and/or political fields, such as when previously dominant interest groups lose influence and/or new stakeholders who use their influence enter the arena (Ebbinghaus 2009: 209).

Table 1 about here

Legitimacy-based reproductive mechanisms

In a legitimacy-based logic, stability is attributed to the binding force of social institutions. The thoughts and actions of actors are shaped by social expectations and rules and logics within institutions that over time condense into extensive interpretations of reality internalized and objectified by actors. Stability results from the dissemination of cultural guiding principles (Meyer 2005). Such mechanisms may erode if alternative scripts and standards become dominant. New ideas or alternative paradigms can diffuse, delegitimizing established institutional practices (Ebbinghaus 2009: 209). The establishment of alternative reality interpretations and practices in turn depends on socialization processes that support the change (Djelic & Quack 2007: 6).

Utilitarian reproduction mechanisms

From the standpoint of utilitarian logic, institutions are reproduced based on cost-benefit considerations of rational agents (Mahoney 2000: 517). If an institution enjoys increasing returns, the

costs of departing the development paths rise the longer the institution exists. The reason: establishing an institution is associated with considerable start-up costs and often learning effects, coordination effects and adaptive expectations (North 1990: 95). Through its design, incentives are established that cause individuals and organizations to continue to specialize in areas of activity, to develop lasting collaborative relationships, and to assume social and political identities (Pierson 2000: 259). Once individuals and organizations have made such “investments”, they have interests to maintain the status quo, especially if the adaptation costs incurred by a reform are thought higher than the change’s potential benefits resulting over the long-term. Nevertheless, utilitarian reproduction mechanisms can be overridden when – in the competition of alternative models – the status quo proves to be inferior and/or when information reveals previously unappreciated costs or demonstrates the higher performance of alternatives. Such learning can be promoted by change agents who have a clear understanding of future challenges and help to overcome collective action problems that often hinder reforms (Mahoney 2000: 48).

Functionalist reproductive mechanisms

In functionalist logic, institutional inertia results from embeddedness in broader institutional arrangements (Mahoney 2000: 519), such that individual institutions are closely related and complementary. The existence and activities of its individual components is necessary for the functioning of the overall institutional structure. Each component is viewed as essential for the overall system. Due to interdependencies, changing individual components would cause systemic destabilization. Functionalist reproduction mechanisms can erode, however, when the needs of the overall system change and/or complementarities between the institutions of the overall system disappear (Ebbinghaus 2009: 209; Mahoney 2000: 521). But complementarities may also promote change: With strong interdependence, the change of one institution makes necessary changes in others; the entire system can come under pressure (Djelic & Quack 2007).

Before we apply these theoretical perspectives to the case studies, we present our research design, methods and case selection.

3. Research Design, Methods & Case Selection

We examine institutional inertia in special schooling and potential drivers of change. Because general and special educational expansion occurred throughout Germany, we assume that similar reproductive mechanisms operated in all states (Powell 2011). But to investigate inclusive education – and to (1) demonstrate the erosion of these mechanisms and (2) to analyze the effect of the UN-CRPD – we must analyze the *Länder* level, because *Länder* differ, in some cases significantly, in the degree of inclusiveness or segregation of their institutions and organizations.

For our comparison, we chose to focus on two Western German territorial states (not city-states), that exhibited continuous expansion of special education after WWII and provided similar initial conditions for the implementation of integration, yet diverged over time (Powell 2011). From the eight Western German territorial states, we selected one more inclusive and more strongly segregated education system based on our main indicator of special school enrollment ratios (the proportion of special school students of all pupils). This indicator aggregates the extent of special schooling in all school levels. A particularly useful indicator of the stability of special education is the special education rate in primary education, because integrative school forms were first developed in the primary sector and grew, if at all, on that basis (Schnell 2003). A high ratio of special schooling in primary education thus indicates the particular stability of special education.

Looking at the special school enrollment rates in the large *Länder* of Western Germany before UN-CRPD ratification (2008), we found three below (Schleswig-Holstein, Rhineland-Palatinate, Saarland) and five above (North Rhine-Westphalia, Baden-Württemberg, Bavaria, Lower Saxony and Hesse) the national mean (Destatis 2012). We then selected the two *Länder* for comparison that were furthest from the mean and furthermore diverge over time: While in Schleswig-Holstein only 1.36 percent of all primary school students were taught in special schools in 2010, in Bavaria this figure was 4.82 percent (three-and-a-half times as many).

Figure 1 about here

Our analysis relies on social science literature and the expert opinions of relevant stakeholders, who we interviewed in Fall 2011 and Spring 2012. In the context of a broader study, we conducted seven expert interviews with representatives of politicians (executive), senior education administrators, and scholars during site visits in both *Länder*.

4. Institutional Mechanisms of Reproduction (and their Erosion) in Germany's Special Education System

In this section, we discuss four theoretically derived reproductive mechanisms and possible driving forces of institutional change applied to the case of (special) education in Germany. We begin with functionalist mechanisms. The establishment of the auxiliary schools in 1900 intended to improve provision for disadvantaged students and those with perceived impairments, simultaneously benefiting general schools by removing these pupils from general classrooms (Powell 2011). Power-based mechanisms relate mainly to the increasingly independent profession of special education, their professional interests and their significant influence on the design and

differentiation of special education over the twentieth century (Moser 2003; Pfahl 2011). The history of special education has been written independently of the history of the public schooling and critical studies of the special education profession and discipline are rare (but see Moser 2003; Hansel 2005). Legitimation-based mechanisms include socially ingrained (educational) ideological ideas about the “proper” provisions for school pupils with SEN and the related differentiated special school structures. Finally, we discuss utilitarian mechanisms that measure the estimated economic and organizational costs of reform.

4.1 Power-based Mechanisms of Reproduction

Power-based theoretical perspectives consider and illustrate how through its expansion, differentiation, and consolidation, especially professional interest groups in special education have emerged with abiding interests in the continuation and strengthening of this institution (Moser 2003; Pfahl 2011; Powell 2011). The special education profession had long enjoyed influence over developments in education on both macro and micro levels. For example, white papers written by the association of special educators often were the templates for special education’s institutionalization. Likewise, the pupil reports written to justify special education referrals are mainly written by special education teachers. Currently, they represent their interests and beliefs in the political arena regarding the planning of inclusive education reforms. Their ideas have often been widely adopted by decision-makers without question, as the special education profession is considered to have the greatest expertise in dealing with pupils with SEN. This group of actors has benefited most from the maintenance of special education and they continuously asserted their position as the most influential group in this area over the 20th Century away (Pfahl 2011).

