



RIGHTS VS. RESOURCES: A COMPARATIVE ANALYSIS OF U.S. AND INDIA LAW ON THE PRESCHOOL-TO-SCHOOL TRANSITION FOR CHILDREN WITH AUTISM

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Abstract: The transition from preschool to primary school is a significant cause of stress and possible destabilization for many children with Autism Spectrum Disorders (ASD). Even though laws are supposed to provide inclusive education, the reality encountered when dealing with these children often runs counter to institutionalization. This paper makes a comparative analysis of the United States and India, the legal provisions that regulate this transition, the Individuals with Disabilities Education Act (IDEA) in the United States, the Rights of Persons with Disabilities Act (RPWD) in India, and the guidelines provided under the National Education Policy (NEP) in India. Using a doctrinal methodology and policy analysis, the research questions four aspects of transition: eligibility and identification of children with ASD; continuity of special education services; decision-making practices; and accountability mechanisms to ensure schools offer truly inclusive environments. The results have shown that, even with well-established procedural protection and individualized education plans under the IDEA, the benefits are undermined by racial disproportionality, service fragmentation, and inter-district disparities in the United States, and that although RPWD expresses vast rights and commitments in the direction of inclusive education, a palpable gap exists between the expressed rights and the ability of the system to provide them due to lack of resources, inconsistent application and scarcity of enforceable measures in India. Instead of discussing this issue in the framework of Binary Global North/Global South, the article suggests a Cross-Contextual Equity Model that resets the process of transition of ASD children as an interpersonal and right-based process that requires to be legally mandated, institutionally capable and collaborative relationships between families and schools, to help bring about more fair, predictable and dignified transitions from preschool to primary school.

Key Words: Autism Spectrum Disorders (ASD), Preschool-to-primary transition, Inclusive education, Individuals with Disabilities Education Act (IDEA), Rights of Persons with Disabilities Act (RPWD), Cross-Contextual Equity Model

I. INTRODUCTION

1.1 Establishing the Transition Crisis in Autism Spectrum Disorder

Children with autism spectrum disorder (ASD) require unique educational settings and supports to help them succeed academically (Subramanyam, 2022). Early interventions have been shown to increase the likelihood of better outcomes for children with ASD; however, the transition from early intervention programs to public school classrooms can be an extremely vulnerable time for children with ASD and their families, who may find themselves testing the philosophy of inclusion versus the reality of institutional barriers (Subramanyam, 2022).

Children with ASD and their families rely heavily on the legal and social infrastructure related to disability rights in their respective countries to maintain continuity of service.

1.2 Comparative Nexus & Thesis Statement

The policy approaches of the United States and India create a compelling comparative study. Both countries are signatory parties to the United Nations Convention on the Rights of People with Disabilities (UNCRPD); both countries have also committed to achieving the objectives outlined in the fourth Sustainable Development Goal (SDG 4): Disability Inclusion, Quality Education, and Equitable Access (Armstrong & Squires, 2014). However, the ways in which they have implemented these commitments vary greatly. The U.S. model (Individuals with Disabilities Education Act/IDEA) is a representative example of a country in the Global North with a high level of resources that relies on established legal proceduralism. In contrast, the Indian model (Right of Persons with Disabilities Act/RPWD/National Education Policy/NEP 2020) is an example of a country in the Global South with limited resources that focuses on systemic social justice and community-based solutions to support students with disabilities (Voulgarides & Barrio, 2021; Subramanyam, 2022). A comparison of these two models highlights the shared struggle to provide equitable education outcomes across the globe that exist despite varying levels of economic capacity and institutional capability.

This research paper will use a critical analysis approach to examine the policy architectures of IDEA and RPWD/NEP in order to demonstrate that only when transitioning equity is achieved using a combination of procedural accountability and developmental aspirations will it be possible to ensure that students with disabilities experience truly equitable transitions. Additionally, this paper will propose a Hybridized Cross-Contextual Equity Model (HCCEM) that utilizes enforceable rights, culturally responsive, and capacity-building mechanisms to measure policy effectiveness and to ensure that policy effectiveness is measured not only by compliance but also by providing equitable and substantive outcomes.

