



Briefing Note: Review of Interventions for Students with the Highest Level of Learning Support Needs

To:	Hon Jan Tinetti, Associate Minister of Education		
Cc:	Hon Chris Hipkins, Minister of Education		
Date:	16 April 2021	Priority:	Medium
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Messaging seen by Communications team:	Yes	Round Robin:	No

Purpose of Report

The purpose of this Briefing is for you to:

- **Note** our work to establish a review of the supports available to tamariki and rangatahi with the highest level of learning support needs, as signalled in the Learning Support Action Plan 2019-25.
- **Note** how the review will be undertaken and it's timelines, including when further advice will be provided. The annexes provide a high-level engagement plan, timeline, and key messages.

Summary

1. The Ministry of Education will be leading a national "review of supports for children and young people with the highest level of need, including the Ongoing Resourcing Scheme, to ensure they are meeting needs of children and young people, and delivering the intended outcome" [Learning Support Action Plan Priority 4 Key Actions and timing page 34].
2. The purpose of the review is to ensure that we provide the right supports for tamariki and rangatahi when they need it and for as long as they need it to achieve their full potential.
3. The review will engage with Treaty partners and a diverse group of education sector, provider and stakeholder perspectives to identify where the problems are within our current networks and systems of support and then to develop integrated, collaborative and connected solutions on how to achieve agreed outcomes.

4. The first phase of engagement with Treaty partners, the education sector, and key stakeholders, including ākonga, will be to agree on the scope of the review and develop the Terms of Reference. The engagement plan for this first phase is attached to this briefing note.
5. A report will be prepared for you by the end of July 2021 with the proposed objectives, scope, and Terms of Reference for consideration.

Proactive release

Agree that this Briefing will be proactively released.

Agree / Disagree


Katrina Casey
Deputy Secretary
Sector Enablement and Support

16/4/21


Hon Jan Tinetti
Associate Minister of Education

23/4/2021

Background

Learning Support Action Plan 2019 – 2025 commitment to review high needs supports and services

1. In July 2019, the Learning Support Action Plan 2019 – 2025 (LSAP) was published. The LSAP sets out commitments for change to the learning support system against six priority areas.
2. Priority four within the plan, flexible supports for neurodiverse children and young people, includes a commitment to: *Review supports for children and young people with the highest levels of need, including the Ongoing Resourcing Scheme, to ensure they are meeting needs of children and young people, and delivering the intended outcome (Jan 21-Dec 22).*
3. This commitment provides us with a mandate to review interventions for ākonga with the highest level of learning support needs. It will also support the Government in achieving its intention to *better support children and young people with greater needs, with an initial focus on learning support and mental wellbeing* within the Child and Youth Wellbeing Strategy.
4. This work will also have a strong connection to the transformation of the existing disability support system that is under way, led by the Ministry of Health in partnership with disabled people's organisations. The aim of the transformed system is to ensure disabled people and their families have greater choice and control in their lives. It will also give effect to the vision and outcomes set out in the Disability Strategy 2016-26.

Key issues with interventions for students with the highest level of learning support needs

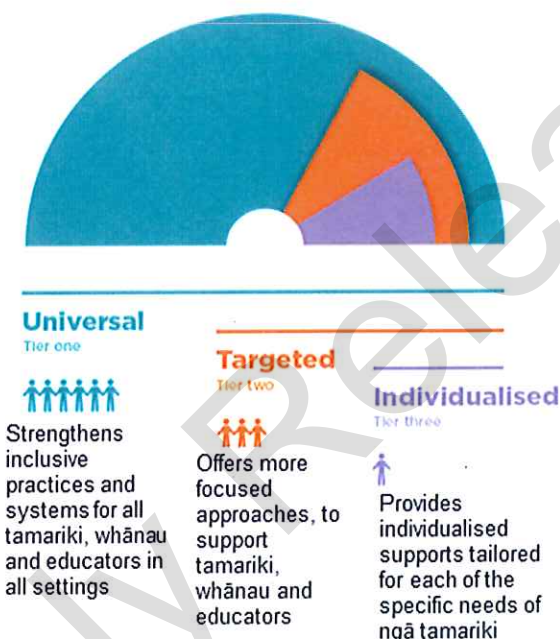
5. The key issues that this review will address are outlined for you below and include:
 - a. specialist supports have been developed independently from each other and do not provide a strategic, planned system response;
 - b. specialist services are not flexible or responsive in design and therefore do not align with the visions of the Learning Support Delivery Model (LSDM)¹;
 - c. specialist services are providing varying outcomes for ākonga and their effectiveness in meeting the needs of diverse learners have not been reviewed in all cases;
 - d. parents, educators and stakeholders have ongoing concerns about the adequacy of specialist services and about access to them; and
 - e. the current framework of services and support does not meet our obligations for United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD) to ensure access to education for children and young people with disabilities.