Change might occur when inclusive education oriented professionals attain decision-making positions or are given greater say in policy-making opportunities. This phenomenon, as we will show, can be observed as a result of UN-CRPD ratification. Through the greater participation of affected organizations in the planning and implementation of school inclusion, the unquestioned monopoly of special education is broken, weakening their power.

4.2 Legitimacy-based Mechanisms of Reproduction

The German context demonstrates the stabilization of the special school through professional and social legitimacy. Barriers to the widespread implementation of comprehensive inclusive education have been identified in competing educational and disability paradigms, in the self-reinforcing development and persistence of stratified school structures, and in the interests and practices of professions, citizen groups and parental groups. The legitimacy-based perspective emphasizes the potency of traditional ideas – such as clinical or individual deficit models of disa-

bility – and the persistence of legitimized organizational forms: Significant barriers for today's school integration and inclusion are the long-term institutionalization of these ideas (Powell 2011). Indeed, the prevailing legitimacy of special schooling is called into question by the paradigm shift to cultural, social and political conceptions of disability. The longstanding debate about the pros and cons of separate schooling compared to the inclusive education has been renewed by the UN-CRPD. Human rights conventions promote the global diffusion of influential models of inclusive education (such as “Index for Inclusion”, see Booth & Ainscow 2002; Boban & Hinz 2003). However, legal requirements for inclusion always leave room for interpretation, so its implementation depends on the beliefs of the individual school actors (Rürup 2011).

4.3 Utilitarian Mechanisms of Reproduction

Through consolidation and differentiation of special education, the costs of a paradigm shift towards inclusive learning environments has increased massively over 100 years. An extensive infrastructure of segregated schooling has been established, limiting the potential for transformative institutional change. Special education based on long-practiced bureaucratic routines and (special) educational practices (Kottmann 2006). Both would have to be adjusted as a result of a path departure. Special education teacher training programs are oriented toward the system of special schools and thus usually only partially conveys skills for working collaboratively with general educators in inclusive educational settings. Conversely, general educators are trained primarily for teaching learning groups thought to be homogeneous and neglecting methods for diagnosing specific learning needs or providing individualized support. Departures from the established special education systems have thus been associated with significant start-up costs for the continuing education of teachers already working in schools.

The short-term costs of a system transformation are a major reform obstacle especially due to tight state budgets. Such short-term costs are even more controversial when the potential benefits are difficult to quantify. Thus, in almost all *Länder* school integration is therefore subject to resource availability, instead of being considered a human rights issue (see Powell 2011). Cost-benefit analysis of the implementation of inclusive reforms are discussed explicitly, whereas the long-term costs of special education – in stigmatization and reduced life chances of individuals and the costs in social policies and social assistance – are largely ignored.

Utilitarian drivers of change would gain in significance if performance deficiencies and/or the high long-term costs of special education become clearer. Recent studies show that segregated schooling is more expensive than inclusive education when calculating all costs (Klemm & Preuss-Lausitz 2008; Klemm 2013). Increasingly, studies in the economics of education quantify the enormous total cost to society of “educational poverty” (Allmendinger et al. 2011). Introduc-

ing further alternatives to current practices that allows a “competition of systems” would provide opportunities to test the utility of various models and their learning outcomes. Simultaneously, cost issues should decline in importance, since with the ratification of the UN-CRPD the implementation of inclusive education is now recognized as a human rights obligation.

4.4 Functionalist Mechanisms of Reproduction

From a functionalist perspective, the highly specialized special education system is as part of the stratified, differentiated school system. Special schools make up the lowest tier and receive their pupils from other schools that select out and transfer them; nevertheless special schools have always successfully recruited their own clientele (Pfahl & Powell 2011). Through the expansion, differentiation and consolidation of these schools – especially created for pupils with SEN – a “division of labor” emerged, aimed at reproducing the class structure. The existence of special schools stabilizes the differentiated system by accommodating selected pupils. Simultaneously, it stabilizes (and expands) the differentiated system, and the special school increases its proportion of the student body. The main reasons for the persistence of the special school are the systemic tensions and problems that would result from its abolition, which would jeopardize the largely-unquestioned functioning of the education system as a whole (Powell 2011).

Functional drivers of change are possible, namely, when the differentiated system and/or a special school become dysfunctional due to social developments. For example, as a result of demographic changes and rising skill requirements in labor markets, the German economy faces new challenges. This demand disallows the neglect of individual support for all, emphasizing the need to adequately qualify school-leavers regardless of the school form they attend. Feedback processes between education and employment are historically well documented and can be seen in recent elimination of the *Hauptschule* in almost all *Länder*. Under conditions of intensifying skill shortages, the 30,000 special school-leavers per year without qualified certificates (Destatis 2011: 312) are increasingly of considerable concern. Indirectly, structural changes in the general school system affect special schooling. Attempts to de-differentiate via mergers of secondary school types have not automatically lead to inclusive schooling; in fact, remarkable changes in post-unification differentiation of school structures in Eastern Germany (Below, Powell, & Roberts 2013) have recently increased segregated special schooling rates (KMK 2012). In contrast, the quantitative expansion of school types primarily based on internal differentiation (such as the comprehensive school (*Gesamtschule*), favors joint instruction of students with and without SEN as they recognize the heterogeneity of all groups of learners. To the extent that such organizational forms gain hold within the traditional educational system and the principle of individual development gains in importance over performance-based selection, the outlined “division of la-

bor” between general and special schools could lose its functionality and reduce institutional complementarities.

5. Diverging Developmental Pathways of Special Education Systems: Comparing Schleswig-Holstein and Bavaria

After having outlined the fundamental barriers of inclusive school development for Germany, here we analyze the conditions under which special education’s institutional inertia may be overcome – or persist – and the impact of the UN-CRPD. We do so by contrasting Schleswig-Holstein and Bavaria.