1.3 Global Policy Framework: UNCRPD and SDG 4

Inclusive education has been established as a global standard through the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006), with Article 24 of the convention requiring that persons with disabilities have access to equal educational opportunities and reasonable accommodations (Armstrong & Squires, 2014). As signatory parties to the UNCRPD, the U.S. and India have differing methods of operationalizing the principle of inclusive education: the U.S. utilizes its domestic laws (IDEA) to implement inclusive education, while India utilizes social welfare reforms and educational reform (RPWD, NEP 2020) to integrate inclusive education (Subramanyam, 2022). The Sustainable Development Goals (SDGs), particularly Goal 4 “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all,” extend the vision of the UNCRPD by linking disability inclusion to broader human development (Armstrong & Squires, 2014). Scholars indicate that although international agreements such as the UNCRPD create expectations for the implementation of policies at the national level, there exists considerable variation in how those expectations are met (Armstrong & Squires, 2014). As such, for children with ASD, the global frameworks serve as inspirational guidelines for the types of transitions children with ASD should experience; however, the degree to which those principles are translated into practice by institutions is influenced by the socio-economic disparities existing among nations (Subramanyam, 2022).

1.4 Research Questions and Objectives

The purpose of this comparative study will be driven by the following research questions and objectives:

Research Questions

1. How do the IDEA (United States) and RPWD (India) frameworks conceptualize and provide for the transitions of children with Autism Spectrum Disorders (ASD)?
2. What are the procedural and philosophical differences that distinguish each system's approach to inclusion and equity?

3. In what ways do the cultural context and parent/family involvement in the decision-making process impact the outcome of transition for children with autism spectrum disorders?
4. What cross-national insights can be applied to develop a transition model that is both more equitable and culturally responsive?

Objectives

This comparative study has four primary objectives. The first objective is to compare the United States' IDEA framework and the Rights of People with Disabilities Act (RPWD) and National Education Policy (NEP) in India to establish a clear understanding of both frameworks. The second objective is to determine how different factors, such as policy development, implementation of policy, and cultural contexts, affect transitions of children with autism spectrum disorder (ASD). The third objective is to position both the U.S. and Indian systems within the broader international discourse regarding inclusive education, and especially within the framework of the UNCRPD and SDG 4. The fourth and final objective of this comparative study is to use the cross-cultural insight developed from this study to construct a unified equity-driven model for transitioning students with ASD across all cultures, the Cross-Cultural Equity Model (CCEM), to combine the need for procedural accountability with the necessity for contextual and relational approaches to equity.

The remainder of the report is organized as follows: Section II outlines the methodologies used in this study, which include the Comparative Policy Analysis method, as well as the method of Critical Interpretative Synthesis (Dixon-Woods et al., 2006); Section III provides a description of the foundational principles of law and theory that support the IDEA and RPWD, and compares the two frameworks, focusing on their procedural and distributive justice frameworks; Section IV examines the literature relative to the failure of implementation of IDEA and RPWD in terms of racial inequality and resource deficits; Section V describes the theoretical and structural underpinnings of the proposed Cross-Contextual Equity Model (CCEM); and Section VI presents specific policy recommendations for both the U.S. and India, along with suggestions for areas of further research.

II. METHODOLOGY

In this Study, Comparative Policy Analysis (CPA) is combined with a Critical Interpretive Synthesis (CIS). The CIS allows researchers to identify underlying assumptions, power dynamics, and cultural logic in the development of policies (Dixon-Woods et al., 2006).

2.1. Data Collection Criteria

Data collection included a systematic review of all identified data sources. The identified data sources were reviewed articles that were published between 2000 and 2024. Articles were based on empirical research and theoretical research about IDEA, RPWD, ASD transition, and inclusive education. The official documents used as primary policy documents were the IDEA (2004, amended 2015), the RPWD Act (2016), the National Education Policy (NEP) (2020), and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (2006). Articles were collected from several academic databases, including JSTOR, ERIC, Scopus, Taylor & Francis, and SpringerLink. All the articles had to meet four inclusion criteria: (1) Early intervention and transitions; (2) Legal or policy analysis; (3) Family participation; and (4) Cultural or equity perspectives.

