

**Some comments on the research report “Outcomes associated with ‘Inclusive’,
‘Segregated’ and ‘Integrated’ settings for people with disability” by McVilly et al,
commissioned by the Royal Commission Into Violence Abuse, Neglect and Exploitation**

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April 2023

QUESTIONS FOR RESEARCH

Context

The violence, abuse, neglect and exploitation of people with disabilities has been dramatically demonstrated in testimony to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the **Royal Commission**), and to numerous other commissions and formal inquiries going back more than a century. That is, the abuse and maltreatment are **systemic issues** and are not going to be fundamentally changed by regulatory changes or more funding, although both may help. For example, we already have laws that seek to guarantee the right of Australian students with disabilities to access education on the basis of equality and non-discrimination as required by the UN Convention on the Rights of Persons With Disabilities (**CRPD**) that recognises the human right to inclusive education, such as the *Disability Discrimination Act 1992 (Cth) (DDA)* that has been in force for more than 30 years. However, recent research showed that over 70% of families trying to enrol their child with disability at the local school experienced gatekeeping, or restrictive practices were applied to their child (Poed, Cologon et al. 2020). Similarly, the Disability Education Standards have been in force since 2005 with no data published on their impact or compliance with the DDA, although the evidence to the Royal Commission and the Poed et al paper on gatekeeping as well as the scoping review by Duncan, Punch et al (2020), would indicate that their impact is severely compromised, at best. Stronger statutory frameworks to enforce the rights of students with disabilities to inclusive education would be an important outcome of the Royal Commission.

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We are working in an area where the nadir was the early 20th century where people were segregated and sterilised “for the good of the community, denied any education until they were reluctantly allowed into the segregated school in the institution and later segregated schools, and strongly devalued throughout the society (Braddock and Parish 2001). Kayess and Sands (2020) in their report for the Royal Commission write about the experience of inequality, discrimination and segregation as “the catalyst and the frame of reference for the emergence of the disability rights movement in the 1960s and 1970s” (p. 1) and the role of people with disability through their representative organisations in negotiating the CRPD, to which they brought their experiences and demand for significant social transformation and full inclusion in society. It is critical to understand inclusive education for students with disabilities and the nature of ‘segregation’ ‘integration’ and ‘inclusion’ within their proper historical context and as a fundamental human rights issues.

Purpose

The report “Research Report: Outcomes associated with ‘inclusive’, ‘segregated’ and ‘integrated’ settings for people with disability by McVilly et al (2022, **the Report**) was commissioned in this context, to provide information that would assist the Royal Commission in making recommendations based on searches of the literature within a historical and cultural background. *The Report* purports to provide a systematic review of outcomes from mainstream and segregated education placements, which is a particular research method that aims to provide a comprehensive and unbiased summary of the existing evidence on a particular research question, and to provide an accurate understanding of the research findings. However, the *Report* itself acknowledges its departure from systematic review methodology (eg. P.1 and 9) noting that “a process more akin to a scoping review was adopted” but does not address the implications of this for its research questions or policy. Scoping reviews lack certain unique quality features of systematic reviews that are critical to minimise bias in the selection of studies and the extraction of findings. For example, one quality feature is having all processes and decisions repeated independently by multiple researchers and the percentage of their agreements reported transparently to ensure readers that decisions are reliable and consistent, and that confidence can be placed in the reported findings of the systematic review. Another is to perform and report a critical appraisal of every study considered for inclusion that is completed independently by multiple researchers using an established appraisal tool with the tool for appraisal and the appraisal of each study transparently provided for readers. This second quality feature is key to ensuring that only high-quality studies contribute to the final set of findings. The adoption of both of these quality features is essential in systematic reviews if they are to produce robust and reliable findings that are fit to inform recommendations in policy and legislation (Aromataris & Munn, 2020). Yet, while systematic processes were applied in “the search, identification and final selection of the literature” (p. 9 of the Report) forming the basis of the reviews, the report does not outline any duplication of decisions nor were the critical appraisal results reported or the tool for appraisal made available. While the Report asserts that an appraisal was undertaken, no data for this were provided nor was any commentary made about the quality of the set of studies considered. Moreover, both primary empirical studies were included along with systematic literature reviews. Collectively these methodological limitations mean that it is highly likely that the same data were considered twice and that there is considerable potential in bias within the

findings. These limitations therefore lower the confidence that can be placed in the Report’s recommendations.