5.1 Schleswig-Holstein

In the 1970s, the segregated schooling of pupils with SEN was questioned by integration-oriented parents (and their associations). Since integration had been successfully practiced in preschool, advocates called for a continuation after primary schooling (Interview 127). These claims were supported by reform-oriented actors in the upper levels of administration. The initial situation was relatively favorable due to demographically-induced declines in cohort size, providing resources that could be used to pilot experiments in integrative schooling (Interview 111).

In an inaugural project, special education teachers were employed in general schools. Quickly they were used as professional instructors – and to substitute (Pluhar 2009: 78). Therefore, the administration searched for ways to ensure the preservation of special needs expertise in integrated settings, and developed the “school without students.” In this model, students with SEN attend general schools, but are looked after by special education teachers of the respective support category who were organizationally associated with the support center and colleagues (Pluhar 2009: 77f.). The first school of this type was introduced in 1983 for students with visual impairments: the National Vision Development Center Schleswig (*Landesförderzentrum Sehen Schleswig*) (Pluhar 1995: 131), facilitated due to the fact that in Schleswig-Holstein no independent schools for this group of pupils then existed (Interview 111). Thus, the full integration of students with SEN in the Support Centre competed with segregated schooling; soon this model became the prototype for further integrative school development (Pluhar 2009: 78). A “competition of systems” began, making it possible to measure the costs and benefits of the different types of schooling in their own *Bundesland*. In 1985, fifteen Support Centers were set up at special schools in the support category “learning” (Pluhar, 1995: 131); simultaneously, integration was expanded.

In 1988, integration officially became part of the educational agenda when Eva Rühmkorf, Education Minister of the ruling Social Democratic Party (SPD), gave definitive instructions to reform special education in favor of integration (Pluhar, 2009: 77). As many feared that a “revo-

lutionary” transformation would call forth resistance to the reform or even cause a backlash, a gradual expansion of integration was sought. The Ministry of Education was continuously led by SPD ministers over two decades (1988–2009), facilitating a cautious, but systematic conversion. Parameters were adjusted incrementally to reduce existing financial barriers and conflicts of interest triggered by reform process as well as fears and uncertainties among general and special education teachers (Pluhar, 1995: 138).

With respect to fiscal constraints, attempts to minimize the costs associated with integration’s expansion were facilitated by the fact that additional needed resources could be provided over a long period of time. Above all, leaders decided early on against the costly double structure of “special schools plus integration”. Instead (almost) all special educational resources at general schools were to be used long-term (Zirkmann & Pluhar 2011: 194).

The “Balance Decree” in 1990 provided that the integration’s expansion would not cause additional personnel costs (Pluhar 1995: 135). In 1996, the positions available for integrative instruction (categories learning and language) were partially decoupled from the number of students with diagnosed SEN; the amount of required positions to expand school integration no longer rose in correspondence to the number of pupils (Pluhar 2009: 80f.). The reform process was reviewed repeatedly to ensure its compatibility with professional interests, especially salaries and working conditions of the teaching staff and special education teachers. When conflicts were identified, the framework was adapted to harmonize professional interests and reform goals (Pluhar 1998: 91ff). Cooperation between general and special education schools did lead to conflicts, yet orientation and guidance during the institutionalization preempted many potential conflicts (Pluhar 1996: 218). To address uncertainty of teachers and special education teachers regarding qualifications for teaching heterogeneous learning groups (Pluhar 1995: 133), teacher education and training was developed, with the theme of “students with special education needs” anchored in general teacher training even as integration and prevention were included in special teacher training (Zirkmann & Pluhar 2011: 195). In 1990, the information center “integration in schools” was established to train teachers for work in inclusive education (Zirkmann & Pluhar 2011: 195).

In any case, the conditions for the diffusion of ideas on inclusive schooling design in Schleswig-Holstein were favorable and the legitimacy of learning in heterogeneous groups of students was higher at least in the north of the *Bundesland*, due to Scandinavian influences (e.g., from the common schools of the Danish minority population). In turn, in the southern part, influences from Hamburg were strong, where the expansion of integrative learning sites had begun earlier (Interview 127).

But many teachers and parents still had reservations about integration. In 2002, the “special education curriculum” came into force, jointly for integrative schools as well as for special schooling: “The introduction of the new curriculum was accompanied by many protests, because the curriculum for special schools was abolished. Their independent curriculum had symbolized the identity of the special schools“ (Zirkmann & Pluhar 2011: 196), but with integrative and preventive support, many skeptics could be convinced (Pluhar 1995: 139).

The paradigm of “performance homogeneity” (*Leistungshomogenisierung*) had long been questioned, especially with regard to the integration of pupils with SEN into general schools, but without challenging school structures directly. The supposed benefits of performance homogeneity were now more fundamentally questioned, especially when the mediocre results in the OECD-PISA studies were announced (Pluhar 2009: 81f.). With the Education Act Amendment of 2007, the principle of school-related performance homogeneity was softened (Pluhar 2009: 83). Although the *Gymnasium* still existed as a separate school form, the structural reform included the merging of existing secondary schools (*Hauptschule* and *Realschule*) and the establishment of comprehensive community schools. In both school types, there are comparatively high integration rates. Especially the community schools facilitate the integration of pupils with SEN at secondary level, when school achievement diverges (Pluhar 2011: 220).

5.2 Bavaria

The willingness of political actors in education in Bavaria to emulate or even consider ideas or implement practices from elsewhere is limited, not least because of the long tradition of Bavarian independence. Nevertheless, even this conservative southern Land could not completely block the gradual development, since the 1970s, of school integration. For example, following successful integration in preschools, some parents of children with SEN demanded integration in primary schooling (Interview 224). The main decision-makers in Bavaria from 1962 to today of the continuously ruling party Christian Social Union (CSU) believe that the performance-based homogeneity of learning groups is a prerequisite for providing support “appropriate to talent” (*“begabungsgerecht”*), which seems to require a stratified school system (CSU-Landesleitung 2007: 86). Learning in heterogeneous groups is thus viewed as recommendable only to a certain extent. Consequently, the implementation of inclusive education is limited to the principle of “integration through cooperation” of general and special schools (Klehmet 2009: 100; Müller 2010). Legally stipulated in 1994, it remains the education policy guideline for (almost) all reforms of the Bavarian special school system (Bayerisches Staatsministerium 2011: 2). Thus, “cooperation” is only voluntary among Bavarian schools (Klehmet 2009: 101). Thus, school administrators and teachers in individual schools determine how often and to what extent they realize cooperation.