2.2 Analytical Process

The review followed three stages (Dixon-Woods et al., 2006):

Stage	Description	Outcome
1. Thematic Coding	Identified 52 relevant papers	Core equity and inclusion themes extracted
2. Comparative Mapping	Classified evidence under IDEA and RPWD	Generated thematic contrasts
3. Synthesis	Combined insights across contexts	Proposed Cross-Contextual Equity Model

III. THEORETICAL AND LEGAL FOUNDATIONS

3.1 Justice Frameworks: Proceduralism vs. Distributive Justice

Both the U.S. and Indian systems diverge primarily based upon established theoretical perspectives of justice. IDEA utilizes the procedures of the IFSP and IEP as individualized planning tools, along with due process rights, and consequently aligns itself with procedural justice theories. Procedural justice provides the necessary protection against arbitrary government actions and guarantees the opportunity for fair process (Altshuler & Kopels, 2003).

The RPWD Act, reinforced by NEP 2020, is based on social justice, emphasizing the importance of universal access, community-based rehabilitation, and non-discrimination. These commitments represent a strong emphasis on distributive justice theory (Subramanyam, 2022; Rangarajan & Sharma, 2023). The emphasis on distributive justice focuses on the equitable distribution of resources and opportunities across society (Subramanyam, 2022; Rangarajan & Sharma, 2023).

The primary issue in comparing the two national frameworks is a significant Justice Paradox. In that IDEA has a rigorous procedural system providing enforceable rights, the access to these mechanisms (due process, litigation) is directly correlated to higher literacy, socioeconomic status, and advocacy skills (Altshuler & Kopels, 2003; Voulgarides & Barrio, 2021), thus creating an exclusionary mechanism. Consequently, procedural justice may unintentionally create procedural inequities. Conversely, while RPWD's commitment to distributive justice is morally compelling, the ability to implement distributive justice is ineffective if the foundational resources required for distribution (e.g., trained personnel, accessible infrastructure) are consistently unavailable or lack legally binding targets (Subramanyam, 2022; Rangarajan & Sharma, 2023). Therefore, justice without material enforcement and capacity building remains merely aspirational.

3.2 Intersectional Critique: DisCrit and Postcolonial Disability Studies

A critical understanding of policy failure requires an intersectional approach. Critical Race Theory and Disability Studies converge (DisCrit) to examine how race and disability, viewed not as separate biological characteristics, but as socially constructed concepts that define deviance and provide a rationale for differential treatment in law and policy (Annamma et al., 2016). This lens is important for understanding IDEA's internal failure because it demonstrates how systemic biases, the implicit biases of educators, as well as structural oppression, lead to the underrepresentation and disproportionate placements of disabled children of color (Voulgarides & Barrio, 2021; Baer et al., 2011).

Postcolonial Disability Studies also challenges the tendency of Western, European, and North American scholars to establish the foundations of critical disability studies and policy analysis (Subramanyam, 2022;

Chataika & Goodley, 2024). Postcolonial Disability Studies challenge the idea that policies developed in the Global North, such as IDEA, are inherently best practices that should be adopted worldwide without consideration (Subramanyam, 2022). The comparison of IDEA and RPWD demonstrates the need to decolonize transition equity. The risk of simply engaging in "Policy Borrowing" (Armstrong & Squires, 2014; Smith, 2004; Steiner-Khamsi & Waldow, 2012), i.e., adopting IDEA's procedural model, would impose Euro-American standards and bureaucratic requirements upon India's transition system which is already burdened by the long-term economic legacy of colonialism and deep-seated socio-economic inequalities (Subramanyam, 2022). Successful, equitable transition systems will resist this type of policy borrowing and adopt culturally relevant, locally specific solutions, such as community-based models, tailored to their own capacities and local contexts, rather than adopting foreign procedural norms universally.

3.3 The IDEA Mandate: Rigor and Bureaucratization (U.S.)

The IDEA framework provides a Free Appropriate Public Education (FAPE) for all children with disabilities (Altshuler & Kopels, 2003) and defines services from birth (Part C) to age 21 (Part B) (Altshuler & Kopels, 2003). The main tool used for transition and accountability is the Individualized Education Program (IEP). One of IDEA's strengths is the explicit, enforceable procedural safeguards (Altshuler & Kopels, 2003). An example of this is the tightly regulated timeline for evaluation, consent, and the subsequent Admission, Review, and Dismissal (ARD) meeting.