¹ LSDM organises learning support around what best meets the needs of local children and young people. The LSDM takes an inquiry approach to identify local needs and resources, and plans support based on what they know works. Support is more flexible, joined-up and tailored.

Specialist supports and services were developed over time and implemented without a clear strategic direction

6. Learning support delivery uses a tiered model of support as its framework for identifying supports which increase in intensity depending on ākonga needs and the context they are in. Specialist supports and services form the individualised layer of the tiered support model shown in figure 1. These specialised supports for tamariki and rangatahi with the highest needs have evolved reactively over time and have been developed independently from one another in response to pressing needs.

Figure 1: Tiered Model of Learning Support



7. The current network of provision for school-aged children and young people with the highest needs includes a number of intensive services and facilities that provide specialised support to ākonga with a range of learning needs. Each type of provision has a specialised focus and most function separately through bespoke criteria and application processes.
8. The Special Education 2000 review was the catalyst for the introduction of a range of these supports for students with high and very high learning support needs. This included the establishment of the:
 - a. Ongoing Reviewable Resourcing Scheme (ORRS)
 - b. Behaviour Service
 - c. Communication Service
 - d. Early Intervention Service (EIS)
 - e. Resource Teachers of Learning and Behaviour (RTLb) and
 - f. School High Health Needs Fund (SHHNF)
 - g. Supplementary Learning Support (SLS) Initiative, and the
 - h. Intensive Wraparound Service (IWS)
9. The Ministry completed a review of Special Education in 2010 following the Review Office (ERO) report on: *Including students with high needs*. The outcomes of this review resulted in:

- a. The reviewable component of ORRS being removed and the scheme becoming the Ongoing Resourcing Scheme (ORS); and
 - b. The Supplementary Learning Support Initiative being combined with the Resource Teacher of Learning and Behaviour Service.
- 10. Although this review was completed in 2010 it only looked at some aspects of each support or intervention. This means the Ministry is yet to complete an overall review of the effectiveness of these specialised supports, or of the approach to provision for ākonga with the highest needs.
- 11. We have also never specifically considered how the supports and services fit together and what gaps or barriers prevent ākonga from accessing the support they need. The system of supports is still compartmentalised and fragmented and access to specialist support across a number of agencies is still challenging for parents, whānau and schools.
- 12. We need to examine recent evidence (literature on best-practice) for the interventions we provide and test whether they are best placed to meet current needs.

Specialist supports do not align with a flexible, responsive, child-centred approach

- 13. In more recent years, the Ministry has carried out extensive consultation and engagement with the education and disability sectors. This includes the:
 - a. Learning Support Update 2015; the
 - b. Kōrero Mātauranga Education Conversation 2018; and the
 - c. Draft Disability and Learning Support Action Plan 2019-2025.
- 14. The outcomes of these consultations have resulted in substantial improvements in how learning support is delivered to tamariki, rangatahi and their family and whānau. The Ministry is working to reduce fragmentation in the delivery of learning support so that all children and young people get the right support, in the right place, at the right time.
- 15. These service delivery improvements include the implementation of the Learning Support Delivery Model (LSDM) and the implementation of the first tranche of Learning Support Coordinators (LSCs).
- 16. The LSDM strengthens how learning support is provided. It organises learning support based on what best meets the needs of local children and young people. Flexible decisions can be made about support that meets local needs and priorities so that all children and young people get the right support, in the right place, at the right time.
- 17. However, it is not yet clear how highly specialised services and supports with rigid access criteria fit within the flexible, responsive, child-centred approach that is being developed through the LSDM.
- 18. We need to ensure the types of services and supports available within the LSDM are effective in reducing the barriers learners are experiencing and supporting them to be successful in their learning journey. We need to develop a strategic, planned system response of specialist services supported by up-to-date best evidence.