In addition, as discussed in more detail below, the use of a Delphi analysis in *the Report* seems especially inappropriate in this context and fails to acknowledge the danger of giving academic credibility and weight to biases about inclusive education, which has the status of a fundamental human right under Article 24 of the CRPD.

Overall, while *the Report* frequently cites the CRPD, it clearly fails to apply a human rights-based approach and frequently privileges and amplifies perspectives about inclusive education that are not consistent with human rights principles and therefore have the potential to undermine the realisation of human rights for people with disability. *The Report* goes as far as to seemingly interrogate the CRPD itself (e.g. p.91). The “Protocol for Rights-based Disability Research in all Fields” developed by the international Disability Human Rights Research Network (DHRR)² states that “research that conflicts with, undermines or contradicts the Convention on the Rights of Persons with Disabilities, even if it is claimed to be ‘rights-based’” is not human rights-based research. Given that the Royal Commission’s Terms of Reference place the human rights of people with disability at the core of its inquiry and requires their recognition, not interrogation, this aspect is particularly concerning.

CONCERNS ABOUT THE REPORT BEING OPEN TO QUESTIONS OF BIAS

Scope of the research

The authors of *the Report* took a cut-off date of 2006 based on that being the date of the adoption of the CRPD by the United Nations. It is not clear why this would be an appropriate rationale for the exclusion of thousands of research articles produced prior to that time but clearly its effect has been a very substantial reduction of the material research evidence considered by the authors on segregated, integrated, and inclusive education for students with disability. The table below gives an idea of some of the *review* articles not included as well as some key studies, some of which have been cited hundreds of times by other researchers. Given the strong and consistent findings across this significant body of experimental literature that comparisons of segregation and inclusion/integration showed either equivalent outcomes or superior outcomes for inclusion/integration, the omission of these studies raises the question of the findings of *the Report* not reflecting the actual literature and being perceived as biased and fundamentally flawed as an attempt to answer the questions asked and as a basis for policy.

1968	Dunn, I. M. Special education for the mildly retarded - Is much of it justifiable?
1980	Calberg, C., & Kavale, K. The efficacy of special versus regular placement for exceptional children: A meta-analysis.

² See: https://www.bodys-wissen.de/files/bodys_wissen/Downloads/Forschung/DHRRN%20research%20protocol%20-%20final%20version%20Feb-2018.docx

1983	Madden, N. A., & Slavin, R. E. Mainstreaming students with mild handicaps: Academic and social outcomes.
1984	Wang <i>et al.</i> Comparison of a full-time mainstreaming program and a resource room approach.
1985	Brinker, R. P. Interactions between severely mentally retarded students and other students in integrated and segregated public school settings.
1987	Marston, D. The effectiveness of special education: a time series analysis of reading performance in regular and special education settings.
1988	Affleck <i>et al.</i> Integrated classroom vs resource model: Academic viability and effectiveness."
1993	Sobsey, D., & Dreimanis, M. Integration outcomes: Theoretical models and empirical investigations.
1993	Uditsky. From integration to inclusion: The Canadian experience. "Is there a desk with my name on it? The politics of integration
1994	Baker, <i>et al.</i> The effects of inclusion on learning.
1994	Huber, K. D., <i>et al.</i> The differential impact of inclusion and inclusive practices on high, average, and low achieving general education students.
1994	Hunt <i>et al.</i> Achievement by all students within the context of cooperative learning groups.
1996	Vaughn, S., <i>et al.</i> The effects of inclusion on the social functioning of students with learning disabilities.
1996	Mesibov <i>et al.</i> Full inclusion and students with autism.
1997	Peltier, G. L. The effect of inclusion on non-disabled children: a review of the research.
1997	Shinn, M. R., Powell-Smith, K. A., & Good, R. H., 3rd. The effects of reintegration into general education reading instruction for students with mild disabilities.
1997	Kennedy <i>et al.</i> Comparing the Effects of Educational Placement on the Social Relationships of Intermediate School Students with Severe Disabilities.
1998	Ainscow, M. Exploring links between special needs and school improvement.
1998	Mills, <i>et al.</i> Effects of differing levels of inclusion on preschoolers with disabilities.
1998	Saint-Laurent, L., <i>et al.</i> Academic achievement effects of an in-class service model on students with and without disabilities.
1998	Waldron, N. L., & McLeskey, J. The effects of an inclusive school program on students with mild and severe learning disabilities.
1998	Helmstetter <i>et al.</i> Comparison of General and Special Education Classrooms of Students with Severe Disabilities."