The implementation of integration and inclusion thus depended and depends on actors who have more or less reservations about these concepts and practices. Often, they have strong interests in maintaining the status quo.

Nevertheless, the principle of cooperation may be considered the first step toward inclusive education because some organizational opportunities – at least of school integration – have developed on this basis. However, because policymakers continue to lend little or no support to integration, such developments in schooling have long remained a “history of independent activities of mid-level management” (Interview 224). Civil servants at local level have the power to support or block integrative programs; to a certain extent, they were on the fence (Interview 224). On the one hand, leading policymakers favored the maintenance of supposedly homogenous learning groups. On the other hand, parental activist groups, sometimes in coalition with school administrations and teachers, demanded inclusive schooling in their neighborhoods. Unclear laws regarding “integration through cooperation” posed further problems, such that reform-oriented actors operated in a legal gray area. If they allowed school integration, they feared negative repercussions from the Ministry of Education. Under these conditions, the extension of integration depended essentially on whether civil servants (1) understood the boundaries of politically-sanctioned area for maneuver (*Gestaltungsspielraum*), (2) mustered the courage to interpret and utilize under-specified regulations to favor integration and accept the potential consequences, and/or (3) had had positive experiences with practical implementation of integration programs (Interview 224).

Concerns about the Ministry of Education’s prevailing skepticism inhibited the networking of reform-minded actors. Therefore, school integration long remained localized in single projects. Looking at the overall situation around 2000, Bavarian education policy-makers discovered that the practice of integration had extended far beyond the letter of the law. Thus, in 2003, school law was amended to bring legislation and practice back into line (Graf, 2004: 165f.). Due to the lack of transparency and very limited data about existing school integration, the Ministry of Education’s perceived policy options were not based on a true comparison of inclusive and segregated systems. Nevertheless, administrators expected that an extension of integration could cause cost increases, thus the education law amendment was very restrictive regarding school integration. Decision-makers ruled that parents of students with special needs should not be granted the right to choose whether their child should be taught in general or special schools (Graf, 2004: 165f.). Furthermore, the precondition for integration of following the same curriculum in school (*Lernzielgleichheit*) was maintained (Graf, 2004: 165f.). This strict reading has been softened by the introduction of the principle of “active participation”, which says that pupils can be integrated if they “actively participate” in class, yet the determination of a pupil’s ability to “ac-

tively participate” was left to the school administrators and teachers, thus implementation of integration depended on this powerful group of actors (Scholer et al. 2010: 40). The “active participation” principle was abolished by the Education Act Amendment of 2011, provisions for individualized learning goals were relaxed, and “inclusive schooling” was declared a developmental tasks of all schools (Article 30b). However, very little has changed regarding access provisions for general schools. The Bavarian Parliament declared that “If the UN-CRPD requires ‘equalized’ access to general schools, it does not demand widened access as compared to students without special educational needs. Existing school type-specific requirements for access and retention also apply to students with special needs (...).”(Bayerischer Landtag 2011: 11). Consequently, it is hardly surprising that in Bavarian secondary education, integration occurs mostly in the lowest school form (*Hauptschule*) (Destatis 2011). In maintaining traditionally stratified secondary schooling, the challenge against special schooling leads to the expansion of the *Hauptschule*: preserving the fundamental logic of “performance-based homogeneity”.

In addition, integrative reforms have financial implications. Because the closure of special schools is not being pursued in Bavaria, the development of school integration leads to a costly double structure of “integration plus special schools” and thus to continuous expenditure increases (Interview 235). This results in negative economic incentives to implement integration among those communities who must agree to implement such reforms. As additional resources needed for integration (e.g., to reduce barriers and increase accessibility or to finance assistants) cannot be offset by additional state funds, local authorities *suspect* that integration will deplete their budgets (Bayerischer Landtag 2011: 4ff.). Finally, special schools in Bavaria are stabilized through their close links to the welfare associations and charities influential in Bavarian politics (Interview 224). Key policy-makers often have high-level posts in the *Lebenshilfe*, which represents people with intellectual disabilities and their families, and this organization has strongly supported maintaining special schools in a “continuum of settings” as suggested by Bavarian education policymakers since 2011 (Lebenshilfe Landesverband Bayern e.V. 2008: 5; Interview 213).

In Bavaria, the *Lebenshilfe* and the strong Catholic Church are guided by principle of charity and forms of “benevolent paternalism” common since the Enlightenment (Richardson & Powell 2011). These groups fear that the conversion of special schools into inclusive education may lead to a neglect of people with disabilities. This concern manifests itself in arguments that more children and young people might be referred to residential facilities (Interviews 213, 224). This anxiety should be taken seriously, but only if education does not realize the paradigm shift toward the appreciation of diversity and residential facilities would be responsible for supposedly “uneducable” students (a category no longer defensible after decades of rising school performance and the successful careers of tertiary students with cognitive impairments). Importantly, the charities

and representatives of the special education profession have financial interests in the maintenance of special schooling (Interview 224). Thus, the strategy of “reverse integration” (Schöler et al. 2010: 51) offering schooling to pupils without SEN in special schools attempts to extend school integration while maintaining the special school system.

5.3 Case Study Comparison: Institutional Change in Schleswig-Holstein and Bavaria

Clearly, Schleswig-Holstein and Bavaria have diverged over the past decades in terms of duration and extent of the reform processes. In Schleswig-Holstein, incremental changes took place since the 1970s that have had a *transformative* cumulative total effect. Quite the contrary, in Bavaria, this process began much later and was not supported, or at best tolerated, by key decision-makers. Incremental changes were isolated and failed to develop any systemic effect. As suggested on the basis of our theoretical considerations, the differences between the two change processes mainly reflects the fact that the reproduction mechanisms of the institution of special education in Schleswig-Holstein were dismantled.

The erosion of *power-based* reproductive mechanisms began with reform-oriented actors in the Ministry of Education in Schleswig-Holstein, who started to co-opt the profession. Through their harmonization of professional interests and reform targets, these actors reduced resistance to inclusive education. Through the expansion of continuing education and training, inclusion-oriented actors gained voice and diffused education principles and practices. In Bavaria, no such actions were taken, such that resistance to inclusive school development persisted – and persists – in large parts of the associated professions.

