

Hon John Ryan AM JP

Ms Abigail Boyd MLC
Chair
Legislative Council. Portfolio Committee No. 3 – Education
NSW Parliament
Macquarie Street
Sydney NSW 2000

Dear Ms Boyd

I note the release of a Report by your Committee entitled “Children and young people with disability in New South Wales educational settings”. I read your Report with great interest and some sympathy for the difficulties your Committee resolving competing views on the subject of special education.

On two occasions your Report states that Recommendation 7:15 of the Disability Royal Commission was supported by “two commissioners” (pages 34, 87-88).

I respectfully wish to correct those statements. Recommendation 7:15 in the Final Report of the Disability Royal Commission, labelled as “an alternative approach” was supported by the Chair, Commissioner Mason and myself (page 357). It is also very clear in the commentary leading up to that recommendation that the Chair, Commissioner Mason and myself did not support the recommendation made by three of our colleagues that special schools should be phased out in order to achieve “inclusive education”. I quote from our Report;

“The Chair and Commissioners Mason and Ryan explained briefly in section 1.2 why we do not share the view that it is necessary or appropriate to phase out non-mainstream schools in order to support inclusive education. We consider there are policy alternatives available to protect children and young people with complex support needs from violence, abuse, neglect and exploitation in all educational settings.

We have also explained that policy makers do not face a choice between retaining nonmainstream schools whose students are educated in complete isolation from their peers and providing a fully inclusive education in mainstream schools in which all students, regardless of the nature of their disability, are taught together. The policy choices are more nuanced and can involve a variety of interactions between students with complex support needs and their peers. All students with disability should receive the best education possible in an environment that fully meets their support needs and encourages their aspirations. That environment should reflect, so far as practicable, free and informed choices made by the students and their families.”

I am sure that you will use your best endeavours to ensure that any mistaken impression about the findings of the Disability Royal Commission are represented accurately.

\ Kind regards

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26/08/2024