1998	Meijer. Integration in Europe: Provision for Pupils with Special Educational Needs. Trends in 14 European Countries
1999	Salend <i>et al.</i> The impact of inclusion on students with and without disabilities and their educators.
2000	Freeman, S. F. N., & Alkin, M. C. Academic and social attainments of children with mental retardation in general education and special education settings.
2000	Holahan, A., & Costenbader, V. A comparison of developmental gains for preschool children with disabilities in inclusive and self-contained classrooms.
2001	Huber, K.D. <i>et al.</i> The differential impact of inclusion and inclusive practices on high, average, and low achieving general education students.
2001	Karsten <i>et al.</i> The Dutch policy of integration put to the test: differences in academic and psychosocial development of pupils in special and mainstream education.
2001	McDonnell <i>et al.</i> Supporting the Inclusion of Students with Moderate and Severe Disabilities in Junior High School General Education Classes: The Effects of Classwide Peer Tutoring, Multi-Element Curriculum, and Accommodations.
2001	Peetsma <i>et al.</i> Inclusion in Education: Comparing pupils' development in special and regular education.
2002	Fisher <i>et al.</i> Development and Social Competence After Two Years for Students Enrolled in Inclusive and Self-Contained Educational Programs.
2002	Katz <i>et al.</i> Including students with developmental disabilities in general education classrooms: Educational benefits.
2002	Rea <i>et al.</i> Outcomes for Students with Learning Disabilities in Inclusive and Pullout Programs.
2003	Ainscow, M. Exploring Links Between Special Needs and School Improvement.
2004	Jackson <i>et al.</i> Should schools include children with disabilities?
2004	Cole <i>et al.</i> Academic Progress of Students Across Inclusive and Traditional Settings.
2004	Markussen, E. Special education: does it help? A study of special education in Norwegian upper secondary schools.
2004	Foreman <i>et al.</i> Evaluating the educational experiences of students with profound and multiple disabilities in inclusive and segregated classroom settings: An Australian perspective.

Table: Some reviews and key studies published prior to 2006.

Limiting the range of students with disability

The Royal Commission is focused on all people with disability, so to limit *the Report* to one group – those with “severe disability” – would seem to undermine its relevance and application in

guiding policy. The authors then failed to define or operationalize “severe disability” and so fell under the identical criticism made by them about lack of clarity of the meaning of inclusion.

Of particular concern is the omission of high-quality studies such as the meta-analysis by Oh-Young and Filler (2015) as well as the recent meta-analysis by Krämer et al. (2021) focusing specifically on students with learning difficulties and which found a significant positive effect for cognitive outcomes for those students in inclusive versus segregated settings. When this is added to the failure to provide empirical evidence of the superiority of segregated education for this group and the omission of very highly controlled studies produced before 2006, the conclusions drawn about the need for dual systems is not sustainable. A look at the references attached to this document would give some idea of the limited review conducted in *the Report*.