However, the emphasis on procedural compliance in IDEA creates a bureaucracy that reduces participatory involvement to mere formalities (Subramanyam, 2022). Empirical research indicates that high-quality, well-executed IEPs correlate to improved academic achievement; however, the success of the transition system depends heavily upon the quality of educator support and collaboration (often variable) (Baer et al., 2011). Additionally, the philosophical transition from family-centered early intervention (Part C) to child-centered education (Part B) further creates barriers for families of children with Autism Spectrum Disorder (ASD), resulting in the devaluation of family experiential knowledge in favor of standardized performance measures (Starr et al., 2016; Subramanyam, 2022).

3.4 The RPWD/NEP Paradigm: Aspirational Commitment (India)

RPWD Act (2016) is a landmark rights-based legislative act requiring inclusive education, accessibility, and non-discrimination throughout institutions (Rangarajan & Sharma, 2023; Subramanyam, 2022). RPWD Act (2016) is also reinforced by the National Education Policy (NEP, 2020), which reinforces these goals, promoting flexible curriculum design, teacher preparation, and accessible school facilities (Ministry of Education, 2020; Rangarajan & Sharma, 2023). NEP 2020 specifically seeks to remove any remaining disparity in education for Socio-Economically Disadvantaged Groups (SEDGs), including Children with Special Needs (CWSN) (Rangarajan & Sharma, 2023; Ministry of Education, 2020).

While conceptually, both the RPWD Act and NEP 2020 have a common goal of eliminating exclusionary practices (Rangarajan & Sharma, 2023; Subramanyam, 2022), the RPWD Act is limited administratively by the lack of individually enforceable procedural safeguards similar to IDEA's due process system (Subramanyam, 2022). Instead, implementation of the RPWD Act relies on administrative discretion at the state level, moral commitment, and collective social responsibility (Subramanyam, 2022; Rangarajan & Sharma, 2023).

Table 2. Philosophical and Statutory Divergence: IDEA vs. RPWD/NEP

Dimension	IDEA (United States)	RPWD/NEP (India)	Critical Implication
Legal Orientation	Rights-based, Federally Mandated, Enforceable (Due Process)	Rights-based, Aspirational, State-Implemented	Justice relies on litigation and procedural compliance (Altshuler & Kopels, 2003) vs. justice relies on

administrative will and collective action (Subramanyam, 2022).

Core Principle	Individualized Procedural Accountability (IEP/IFSP)	Universal Access, Collective Social Justice (Inclusive Access)	Risk of bureaucratic ritualism vs. risk of implementation scarcity.
Theoretical Lens	Liberal Tradition, Justice (Altshuler & Kopels, 2003)	Legal Procedural (Subramanyam, 2022; Rangarajan & Sharma, 2023)	Collectivist Social Justice, Developmental Model (Armstrong & Squires, 2014).

IV. LITERATURE REVIEW AND IMPLEMENTATION ANALYSIS

4.1 Inequality Within Wealth: The U.S. Problem of Disproportionality Under the IDEA.

Although IDEA. outlines specific procedures for the implementation of public education, it is the inequality in the delivery of public education that undermines the application of IDEA. This takes the form of the problem of disproportionate identification and placement of students from historically marginalized racial and ethnic backgrounds (Williams, 2013; Voulgarides & Barrio, 2021; Baer et al., 2011).

The disproportionality is driven by several factors, including explicit and implicit bias by educators, and a lack of culturally relevant practice among service providers (ACT, 2012; Voulgarides & Barrio, 2021). Although IDEA. requires states to identify and eliminate "significant disproportionality" based on inappropriate identification, there continues to be a significant number of cases of this type (Voulgarides & Barrio, 2021; OSEP, 2017).

Disparities in the delivery of services further undermine equitable access to resources. For example, in a longitudinal cohort study, researchers examined the differences in the transition planning for adolescents diagnosed with autism spectrum disorder (ASD) and found significant differences in the availability of transition planning for these students (Chen et al., 2020). Additionally, in a study of the availability of school-based mental health services to adolescents with ASD, researchers reported that none of the Black adolescents with ASD in the sample were provided with school-based mental health services (Chen et al., 2020). It is common for Black autistic individuals to experience programs with fewer resources, staff without proper training, and practices that lack cultural relevance, along with a lack of Black professionals in special education (Chen et al., 2020; Starr et al., 2016).