Parents, educators and stakeholders have concerns about current supports

- 19. Parents, whānau, educators and stakeholders still have ongoing concerns about the adequacy of supports, who can access them, how they are funded and provided, and how long the support is provided for. These include:
 - a. Appropriate supports being difficult to find;
 - b. Application processes being overly bureaucratic;

- c. Ākonga not meeting the criteria for a particular service;
 - d. Tamariki missing out on supports due to significant pressures on services;
 - e. Supports starting too late or finishing too soon;
 - f. Lack of teacher aide funding;
 - g. Challenges in meeting the needs of tamariki or rangatahi who don't qualify for individually funded support such as the Ongoing Resourcing Scheme (ORS);
 - h. Balancing parental preferences for separate specialist settings for tamariki and rangatahi with a rights-based view advocating for inclusive options; and
 - i. Challenges in meeting the increasingly complex needs of ākonga in our classrooms including behaviour and mental health.
20. Through the LSAP, we have committed to ensuring parents and whānau, educators and teachers, and iwi and communities have a voice in decision making. This means we need to work with the education and disability sectors, and a range of stakeholders on this review.
 21. We will work alongside Treaty partners to ensure the Review aligns with the principles of Ka Hikitia and pays particular attention to how the needs of tamariki and rangatahi Māori and their whānau are met.
 22. We will ensure the Review aligns with the vision and key outcomes for Pacific Education as outlined in the Action Plan for Pacific Education 2020-30.

Obligation to meet a learner's right to education

23. The United Nations Convention on the Rights of People with Disabilities obliges us to ensure tamariki and rangatahi with disabilities have access to inclusive, quality education and are not excluded from the general education system. The current framework for our highest level of support, including accessibility to supports and resourcing agreements does not support a rights-based approach to learning support.
24. The Review will be explicit about taking a rights-based, non-discrimination approach consistent with the New Zealand Bill of Rights Act 1990 (NZBORA) and the Human Rights Act 1993 (HRA). It will also need to review the learning support framework to ensure it is delivering the best outcomes for ākonga and meeting our obligation to ensure groups such as disabled ākonga do not experience discrimination.

The intentions and scope of the review

Expected outcomes of the review

25. The purpose of the review is to ensure that we provide the right supports for tamariki and rangatahi when they need it and for as long as they need it to achieve their full potential through positive education outcomes.
26. The review will allow us to consider options to address the concerns that have been outlined above to ensure that all tamariki and rangatahi, including those with the highest and most complex learning support needs, are welcome and their achievement, progress, wellbeing and participation are valued and supported.
27. It will identify the most appropriate and effective range of interventions for this cohort of children and young people, including how these interventions are structured, funded and delivered.
28. The review will also support the development of a strategic, planned system response for specialist services. This strategic framework will identify what the network of

provision should look like, the place of each support or service within the network and how they integrate within the wider learning support context. It will include a proposed sequenced set of improvements within a medium-term investment plan.

Opportunities to include wider learning support areas in scope of the review

Increasing need to improve supports and services to help promote behaviours that support participation and engagement

29. The education sector has been expressing concerns about reports of increasing incidents of severe behaviour in primary schools that pose a danger to staff and students (refer to METIS 1251788).
30. Parents are also expressing concerns about behaviour in schools, and how it is being managed. Parents of ākonga with behavioural needs have told us that they often struggle to get schools to put in place strategies to reduce the sources of distress that lead to behaviour that challenges others. Sources of distress are often environmental, but behaviour management practices frequently focus solely on changing ākonga behaviour, without changing the environment that they are responding to.
31. While Budget 2021 includes funding to expand intensive support options for primary school students with wellbeing and behavioural needs by expanding Te Kahu Tōi, the Intensive Wraparound Service, more work is needed on our broader system level response across the universal, targeted, and individual tiers, including appropriate supports for desired behaviours.
32. Supports for ākonga with behaviour and wellbeing needs are more effective when they are provided as a component of wider, well-integrated wellbeing supports. Relying heavily on targeted, specialised services often undermines the critical role that cultural, social and economic factors play in child overall wellbeing. We need to focus on supporting inclusive learning environments where diversity is valued and planned for, as well as building the confidence and capability of teachers to understand and address the relational and environmental factors that influence behaviour. When families/whānau, community and agencies work alongside teachers and schools to identify “Who are best placed?” then we can better deliver the right mix of supports needed.
33. A behaviour management strategy used by some schools to manage these behaviours is stand-downs, suspensions, expulsions and exclusions (SSEE). This includes time out of school to settle the behaviour and/or triggers. Sometimes it includes removing the student from school entirely. However, SSEEs are not an adequate response or support for ākonga and can have significant long-term negative impacts on ākonga learning and wellbeing.
34. This review will provide an opportunity to consider the extent to which supports for this cohort of learners is appropriately meeting their needs. It also provides the opportunity to take a broader look at the SSEE regulatory settings and would allow us to go further than reviewing the guidelines and provide a chance for a full reform to provide an integrated framework of support.