Criticism of the research based on differing definitions of inclusion.

A major focus of the section on education was that “the consensus is agreement about the meaning of inclusion has not been achieved” (p.89). It is hard to disagree with this assessment in terms of the academic literature as inclusion has been defined as broadly as “any group composition within a general education setting which contains at least one child with an identified SEN” (Dalgaard, Bondebjerg et al. 2022, p.5), or very tightly as in matched comparison studies (Kennedy, Mehta et al. 1997) (Morrissey 2008) (Peetsma, Vergeer et al. 2001) (Sabornie and Kauffman 1985) (Sabornie and Kauffman 1985) (Sabornie and Kauffman 1986).

The reality for all education research is that it is almost impossible to closely match all the possible variables such as differences in teachers; staff numbers; level of support; classroom environment; student numbers; gender; racial variation; types, number, and level of disability; parental SES and numerous other variables. To randomly assign students in a matched double-blind study would be unlikely to pass any university ethics committee or a focus group of citizens. When these difficulties are added to the differences in definition pointed out by the authors of *the Report* it is easy to make global statements such as “more research is necessary” (despite over 50 years of comparative research and thousands of individual studies) and the “case for inclusion has not been made” – so we should continue with segregation as an alternative for some students. If this argument was used in other areas of education, we could arguably still be limiting or denying STEM subjects to girls as used to be the case.

The process of educational research is to collect evidence over a range of educational situations that would cover the multiple variations in the areas listed above to see if there are findings that show consistent outcomes over these wide ranges of variations. Without taking such an approach, nothing in educational or most field research would be acceptable to learn from and deep-seated prejudices formed over centuries would be more likely to be accepted. The ground-breaking research of Professor John Hattie (Hattie 2009) has shown how we can learn a huge amount of extremely valuable information by combining research over many decades.

The claims that more research is needed and claims that the findings are “not clear” leads to a straw man argument that we really don’t know what works or what is inclusion so we should continue with a two-track approach (Göransson, Nilholm et al. 2014). To suggest that we ignore over 50 years of research that includes some studies of exceptional quality is not defensible.

Specific potential sources of bias

There are methodological concerns about *the Report* that lower the quality of this review and undermine confidence in its findings. The authors report (p.9) that they had done a systematic review. This means that they are held to a much higher standard than general reviews common in the introduction of research papers. The quality of systematic reviews rests heavily on the extent to which systematic methods were employed to minimise error and bias. As already discussed above in the context of *the Report's* Purpose, there were several key elements that are critical to ensuring quality and minimisation of bias that were missing in the reporting of this review, lowering the confidence that can be held in the findings. It is unlikely that the claim to provide a systematic review would be accepted in any peer reviewed journal given these failings.

Use of Delphi

Delphi is a methodology primarily used in marketing to increase consensus of opinion across a group of people. To use it to gain consensus across a group of experts with varying levels of knowledge and expertise across the meaning of a highly circumscribed review of literature and opinion is questionable at best. In the context of disability, the dynamics of power, privilege and control between “experts” and people with disability is particularly problematic. Indeed, one would be hard pressed to identify another group in society that has been more deeply marginalised by those claiming “expertise” about them, a sentiment that is underpinned by the motto of the disability rights movement “nothing about us without us”. As Rieser (2017) notes:

Non-disabled professionals’ assessments of us are used to determine where we go to school; what support we get; what type of education; where we live; whether or not we can work and what type of work we can do; and indeed whether we are even born at all, or are allowed to procreate.

The Report describes the delphi panellists as experts that include “lived experience of disability, research, policy development and service provision” (p.6) but does not clarify the term “lived experience of disability” which is often used applied to parents and family members of people with disability and does not necessarily mean people with disability.