With regard to the erosion of *legitimation-based* reproductive mechanisms, the conditions for the diffusion of ideas of inclusive school design in Schleswig-Holstein were relatively favorable. Already in the 1970s, models of inclusive education had entered the educational policy agenda of the Social Democratic Party (SPD). Clear political objectives reduced the leeway for legal interpretations. The broad continuing education and training initiative not only raised awareness among the general public, but over time also increased the openness of the professions (general and special education teachers) toward inclusion. Thus, at all levels of implementation, relevant actors were positively disposed towards inclusive school development. By contrast, in Bavaria, especially given the persistence of the paradigm of the benefit of “homogenous” learning groups and the dominance of the idea of charity, the legitimacy of integration was lacking. Whether the recent statutory mandate of inclusive schooling will have an impact remains to be seen.

In terms of the erosion of *utilitarian* reproduction mechanisms, we found considerable differences between the two *Länder*. As early as the 1980s, in Schleswig-Holstein a “competition of systems” resulted in understanding of advantages and disadvantages of various types and settings

of special education. Early on, with the “school without pupils,” a financially-sustainable counter-model to special schools developed that served as a prototype for inclusive schooling. The development of this model for the category “seeing” was much easier due to the fact that in this *Land* there were no independent schools and thus no path departure was required. Additionally, from the beginning, the reform strategy included ways to cap the funds needed to expand school integration. By avoiding a complete double structure of special and integrated schools, and through long-term and systemic adjustments of cost-relevant parameters, conversion costs could be spread over a long period, holding total costs in check. In Bavaria, the absence of a recognized counter-model to special schooling and the lack of strategies to limit expenditures pose a massive reform obstacle. The expansion of integration while maintaining special schooling costs more, which especially dissuades municipalities from carrying out reforms.

Finally, we observed significant differences in the erosion of *functionalist* reproduction mechanisms. In Schleswig-Holstein, far-reaching structural reforms have changed the entire educational system, for example, the “community school” (*Gemeinschaftsschule*) represents a secondary school created to allow a diversity of learners to attend the same school, which creates conditions favorable for inclusion (Pluhar 2011). In Bavaria, its implementation is currently made more difficult due to the existence of the traditionally stratified secondary school system. In the absence of a functional equivalent to the *Gemeinschaftsschule* and the persistence of the commitment to all pupils attaining the same learning goals, pupils with SEN, when integrated, mainly attend the lowest secondary school type (*Hauptschule*). This shows how very different the conditions were prior to ratification of the UN-CRPD.

5.4 The UN-CRPD’s Effects on Reform Processes in Schleswig-Holstein and Bavaria

The power-based reproductive mechanisms confirmed our expectations that in both *Länder* the UN-CRPD has shifted the relative dominance of the special education profession to the extent that inclusion-oriented actors, such as parents, advocacy groups or Disability Officers, are increasingly involved in decision-making processes. The UN-CRPD strengthens the position of formerly marginalized actors (Interviews 112, 224). At the same time, in reducing special education’s education policy “marginality,” it also can lead to the mobilization against school integration and inclusive education (Interview 111). As inclusion becomes a major theme in education policy, it leads to the resistance of powerful groups of actors, particularly of structurally conservative education policy actors who view inclusion as a threat to the traditional forms of school structure and thus mobilize to “protect” stratified school systems.

Regarding legitimacy-based reproductive mechanisms, the UN-CRPD has shaken the prevailing taken-for-grantedness of special schools: as suspected, its ratification unleashed a public

debate unprecedented in intensity and breadth about whether segregated schooling is compatible with core values and norms of a democratic society. Although this debate is not yet resolved in favor of inclusion, the fact it is being carried out publicly evidences that the UN-CRPD has accelerated the legitimacy crisis of (segregated) special schooling. Proponents of the traditional special school system are under pressure to justify it; the legitimacy of this institution must be actively bolstered discursively by proponents of the status quo.

The loss of legitimacy of the special school does not equal the increasing legitimacy of inclusive school development. Opponents of inclusion must deal with this and (at least partially) with increasingly public criticism of their categorical rejections of inclusion given the normative weight of the mandate of the UN-CRPD. In both Länder, this also means that support for inclusive schooling has been widely adopted, yet sometimes only rhetorically. The concept of inclusion is then reinterpreted so that existing structures are not delegitimized (Interviews 111, 224). Thus, inclusion has often been mistakenly equated with integration or mainstreaming, or even special schooling referred to as part of an inclusive education system that has already enabled “equal participation in education” (Interview 213), despite empirical evidence to the contrary. In Bavaria, where skepticism about inclusive education is still prevalent this phenomenon is shown in the simplistic renaming of the principle of “integration through cooperation” into “inclusion through cooperation” (Weigl 2009) without changing the content or structures at all (Müller 2010: 57). Moreover, the diffusion of ideas and norms of inclusive education in Bavaria remains subject to a multi-level problem: Even if rhetorically inclusion has arrived in the Bavarian Ministry of Education, the principles of charity and care dominate the local level (Interview 224). Without a politically driven educational awareness-raising campaign, inclusive school development at the municipal level will only gradually gain legitimacy, while rapid implementation of the UN-CRPD targets remains politically difficult to implement.

Less directly affected by the UN-CRPD are the *utilitarian* reproductions mechanisms, such as developments in Bavaria in particular revealed: Integrative and inclusive school projects, now considered flagship projects (Interview 224), strengthen networking among inclusion advocates and extends the sharing of knowledge about alternative models. However, contrary to our expectations, issues of funding and expenditures continue to be considerable barriers to inclusion. The impact of the UN-CRPD over the long term depends significantly on the interpretation of the term “inclusion” by the German judiciary: Whether inclusive education is considered an individual right demands clarification before the Federal Constitutional Court (see Degener 2009). If interpreted as an individual rights claim, the costs of inclusive education – including a comprehensive transformation of the special school system – should no longer block the implementation of inclusive education.

The legal interpretation of the UN-CRPD conception of inclusion also affects *functionalist* reproductive mechanisms. These may not be directly affected, because as a normative agreement, the UN-CRPD operates on a different level that is independent of drivers of change activated by

shifts in a country's qualification needs. An individual right to inclusion, however, would repeal the long-established *de jure* division of labor between general and special education. Without such a legal right, education policies establishing school types with internal differentiation (e.g., comprehensive schools) would facilitate the erosion of such reproduction mechanisms.