Supporting transition points

35. We know that transition points present a number of challenges for tamariki, rangatahi and their whānau. There are questions and concerns about how and when children transition from early childhood settings to school. Differences between funding systems for children with high needs can create barriers, particularly when whānau choose for their tamariki and mokopuna to remain in an early childhood setting beyond five years of age.
36. There are also questions and concerns about the transition point for rangatahi when moving from secondary schooling to further education or employment and how-to best

support this. Lessons and evaluations from the Enabling Good Lives Christchurch Demonstration will provide valuable evidence on transitions of rangatahi out of secondary school.

Crossover with other learning support work programmes

Teacher aide work programme

37. A review of how schools are funded for teacher aides is currently underway [Metis 1210487 refers]. A stakeholders' reference group has been established to guide this work and the first meeting is expected to take place before the end of April. Any recommendations from this Review will need to align with recommendations from the review of funding for teacher aides, to ensure all services and supports work together seamlessly.

Review of the Special Education Grant (SEG)

38. The Ministry is undertaking a review of how the Special Education Grant (SEG) is currently provided to schools. The SEG is a component of the Operational Grant for schools that provides funding to support students with low to moderate levels of additional learning needs. The Minister of Education has asked that we work with key disability groups on how SEG funding could be better targeted, and whether it could be targeted based on actual need. Recommendations from the Review could have an impact on the way SEG is funded and delivered so it is important that these two reviews align.

Wider Ministry work programmes

39. There are also several wider pieces of work around the Ministry that this Review will intersect. We will ensure these work programmes are aligned and consider how they can leverage off one another for the best outcomes. These work programmes include:
- a. The Learning Support Workforce Strategy
 - b. The redesign of Alternative Education
 - c. The Curriculum Refresh
 - d. Literacy and Numeracy reviews
 - e. NCEA review
 - f. Establishment of the Education Service Agency

The review process

40. We will ensure the views of ākonga are captured through engagement with groups listed in annex three, including specific student voice. Education sector partners, Treaty partners, Pacific communities, parents, disabled people, and disability organisations are key stakeholders in this work. We will work in partnership with them as we develop the Scope, Terms of Reference, and implementation approach.
41. We will also seek interest from the sector and stakeholders for the development of an advisory group. The advisory group will help to inform the Scope of the review and input into design of options to address the need for change.
42. A project team will be established to complete the Review, overseen by a manager who has been appointed on a fixed term contract. Governance for this work will be provided through the Ministry Sector Enablement and Support Management Team which includes

Directors of Education. Regular reports will be made to the Ministry of Education Leadership Team and the Minister.

Phase One Engagement

43. We will work alongside our Treaty partners and with parents/families, the sector and stakeholder groups in order to establish the Scope of the Review and the Terms of Reference. The Review will consider the services, supports, settings and resources required, how these are funded and how the funding is delivered and managed.
44. The review will build on feedback from the Learning Support Update, the Kōrero Mātauranga and the Learning Support Action Plan. It will consider data on services delivered and indicators of unmet need to identify gaps in services and opportunities to improve supports; international and national evidence on good practice will inform the Review.
45. He Pikorua's Practice Principles' will guide our work in terms of aligning services, being:
 - Mokopuna and whānau-centred
 - Strengths-based
 - Collaborative
 - Culturally affirming and responsive
 - Inclusive
 - Ecological, and
 - Evidence informed

46. 9(2)(f)(iv)

47. Recommendations from the Review may have an impact on how services and supports are provided to pre-schoolers with the highest needs. We know that intervening as early as possible leads to better outcomes so there will be value in considering aspects of early childhood service and supports within the scope of the Review to ensure services are aligned and provision is seamless.
48. Recommendations from the Review may also have significant policy and financial implications. As we engage to design the Scope and Terms of Reference, we may see increased anxiety and concern amongst parents, the sector and disability groups with increased media attention. Given this heightened interest, you may wish to take the proposed Scope and Terms of Reference developed through Phase One engagement to Cabinet for its approval.

Phase Two Engagement

49. The second phase of the Review's engagement process will follow the agreed Scope and Terms of Reference.
50. It will focus on information gathering through further engagement with diverse stakeholders, including other agencies, and analysis of findings. We expect that this will include an online submission form.

51. 9(2)(f)(iv)

Reporting

52. 9(2)(f)(iv)

53. The Review team will co-design the proposals to put forward in the final report with the sector, Treaty partners, the Advisory Group if established after Phase One, and other stakeholders to draft the final report which will include the formulation of recommendations.

54. 9(2)(f)(iv)

Implementation

55. The implementation of Review recommendations will be subject to Ministers' consideration and decision-making.
56. Current services and supports will remain in place until Review recommendations have been agreed and implemented. Depending on any recommendations for change, grandparenting arrangements may be necessary for individual ākonga receiving support.