This pattern of disparity illustrates that while IDEA. provides a mechanism for states to report compliance with regulations, it does not provide a method for ensuring equal distribution of resources. The continued debate about whether states should be required to collect and report on data regarding "significant disproportionality," and the administrative opposition to requiring states to do so (Voulgarides & Barrio, 2021), indicates that many state administrators view procedural compliance as more important than equitable outcomes.

4.2 Scarcity Amongst Ambition: The Challenges of the Indian Capacity and Resource Shortages Under RPWD.

While the RPWD Act and the National Education Policy 2020 (NEP 2020) are structured similarly to the international human rights framework and align with the rights framework of disability law globally, they have been impeded significantly in terms of capacity shortages in order to create an inclusive environment for all. Therefore, there is a gap between the aspirations of inclusive education and the reality of the scarcity of the resources needed to make that vision possible (Subramanyam, 2022).

Providing an inclusive education model requires significant financial investment for specialized materials, assistive technologies, and teacher training (Sharma, 2021). Unfortunately, the Indian education system lacks the necessary funds to support the development of special education (Sharma, 2021; Subramanyam, 2022).

Barriers exist at both the individual and institutional levels. At the individual level, teachers often do not receive adequate training to teach children with disabilities (Sharma, 2021). Additionally, many schools lack the basic supports and resources that students with disabilities need to succeed (Sharma, 2021). Furthermore, schools continue to follow outdated curricula and do not accommodate for the needs of students who require accommodations or modifications (Sharma, 2021).

Training for special education professionals is also limited and primarily offered in urban areas (Subramanyam, 2022). Moreover, the lack of coordination between government agencies responsible for education, healthcare, and social welfare creates inconsistencies in the implementation of early childhood care and education programs (Rangarajan & Sharma, 2023; Subramanyam, 2022; UNICEF, 2020).

As a result of the failure of the exosystem, the legal right to inclusion varies widely depending upon which state has implemented the curriculum adaptations and compliance measures for accessibility (Rangarajan & Sharma, 2023; Subramanyam, 2022). Although the NEP 2020 created an “Inclusion Fund” to help fund access initiatives for disadvantaged groups (Ministry of Education, 2020; Rangarajan & Sharma, 2023), the potential of the Inclusion Fund to serve as a source of equitable funding is consistently hindered by the lack of enforcement mechanisms and guaranteed funding, which transforms the national right to inclusion into a geographic lottery based on local political will and budgetary ability.

Table 3. Systemic Barriers to Transition Equity: A Comparative Analysis

Barrier Theme	United States (IDEA Implementation Gaps)	India (RPWD/NEP Capacity Deficits)	Theoretical Lens
Equity and Access	Racial Disproportionality (Mis/Over-identification, restrictive settings) (Voulgarides & Barrio, 2021; Baer et al., 2011)	Socioeconomic Disparity (Rural vs. Urban access, high stigma) (Subramanyam, 2022; Rangarajan & Sharma, 2023)	DisCrit/Intersectionality (Annamma et al., 2016)
Service Provision	Disparities in mental health/related services (e.g., Black adolescents excluded) (Chen et al., 2020)	Acute shortage of trained special educators and localized resources (Sharma, 2021)	Global North/South Resource Gap
Funding & Coherence	Inter-district inconsistency, resistance to equity data collection (Voulgarides & Barrio, 2021)	Chronic administrative fragmentation, lack of Inclusion Fund operational transparency (Rangarajan & Sharma, 2023)	Exosystemic and Policy Failure (Subramanyam, 2022; Rangarajan & Sharma, 2023)
Cultural Perception	Deficit-Oriented readiness, parental intimidation in IEP meetings (Jiang et al., 2021; Voulgarides & Barrio, 2021)	Stigma, denial, and preference for compliance/rote learning readiness (Jiang et al., 2021)	Postcoloniality/Cultural Mismatch (Subramanyam, 2022; Chataika & Goodley, 2024)

4.3 The Lived Experience: Family Agency and the Readiness Construct

While IDEA focuses on family involvement, it does so from a legally based approach to parent agency. The IEP process is intended to provide a legal forum for families to advocate for their children. But this legal focus creates a great deal of pressure on families and typically transforms the family-school relationship into a confrontational, bureaucratic one, which leads to families who do not have the same level of education or economic resources being excluded and intimidated (Altshuler & Kopels, 2003; Voulgarides & Barrio, 2021).