In any event, reviews of the literature are not issues of opinion but expert analysis of the quality and generality of the empirical findings. A delphi analysis in such an area could give supposed credibility to a collection of opinions and be in danger of giving weight to biases already present. In this case the authors set out a series of “priority items within each element” (*the Report* p.97-98) without empirical backing and then – based on these designated “dimensions of inclusion” – asked the group of experts to prioritise them – that is, gather their opinions on relative importance. They did not define inclusion or refer to the clearly set out international accepted definitions provided by the United Nations Committee on the Rights of Persons with Disabilities in 2016 in General Comment No.4. Not surprisingly, they could not reach consensus level. This finding itself further fuels unhelpful narratives about inclusion as an area of contention and confusion, that operate to impede change and conveniently overlook the fact that inclusive education is a fundamental human right of people with disability and ultimately its meaning is derived from the application of international human rights principles. In effect, the collected

opinions of a group of experts working without definitions are proposed to contribute to a basis for recommendations in *the Report* and ultimately the Royal Commission. It is an “unusual” methodology to use at best, and potentially a source of significant bias.

What do we know about segregated/inclusive education with a high level of certainty given these limitations?

Rather than generate another literature review to add to the significant number available, the reference list for this document will give some idea of the range of studies and reviews that are the basis for this summary.

Many of these conclusions mirror the findings of *the Report*, although some set out more detail and others might help to clarify the issues of importance. Broadly:

- While there is considerable variance in the research literature about what constitutes inclusion or and how it is defined, there is quite high agreement about segregation meaning education in a separate physical space. The comparisons therefore are primarily of a mix of presence in the regular classroom with varying degrees of adaptation (i.e. some mix of inclusion/integration) on the one hand, and education “somewhere else” (i.e. segregation) on the other hand.
- In comparisons of segregation to integration/inclusion, it has been consistently found for over 5 decades of research that students with disabilities in the mainstream classroom do at least as well academically as those who are segregated.
- In larger studies or those with tighter matching of groupings, significant benefits are found academically for the integrated/included students over those who are segregated.
- In a comparative review done in 2008 (Jackson 2008) it was reported that no study could be found comparing educational and social outcomes for segregation and inclusion that supported segregation for students with an intellectual disability. In response to this confronting finding, State education services and as many Professors of education that could be found in Australia were contacted with this finding and asked for contradictory evidence. None was received, and the finding was confirmed by several academics who provided additional reviews. The information received from education systems was a range of reports, but again, no finding comparing segregation to inclusion that supported segregation could be found. In looking over the evidence provided in *the Report*, apart from some negative social outcomes for inclusion mentioned below, again no evidence supporting segregation was provided. Similarly, checking with academics in the area, including some major critics of inclusion, did not uncover contrary evidence.

This needs to be clearly understood: despite over 50 years of research there is no comparative empirical study comparing social or academic outcomes for people with intellectual disability that comes out in favour of segregation. To then support a highly expensive dual-tracked system – challenged by the United Nations as in breach of the human rights of the children – without any evidence being provided to show its superiority – is untenable.

To summarise the findings of research:

- The higher the proportion of time spent in the regular classroom, the better the academic outcomes.
- The findings also apply to students with severe disability – they also do equally or better in mainstream classrooms compared to segregation.
- Emerging evidence indicates that students who are included are more likely to get a job in open employment and live independently than those who were segregated throughout schooling.
- Some students with disability, in particular those autistic or with ADHD, preferred the segregated environment.
- Some studies indicated a lower incidence of behavioural difficulties in segregated settings for autistic students.
- Students with disability often experience a lower social status than their mainstream peers.
- The academic performance of classmates of students with disability in mainstream classrooms is not adversely affected overall. (This does not mean that a student with disability cannot disrupt a classroom – they are just not more likely than any other student).
- Behavioural difficulties are no more prevalent than for other students.
- Attitudes and values of classmates are better in inclusive classrooms.
- Streaming of students into similar ability classes has negative outcomes.
- Peer tutoring produces enhanced academic outcomes for both the tutors and those tutored. Outcomes are significantly better than a teacher-directed lesson.
- Use of “Circles of Friends”, buddy systems, and careful grouping show promise in enhancing social inclusion and academic outcomes for marginalised students. Bullying and other rejection has been found to decrease when social support systems are used.