Thus, the UN-CRPD affected mainly the legitimacy-based and power-based reproduction mechanisms bolstering the special school system. Furthermore, depending on the interpretation of the concept of inclusion by German jurisprudence, the functionalist and utilitarian reproduction mechanisms could be significantly, if indirectly, disrupted. Nevertheless, the analysis also shows that the impact of the UN-CRPD on the various reproduction mechanisms cannot be understood independently of the starting point of education policy processes: The relative timing of ratification and endogenous change processes within the *Länder* in a federalist country interact. If inclusive education structures are already established or the stage is set for change in this direction – as in Schleswig-Holstein – when the law goes into effect, the UN-CRPD can reinforce ongoing reform processes. If integrative school development remains in its infancy – as in Bavaria – the UN-CRPD strengthens the power position of reformist forces as well as the legitimacy of inclusive education. At the same time, it may also mobilize opponents of reform who can prevent important steps towards inclusion in the sensitive initial phase of institutionalization.

6. Discussion

This paper examined the reproduction mechanisms of educational institutions as well as drivers of change in the case of special education and inclusive education in Schleswig-Holstein and Bavaria from the 1970s through 2012. These process analyses, which provide sketches of on-going developments, represent first steps to understand the effects of the UN-CRPD, placing this source of reform pressure in the context of incremental changes over the past several decades. More research is needed on reform processes that continue to unfold in all sixteen *Länder* in Germany as well as in the more than 130 countries that have thus far ratified the first human rights convention of the twenty-first century. Evaluations of UN-CRPD implementation must be embedded in context-sensitive, region-specific analyses, especially in federal systems. Such investigations offer the advantage that certain cultural factors can be kept constant without losing the advantages of comparative-institutional analysis. Diverse effects of the UN-CRPD on reform processes underway in the *Länder* – and heterogeneous reactions to this ideational, normative and regulative pressure – would have been missed by investigating Germany in aggregate, national terms.

This paper has provided both theoretical and substantive insights to help close gaps in research on the sources of stability and the dynamic processes of change of educational institutions.

We have shown how neo-institutionalist concepts facilitate analysis of the persistence of educational institutions as well as of educational reforms and path-dependent processes of institutional change. By specifying four mechanisms of reproduction, we could analytically differentiate dimensions of reform processes that are too often confounded.

Here, studies that focus on barriers to inclusive school development that emphasize the socio-political construction of dis/ability and special educational needs, professional power, and the resulting legitimacy of special education (e.g., Pfahl 2011; Powell 2011) were extended to explicitly address utilitarian and functionalist aspects. The four complementary lenses of neo-institutional analysis of institutional reproduction and the concept of path dependence facilitate our understanding of persistence and change. This analysis emphasizes the determinism inherent in the conceptualization of path dependency and illustrates the relevance of incremental processes of change as well as the central importance of actors in their regional contexts for the direction and intensity of change.

7. References

- Allmendinger, J., J. Giesecke, & D. Oberschachtsiek. 2011. *Unzureichende Bildung*. Gütersloh: Bertelsmann Stiftung.
- Bayerischer Landtag. 2011. Gesetzentwurf zur Änderung des Bayerischen Gesetzes über das Erziehungs- und Unterrichtswesen – Umsetzung der UN-Behindertenrechtskonvention im bayerischen Schulwesen. Drucksache 16/8100 vom 28.03.2011.
- Bayerisches Staatsministerium für Unterricht und Kultus. 2011. Inklusion durch eine Vielfalt schulischer Angebote. IV.6–S8040.5.1–4a.107922.
- Below, S. von, J.J.W. Powell, & L.W. Roberts. 2013. Educational Systems and Rising Inequality: Eastern Germany after Unification. *Sociology of Education* 86: online first, doi: 10.1177/0038040713496585.
- Boban, I., & A. Hinz. 2003. Qualitätsentwicklung des Gemeinsamen Unterrichts durch den “Index für Inklusion”. *Behinderte* 26(4-5):2-13.
- Booth, T., & M. Ainscow. 2002. *Index for Inclusion: Developing Learning and Participation in Schools*. Bristol, UK: Centre for Studies on Inclusive Education.
- Campbell, J.L. 2004. *Institutional Change and Globalization*. Princeton, NJ: Princeton University Press.
- CSU-Landesleitung (Hrsg). 2007. *Chancen für alle! (CSU Grundsatzprogramm vom 28.9.2007)*. Grünwald: Atwerb.
- Degener, T. 2009. Die UN-Behindertenrechtskonvention als Inklusionsmotor. *Recht der Jugend und des Bildungswesens* 57(2):200–219.
- Destatis. 2012 und frühere Jahre. *Bildung und Kultur. Allgemeinbildende Schulen. Fachserie 11, Reihe 1*. Wiesbaden.
- Djelic, M.-L., & S. Quack. 2007. Overcoming Path Dependency: Path Generation in Open Systems. *Theory & Society* 36(2):161-186.
- Dobbin, F., B. Simmons, & G. Garrett. 2007. The Global Diffusion of Public Policies. *Annual Review of Sociology* 33:449-472.