In contrast, RPWD emphasizes community and parent participation and has been implemented in many countries through community-based rehabilitation (CBR) programs at the district and village levels. These approaches may create relational trust and support strong informal networks that are important to families, particularly those in rural areas for navigating guidance (Subramanyam, 2022). While CBR is generally consistent with the collectivist values of Indian society, the absence of legal protections means that if families cannot access these networks or the administrative discretion of personnel working in these systems fails, they will be unable to force accountability within institutions.

The lived experience of families and the readiness construct both demonstrate how readiness, as currently conceptualized, is too narrow and too individualistic. Both sets of experiences also demonstrate how schools and other educational agencies need to begin thinking about themselves as needing to be ready for children rather than solely relying on the readiness of children (Larcombe et al., 2019). This shift requires a Relational Readiness framework that recognizes the holistic nature of children's development and views transitions as adaptive processes that involve families, educators, and the learning environment as co-actors (Larcombe et al., 2019), and this relational framework provides a common ground for the policy changes needed in both the United States and India. At the same time, this relational framework addresses the problem of cultural bias inherent in the standardized assessments used under IDEA (Josilowski & Morris, 2019) and the problem of having to adapt rigid curriculum requirements for students with disabilities as outlined in RPWD.

V. DISCUSSION

THE CROSS-CONTEXTUAL EQUITY MODEL

The comparative analysis reveals that while the U.S. system (IDEA) has legal accountability but suffers from structural inequity (Inequity within Abundance), the Indian system (RPWD) has moral aspiration but suffers from implementation capacity deficits (Scarcity within Aspiration). Achieving authentic equity requires bridging these philosophical and practical gaps, which is the foundational purpose of the CCEM.

5.1 The Cross-Contextual Equity Model (CCEM)

The Cross-Contextual Equity Model (CCEM) is a hybrid framework that integrates the demand for explicit procedural accountability of the American system (IDEA) with the relational, capacity-based inclusivity of the Indian system (RPWD). This model will address the Justice Paradox (as discussed in Section 3.1) through the integration of the requirements for procedural rigor and the distribution of resources and services for students with disabilities.

As an example of how the CCEM can ensure that procedural rigor does not hinder distributive justice goals, the CCEM includes a requirement for schools to develop legally cognizable transition plans that ensure each student receives the appropriate amount of support based on their needs to achieve their educational potential (Accountability).

Furthermore, the CCEM requires school districts to provide culturally responsive instruction, which ensures that the IDEA's procedures are implemented in such a way that they do not exacerbate existing racial biases or inequalities (Adaptability).

Table 4. Cross-Contextual Equity Model (CCEM)

Pillar	Derived from	Application	Expected Outcome
Accountability	IDEA	Legally binding transition plans and transparent reporting	Reduces procedural inequity
Accessibility	RPWD	Community outreach and local resource mapping	Expands early intervention reach
Adaptability	Both	Flexible readiness benchmarks reflecting cultural diversity	Culturally responsive transitions
Agency	IDEA + RPWD	Family co-decision-making and advocacy support	Strengthens participation
Alignment	Global Frameworks	Integrate UNCRPD and SDG 4 principles into local governance	Ensures international compliance and coherence

The CCEM's structural design is the missing mechanism for enforcing Accountability and Accessibility rights that are included in RPWD, as well as the relational and cultural focus that will allow combating the systemic bias present in IDEA as it relates to Adaptability and Agency; therefore, this integrated perspective could lead to long-term sustainability in providing equity on a global basis for transitions in special education.