The findings that autistic students and others with learning difficulties such as ADHD preferring segregated environments needs to be looked at more closely. Many families “choosing” segregation do so after adverse and often traumatic experiences in their local mainstream school where their child was badly mishandled, adjustments were minimal or non-existent and they may have experienced bullying and outright rejection by peers. The child was then put into a segregated school where the curriculum was of low challenge life skills, staff had a much greater awareness of adaptations, and the school was open to direct dialogue with the family. It would be an unusual parent who would not fight to maintain their child in this much more emotionally supportive and lower expectation environment. However, if another group of students seen as “different” was being bullied, it is inconceivable that a separate education system would be established to protect them based on that “difference”. Rather, action would be taken to maximise inclusion and acceptance and eliminate bullying in the mainstream classrooms. It is worth clarifying however that the construction of segregated places as safer and more nurturing places for people with disability is itself built on a set of widely held presumptions that associate “segregation” with “care” but are not supported by evidence (De Bruin, 2020). Indeed there is evidence to suggest increased risks of abuse are associated with segregated settings (e.g Wayland et al 2016; Caldas and Bensity 2014; Rose et al 2011).

Segregation

The ignoring of the history of segregation in *the Report* and in fact the specific action to eliminate a large proportion of it by removing decades of research is a fundamental failure that, intentionally or not, covers up the dark history of disability and its continuing shadow over education, residential and work services. A good overview of the history can be found in Braddock and Parish (2001) but significant amounts of information are widely available to the public as well as academics. The Royal Commission itself published an excellent research report by Hallahan (2021) about this history in the Australian context.

An obvious question for anyone outside looking at the area of services for people with an intellectual disability is “how did this particular model of separate segregated service come about?” Was it based on years of inspired research and service developments over decades or centuries that brought it to its current enlightened state? Even the most superficial overview of the history of the treatment of people with disability would show that it was in fact the opposite. Historically the concept of segregation was aimed at keeping unwanted people out of society, be they “paupers”, “prostitutes”, “lunatics”, “idiots”, “criminals” – as they were described at the time – or any other devalued group.

Eugenic theory and its influence on segregation

People with disability had been devalued and marginalised across societies for millennia, but at the beginning of the 20th Century the theory of evolution by Charles Darwin and the idea of “survival of the fittest” had a major influence on both scientists and the public.

Francis Galton, a relative of Darwin, developed a theory of eugenics involving selective breeding to improve the genetic stock of the society. The idea swept the world, promoted by world leaders such as Churchill³, with key figures such as Keynes establishing “eugenics societies” including several in Australia (Singerman 2016). People with an intellectual disability were seen as a threat to the genetic future of mankind and it was considered essential that they be stopped from breeding. A prominent psychologist, Henry Goddard, wrote a book on his “research” on the Kallikak family which supposedly showed that the offspring of two wives of the same gentleman had dramatically different outcomes for the offspring of each. Those from the wife with superior genetics went on to become upstanding members of society whereas those of the inferior genetics produced offspring with antisocial characteristics. This “research” was later shown to be fabricated, but its impact was very powerful. Goddard went on to introduce a new term of “moron” for those who were morally corrupt as well as intellectually disabled. He thus joined intellectual impairment with moral deficit, categorising people of low intelligence as a danger to society. Goddard also translated the Binet Intelligence test from the French. This test had been designed to find students who needed assistance at school, but it was being transformed into a

³ See <https://winstonchurchill.org/publications/finest-hour-extras/churchill-and-eugenics-1/>

much more sinister purpose. An academic from Stanford University, Lewis Terman, further adapted the Binet to produce the “Stanford Binet” test, still in use today. His purpose was clear:

"[O]nly recently have we begun to recognise how serious a menace it is to the social, economic and moral welfare of the state.

[...]

It is responsible ... for the majority of cases of chronic and semi-chronic pauperism.

[...]