- Ebbinghaus, B. 2009. Can Path Dependence Explain Institutional Change? In: L. Magnusson & J. Ottosson (Eds.), *The Evolution of Path Dependence*, 191-212. Cheltenham: Elgar.
- Ebbinghaus, B. 2005. Can Path Dependence Explain Institutional Change? Two Approaches Applied to Welfare State Reform. *MPIfG Discussion Paper 05/2*. Cologne: Max Planck Institute for the Study of Societies.
- Goldstone, J. 2003. Comparative Historical Analysis and Knowledge Accumulation in the Study of Revolutions. In: J. Mahoney & D. Rueschemeyer (Eds.), *Comparative Historical Analysis in the Social Sciences*, 41-90. Cambridge: Cambridge University Press.
- Graf, S. 2004. Auswirkungen der Novellierung des Bayerischen Gesetzes über das Erziehungs- und Unterrichtswesen auf die Qualität der sonderpädagogischen Förderung in Bayern. In: U. Becker & A. Graser (Eds.), *Perspektiven der schulischen Integration von Kindern mit Behinderung*, 163-168. Baden-Baden: Nomos.
- Hänsel, D. 2005. Die Historiographie der Sonderschule. Eine kritische Analyse. *Zeitschrift für Pädagogik* 51(1):101-115.
- Hall, P.A., & D. Soskice (Eds.). 2001. *The Varieties of Capitalism*. Oxford: Oxford University Press.
- Hanson, M. 2001. Institutional Theory and Educational Change. *Educational Administration Quarterly* 37(5):637-661.
- Hooghe, L., & G. Marks (2001). *Multi-level Governance and European Integration*. Lanham, MD: Rowman & Littlefield.
- Interessenvertretung der Lehrkräfte, Schleswig-Holstein. 2012. Wieder Wahlkampf zu Lasten der Schulen im Land. 29.03.2012. Heikendorf: IVL-SH.
- Klehmet, J. 2009. *Schulische Integration – Historische Aspekte und aktuelle Entwicklungen in Bayern*. Hamburg: Verlag Dr. Kovač.
- Klemm, K., & U. Preuss-Lausitz (2008): Auf dem Weg zur schulischen Inklusion in Nordrhein-Westfalen. Empfehlungen zur Umsetzung der UN-Behindertenrechtskonvention im Bereich der allgemeinen Schulen. Essen/Berlin: Autoren.
- Klemm, K. (2013): *Inklusion in Deutschland – eine bildungsstatistische Analyse*. Gütersloh: Bertelsmann Stiftung.
- Koch, S., & M. Schemmann (Eds.). 2009. *Neoinstitutionalismus in der Erziehungswissenschaft*. Wiesbaden: VS Verlag.
- KMK. 2012. *Dokumentation 196: Sonderpädagogische Förderung in Schulen 2001 bis 2010*. Bonn: Kultusministerkonferenz.
- Kottmann, B. 2006. *Selektion in die Sonderschule*. Bad Heilbrunn: Klinkhardt.
- Krieger, L.H. (Ed.). 2003. *Backlash Against the ADA: Reinterpreting Disability Rights*. Ann Arbor: University of Michigan Press.
- Lebenshilfe Landesverband Bayern e.V. 2008. Behindertenpolitische Forderungen zur 16. Legislaturperiode (2008-2013). Erlangen: Author.
- Mahoney, J. 2000. Path Dependence in Historical Sociology. *Theory & Society* 29(4):507-548.
- Mahoney, J., & K. Thelen. 2010. *Explaining Institutional Change*. Cambridge: Cambridge University Press.
- Meyer, J.W. 2005. *Weltkultur*. Frankfurt am Main: Suhrkamp.
- Moser, V. 2003. *Konstruktion und Kritik*. Opladen: Leske & Budrich.
- Moser, V. (Ed). 2012. *Die Inklusiv Schule*. Stuttgart: Kohlhammer.
- Müller, K. 2010. *Bayerische Kooperationsklassen in Konflikt zwischen integrativer Schulentwicklung und separativem Schulsystem*. Hamburg: Verlag Dr. Kovač.

- Muñoz, V. (2007): *The Right to Education of Persons with Disabilities*. Report of the Special Rapporteur. New York: United Nations General Assembly.
- North, D. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.
- O'Brien, R. 2001. *Crippled Justice: The History of Modern Disability Policy in the Workplace*. Chicago, IL: University of Chicago Press.
- Peters, S.J. (2004): *Inclusive Education: An EFA Strategy for All Children*. Washington, DC: World Bank.
- Pfahl, L., & J.J.W. Powell. 2011. Legitimizing School Segregation: The Special Education Profession and the Discourse of Learning Disability in Germany. *Disability & Society* 26(4): 449–462.
- Pfahl, L. 2011. *Techniken der Behinderung: Der deutsche Lernbehinderungsdiskurs, die Sonderschule und ihre Auswirkungen auf Bildungsbiografien*. Bielefeld: Transcript Verlag.
- Pierson, P. 1993. When Effect Becomes Cause: Policy Feedback and Political Change. *World Politics* 45(4): 595–628.
- Pierson, P. 2000. Increasing Returns, Path Dependence, and the Study of Politics. *American Political Science Review* 94(2): 251–267.
- Pierson, P. 2004. *Politics in Time*. Princeton, NJ: Princeton University Press.
- Pluhar, C. 1995. Erfahrungen mit der Weiterentwicklung der Sonderschulen zu Förderzentren in Schleswig-Holstein. *Die Sonderschule* 40(2): 130–142.
- Pluhar, C. 1996. Auf dem Weg zu verbesserter Kooperation zwischen Schule und Kostenträgern bei der Integration behinderter Schülerinnen und Schüler. *Recht der Jugend und des Bildungswesens* 44(2):216–222.
- Pluhar, C. 1998. Integration von behinderten und nichtbehinderten Kindern und Jugendlichen als Auftrag für die Bildungsverwaltung. In: A. Hildeschiedt & I. Schnell (Eds.), *Integrationspädagogik*, 89–100. Weinheim: Juventa.
- Pluhar, C. 2009. Zielperspektive: Förderzentrum ohne Schüler. Zur Entwicklung der Förderzentren in Schleswig-Holstein. *Gemeinsam leben* 17(2):77–83.
- Pluhar, C. 2011. Auf dem Weg zu einem inklusiven Schulsystem – Zum Stand der Umsetzung der UN-CRPD in Schleswig-Holstein. *Recht der Jugend und des Bildungswesens* 59(2): 218–226.
- Powell, J.J.W. 2011. *Barriers to Inclusion: Special Education in the United States and Germany*. Boulder: Paradigm.
- Powell, J.J.W., N. Bernhard, & L. Graf. 2012. The Emergent European Model in Skill Formation. *Sociology of Education* 85(3):240–258.
- Preuss-Lausitz, U. 1981. *Fördern ohne Sonderschule*. Weinheim: Beltz.
- Preuss-Lausitz, U. 2011. Wir dürfen nicht so tun, als hätten wir in Regelschulen keine Heterogenität. In: *Gemeinsam lernen – Auf dem Weg zu einer inklusiven Schule*, 46–50. Gütersloh: Bertelsmann Stiftung.
- Richardson, J.G., & J.J.W. Powell. 2011. *Comparing Special Education: Origins to Contemporary Paradoxes*. Stanford, CA: Stanford University Press.
- Riedel, E. 2010. Zur Wirkung der internationalen Konvention über die Rechte von Menschen mit Behinderung und ihres Fakultativprotokolls auf das deutsche Schulsystem. Dortmund: LAG Gemeinsam Leben, Gemeinsam Lernen NRW e.V.
- Rürup, M. 2011. Inklusive Bildung als Reformherausforderung. *Zeitschrift für Inklusion* 2011(4): o.S.
- Schnell, I. 2003. *Geschichte schulischer Integration*. Weinheim: Juventa.
- Schöler, J., K. Merz-Atalik, & C. Dorrance. 2010. *Auf dem Weg zur Schule für alle? Die Umsetzung der UN-Behindertenrechtskonvention im Bildungsbereich*. München: Friedrich-Ebert-Stiftung.