VI. POLICY IMPLICATIONS AND RECOMMENDATIONS

6.1 Recommendations for the US – Procedural Recalibration

A major overhaul of the US special education system is needed to move the monitoring of compliance from procedural fidelity to producing equity results. Therefore, states are required to conduct a Substantive Equity Audit based on the DisCrit framework, have the district identify and address the source(s) of the identified disproportionate representation (Baer et al., 2011; Voulgarides & Barrio, 2021; Williams, 2013). Any funding allocated for Comprehensive Coordinated Early Intervening Services (CCEIS) is to be used to correct the low identification and placement rates of children with autism (Baer et al., 2011; OSEP, 2017). Additionally, the system must require that assessments are made using culturally responsive assessment tools (Josilowski & Morris, 2019); that all students have equal access to specialized services such as school-based mental health, and monitor and report on the use of these services by race/ethnicity to help close the current documented gaps in service delivery to students of color with ASD (Chen et al., 2020).

6.2 Recommendations for India – Aspirational Implementation

In order to put the RPWD Act into practice, India will need to establish a form of "Localized Procedural Safeguards." Although it would be difficult to adopt the entire litigation model of the United States, the system should create micro-level legally enforceable transition plans, similar to the Individual Responsibility Contracts used in some U.S. welfare systems (Altshuler & Kopels, 2003), which provide parents with clear administrative avenues (e.g., local ombudsmen or tribunals) for redress prior to having to resort to costly judicial review. It is also critical that India ensures the creation of Protected and Dedicated Funding Mechanisms. The NEP's Inclusion Fund must be protected from administrative fragmentation and inconsistent application at the state level, and there must be mandatory, strict accounting for the utilization of funds to support teacher training, infrastructure improvements, and assistive technology (Sharma, 2021; Ministry of Education, 2020). The establishment of these funding mechanisms will enable India to convert its aspirational rights into tangible resources.

6.3 Recommendations for Global Cross-National Learning

Future comparative studies and international development initiatives must place priority on adapting policies, not borrowing them (Armstrong & Squires, 2014; Steiner-Khamsi & Waldow, 2012). Instead of trying to transport an entire and complex legal system across countries, research should focus on identifying how key policy elements, such as the level of procedural transparency and accountability, can be adapted and made simpler to implement in environments where resources are limited. Creating cross-national networks of experts, supporting joint research, and creating professional development opportunities through joint training programs between US and Indian universities to develop culturally responsive ASD assessment tools and inclusive teaching practices for diverse contexts will enhance the ability to advance global transition equity (Subramanyam, 2022; Voulgarides & Barrio, 2021).

VII. CONCLUSION

A GLOBAL RELATIONAL APPROACH TO EQUITY AND INCLUSION THROUGH POLICY HYBRIDIZATION

Through the comparative analysis of the two frameworks, IDEA and RPWD, we identify an inherent tradeoff between providing individually enforceable legal rights and enabling contextual implementation through collective action. While the U.S. IDEA framework has demonstrated that legally rigorous policies combined with high resource investment do not provide sufficient assurance against systemic racial and socio-economic inequity, which results in substantive erosion masked by procedural fidelity, the Indian RPWD framework has demonstrated that a statute based on moral aspiration and rights alone is insufficient to support a strong and sustainable implementation capacity. Global policy hybridization will be essential to achieving equitable and inclusive transitions for children with Autism Spectrum Disorder (ASD). The Cross-Contextual Equity Model presents a roadmap for systems globally to achieve successful transitions when relational compassion and cultural grounding are infused into procedures for social justice.

To accomplish this, it will be necessary to develop laws that are enforceable while also demonstrating empathy, systems that are standardizable while also being adaptable, and transitions that treat families as collaborative partners rather than merely clients. Through the hybridized model of law and social justice advocated by this paper, both countries may move closer to realizing the full promise of UNCRPD and SDG 4: quality, inclusive, and equitable education for all.

This study identifies several important areas of inquiry for future research. Specifically, future studies should include:

- (1) Conducting randomized controlled trials to assess longitudinally the effectiveness of implementing the Relational Readiness standards of the CCEM in a variety of school district settings.
- (2) Developing and assessing the effectiveness of locally administered ombudsman/tribunals in India on parental engagement in the procedural process and access to resources; and,
- (3) Conducting comparative cohort studies to examine the long-term post-school outcomes of Black and Latinx students with autism who were in districts required to implement Substantive Equity Audits compared to those in districts that were only required to file federal disproportionality reports.

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