[T]he feeble minded continue to multiply -- organised charities often contribute to the survival of individuals who would otherwise not be able to live and reproduce.

[...]

If we would preserve our state for a class of people worthy to possess it, we must prevent, as far as possible, the propagation of mental degenerates ... curtailing the increasing spawn of degeneracy."

Terman, 1917. Reported in Kamin, L. J. The science and politics of IQ Wiley, NY, 1974. p 7.

On the basis of these pseudo-scientific ideas, thousands of people with an intellectual disability were institutionalised all over the western world and following a successful application for sterilisation to the US Supreme court, widespread sterilisation was also used. Parents were strongly encouraged to institutionalise their children with disability and were left unsupported and socially ostracized if they did not.

What followed was life imprisonment, without parole, for the crime of intellectual disability.

Initially there was no education at all as those with an IQ below 50 were considered ‘ineducable’ and those with an IQ below 30, “untrainable”. Work was forced (slave) labour to support the running of the institutions to keep costs as low as possible. Eventually there were some institution schools established by committed staff for the more capable inmates.

In Australia, similar institutions were set up across both metropolitan and country areas, some of which still exist today. In several cases the institutions housed a wide range of different groups such as people with dementia, with mental illness, epileptics and even poor people. There was commonly some differentiation in ward placement for the different groups although this did not always occur. For those with mental illness there was some attempt at “treatment” such as frontal lobotomy, electro-convulsive therapy and even psychoanalysis, but for the people with intellectual disability there was rarely any activity provided outside of meals and being cleaned after toileting “accidents” as no toilet training was provided – they were untrainable after all.

The model was picked up by the Nazis in Germany who then used the institution inmates to provide experimental subjects for the development of the gas chambers used on the Jews.

This was done with the support of the German Universities at the time with referrals by German doctors. It is estimated that the Nazis murdered 250,000 people with disabilities.

After the war and the Nuremburg trials where the Nazi atrocities were laid bare there was revulsion and a move for change. This came mainly from families who refused to institutionalise their children and instead established charitable services, many of which are still in existence today. They established much more benign institutions as the society was not ready to accept people with disability into the society, but people were willing to provide money and moral support to the charities. The institution schools were moved into the community as stand-alone entities, although attendance was strictly limited to those with an IQ of 50 or above. In the 1980s there was a major push from families and advocates for the closure of the huge institutions which were replaced by smaller hostels of 30 or so individuals, and later segregated group homes. Similarly, education was made available for all and following pressure from families, segregated education on the mainstream campus with a promise of some interaction with peers. Inclusion in the regular classroom was not officially supported until the passing of the Disability Discrimination Act in 1992, although some did occur, particularly in regional and remote areas where segregation was not available.

Implications

The answer to the question “where did the idea of segregated services come from” is very clear from even the most superficial look at the history. Segregation grew out of the eugenics thinking that dominated the early part of the 20th century with the current service models developed during that era. De Bruin (2022) provides an important analysis in the context of the Victorian education system, of historical events and the role that eugenics played in the creation of a dual track system and segregated education settings.

The move away from eugenics thinking to a more inclusive world view came mainly from the pressure from families and people with disability rather than attitudes within service systems. For education, segregated education was central to the thinking of eugenics as any idea of shared classrooms was completely antithetical to eugenics theory, and indeed education itself was seen as pointless with these ineducable or untrainable people.

SUMMARY AND CONCLUSION

The Report has substantial failings that significantly diminish its utility and the confidence that can be placed in its findings or policy recommendations. Given this and the apparent endorsement of *the Report* by the Royal Commission, the potential for *this Report* to negatively influence policy and harm efforts to ensure inclusive education in Australia is especially concerning. This research project had the potential to positively contribute to efforts to progress the education of people with disabilities if it followed a logical and research-directed structure such as:

- Adopting a human rights based approach to disability research, starting with the CRPD, which has been ratified by 189 countries including Australia, and the guidance instruments issued by the treaty body the UN Committee on the Rights of Persons With Disabilities, including General Comment No.4 and General Comment No.6. The definitions and clear guidance set out in General Comment 4 provide a strong basis for investigating the literature systematically. Importantly, these instruments also provide the appropriate framework to consider policy recommendations.
- Providing a background of the societal and educational policies and practices that have led to the current system of education for students with disability.
- Acknowledging that while there is considerable confusion about definitions of inclusion in the literature, in most of the research “inclusion” is associated with the presence of students with disability in the mainstream classroom with varying levels of support and adaptation and so more closely meets the CRPD definition of integration. Thus, the comparisons could more correctly be characterised as comparisons of “integration” and “segregation”. Clarifying this point could remove a lot of the confusion around the research findings and their implications for the practice of separating students on the basis of disability versus providing them with supports to maximise their participation and inclusion in non-segregated settings, for which there is a strong and consistent evidence basis that is reflected in the meta-analysis by Oh-Young and Filler (2015) which concurred with two previous meta-analyses, that of Carlberg and Kavale (1980) and Wang and Baker (1985–1986), together representing decades of evidence.
- Reporting that comparisons show small or no differences in many reviews but significant support for integration/inclusion in larger and more controlled studies.
- Reporting that no research study is available showing segregation to produce superior outcomes academically or socially for students with an intellectual disability.
- Providing guidelines from the research on what is most effective to produce social and curricular inclusion as well as required systemic changes to assist the Royal Commission to make recommendations on the way forward, rather than continue to interrogate the right to inclusive education.

The Report's failings and multiple flaws in its analysis and methodology are substantive and cannot be glossed over. They include the minimisation of and disregard for, through inappropriate search strategies, more than 50 years of research findings that suggests that students with disabilities achieve better academic outcomes when educated in regular education settings on the basis of purported confusion over definitions, the failure to adopt a human rights approach and to go so far as to seek to dismiss human rights principles as “simplistic”, the characterising of full inclusion as an extreme position and recommending a continuation of a joint segregated/integrated/included system as a reasonable and supported middle course. The overlooking of the eugenic roots of the segregated system and its history of harm and the decades of high-quality research further makes it difficult to see *the Report* as an expression of an unbiased analysis. The authors omitted to address a fundamental flaw that irredeemably undermines the credibility of their findings and recommendations: they could point to no research study showing the superiority of segregation over inclusion or integration for students with an intellectual disability.

Indeed, the analysis in *the Report* appears to be underpinned by a set of unexamined presumptions that segregation is beneficial for students with disability, together with a rhetorical stance commonly seen from those supporting the continuation of the dual system (e.g. Stephenson & Ganguly 2021), that until a threshold for research evidence on outcomes for inclusion is met, segregation is justified, while at the same time failing to provide robust evidence that segregation is associated with positive outcomes. The system of segregated education is based on an assumption that the practice of segregation on the basis of disability is supported by research evidence when historically no such evidence base been demonstrated. When those factors are added to the historical evolution of the current system from the eugenic policies of past governments – policies to keep people out as they were seen as a threat to the genetic stock – and the status of segregation on the basis of disability as a fundamental human rights issue, *the Report's* findings and recommendations cannot be relied upon to inform policy – in education at least. Others may find similar difficulties with other sections of *the Report*. While the narrative may have changed from the purpose of segregation in “saving society from people with disability” to its purpose in “saving people with disability from rejecting schools and systems”, the outcome for people with disability is remarkably similar.

If the findings and recommendations of *the Report* are followed, including to inform the recommendation of the Royal Commission, it is difficult to see anything of significance changing for people with disability, who continue to experience poor rates of school completion, post-school study, and employment, as well as of poverty and community participation (Australian Institute of Health and Welfare, 2022).

The consequence of the failure to implement inclusive education and end segregation on the basis of disability is that many more generations of children with disabilities will continue to be sent to school to be prepared for a life apart built on inequality, resulting in limited opportunities for them as a socially and economically marginalised group.

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