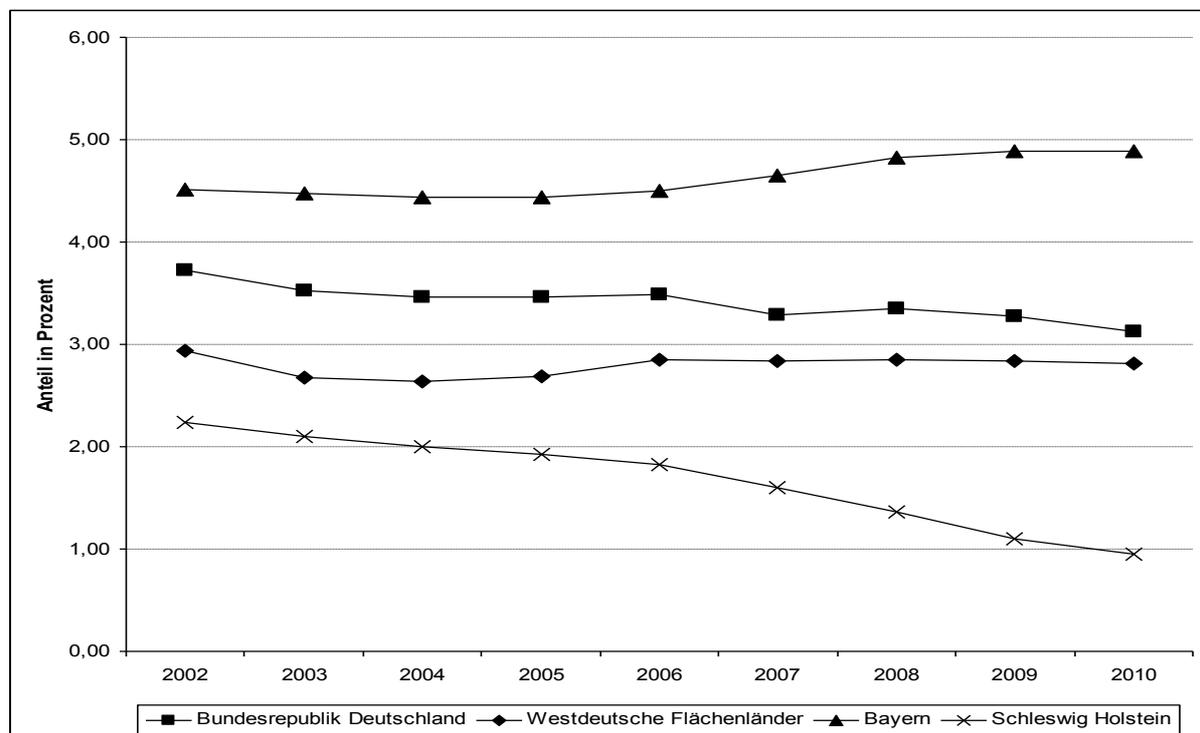
- Seidl, C. 2009. Minister Spaenle: „Dafür lass ich mich auch verklagen“. *Mittelbayerische Zeitung* vom 20.02.2009.
- Streeck, W., & K. Thelen. 2005. *Beyond Continuity. Institutional Change in Advanced Political Economies*. Oxford: Oxford University Press.
- Sydow, J., & G. Schreyögg (Eds.). 2013. *Self-reinforcing Processes in and among Organizations*. London: Palgrave Macmillan.
- Thelen, K. 1999. Historical Institutionalism in Comparative Politics. *Annual Review of Political Science* 2: 369-404.
- Thelen, K. 2004. *How Institutions Evolve*. Cambridge: Cambridge University Press.
- Tyack, D., & L. Cuban (1995): *Tinkering Toward Utopia: A Century of Public School Reform*. Cambridge, MA: Harvard University Press.
- United Nations. 2006. Convention on the Rights of Persons with Disabilities. New York.
- Weigl, E. 2009. Vom bayerischen Weg der Integration durch Kooperation zum bayerischen Weg der Inklusion durch Kooperation. Vortrag am 28.10.2009. München: Bayerisches Staatsministerium für Unterricht und Kultus.
- Zirkmann, E., & C. Pluhar. 2011. Inklusive Bildung in Schleswig-Holstein. In: *Gemeinsam lernen*, 193-203. Gütersloh: Bertelsmann Stiftung.

Table 1: Typology of Mechanisms of Institutional Reproduction

	Power-based	Legitimacy-based	Utilitarian	Functional
Reproduction mechanism	Institution is reproduced because it is supported by influential actors	Institution is reproduced because it is thought to be morally justified or appropriate	Institution is reproduced through cost-benefit estimates of actors	Institution is reproduced because it serves a function in a larger system
Potential consequences of institutional stability	Institution provides power to previously marginal actors (groups)	Over the long term, institution conforms less well to societal values and norms	Over the long term, institution is less efficient than alternatives	Over the long term, institution is less functional in meeting the needs of the overall system
Potential driving forces of institutional change	Weakening of influential actors and strengthening of marginal groups	Changes in the values and convictions of actors	Increasing competitive pressure; learning processes	Exogenous shock changes the needs of the entire system

Source: Adapted from Mahoney 2000.

Figure. 1: Special School Attendance at Primary Level, FRG & Selected Länder, 2000-2010



Source: Destatis 2012 and earlier years, authors' calculations.