Tensions the Review will need to work through

57. Parents/whānau, the sector and stakeholders have high expectations of this review and consider it is long overdue and they will expect to see significant change in who can access to supports. At the same time, parents/whānau may fear that supports will be removed or diluted. ORS funding has provided certainty for parents/whānau and educators that the needs of ākonga will be adequately supported. Any changes to the way this funding is delivered are likely to cause significant concern.
58. Any changes to how supports are funded and provided would also impact current providers. They may be concerned about changes to their funding and operating arrangements and could be resistant to changes to the way provision is structured.
59. There are strong, often polarised, views about how supports should be provided to ākonga with the highest need. There is ongoing debate about the value of inclusive versus separate provision and our commitment to the United Nations Convention on the Rights of the Child (UNCROC) and the UNCRPD. It will be challenging to meet all expectations and we will need to work carefully with stakeholder groups to ensure all perspectives are fully considered on the services and supports we need.

Next Steps

60. A manager to oversee this work has been appointed and further recruitment to the project team is underway. The team will initiate the first phase of the Review.

61. 9(2)(f)(iv)

Proactive release

62. We recommend that this Briefing is proactively released as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be redacted in line with the provisions of the Official Information Act 1982.

Annexes

Annex one: Learning Support Highest Needs Review Timeline 2021-2023

Annex two: Current services and supports for ākonga with the highest needs

- The current network of provision for ākonga with the highest level of need currently includes the ORS, the SHHNF, IWS, Day and Residential Specialist Schools, Fundholder schools, and provision for children and young people in the care of Oranga Tamariki. Further detail on current provision for ākonga with the highest needs is provided in the attached A3.

Annex three:

- Phase One engagement plan (May/June 2021)
- Phase One partners and stakeholders

Annex four: Key Messages for Review of Interventions for Students with the Highest Level of Learning Support Needs

Annex two: Current service and supports for ākonga with the highest needs.

	Service/ support	Access	Numbers supported in 2019-20	Funding
Ongoing Resourcing Scheme (ORS)	Supports ākonga 5-21 years with the highest level of need. ORS has two levels: High and Very High. ORS funding provides services and supports including specialists, specialist teachers, teacher aides and a consumables grant. ākonga may learn in their local school, independent school, a specialist school, Te Kura or through a home-schooling programme.	Applications considered against set criteria by a panel of verifiers. About 1.2% of the total schooling population are supported through the ORS	10,160 ākonga across all school settings as at 1 July 2020	\$150 million in 2019-20 for teacher aide and specialist support and consumables Specialist teacher time is funded through the school staffing entitlement.
Day Specialist Schools	There are 27 day specialist schools that support students in Years 1-13 funded through the ORS, whose needs cannot be met in a local school. 36.8% of those funded through the ORS, were enrolled at a specialist school as at July 1, 2020. Specialist schools may have satellite classes that are based in regular schools. Some day specialist schools also provide a Specialist Teacher Outreach Service (STOS). There is increasing demand for enrolment at a day specialist school.	Access through a Section 37 Specialist Education Agreement between the Secretary for Education and the parent and subject to a school having sufficient room	3685 ākonga as at 1 July 2020 661 ākonga supported through the STOS as at 1 July 2020.	Day Specialist schools receive staffing entitlements and operational funding as for state schools. They also manage the ORS funding for enrolled students. \$990,350 for STOS service in 2019-20
Other fund holder schools	20 state schools and one private school with groups of ORS funded ākonga hold the ORS funds for their ākonga and provide services and supports.		783 ākonga enrolled in mainstream and one private fundholder schools as at 1 July 2020	Fund holder schools receive staffing entitlements and operational funding as for state schools. They also manage the ORS funding for enrolled students
Sensory Specialist Schools	Ko Taku Reo-Deaf Education New Zealand (Ko Taku Reo) provides a national network of services for ākonga who are deaf or hard of hearing (DHH). The Blind and Low Vision Education Network (BLENNZ) provides support for ākonga who are blind or have low vision. Most ākonga are supported at their local school. ākonga who learn in local schools may have a high level of needs and be funded through the ORS or may have more moderate needs.	Ko Taku Reo- ākonga are enrolled because they are deaf or hard of hearing and require specialist teaching to access the curriculum. BLENNZ- referrals by parents, educators, and specialists. ākonga will have a documented eye condition reducing vision to 6/18 or less.	84 ākonga enrolled at Ko Taku Reo 2612 ākonga supported in their local school. 47 ākonga enrolled at BLENNZ 1536 ākonga supported in their local school.	\$11.5m 2019-20 Ko Taku Reo \$7.4m 2019-20 BLENNZ The schools receive staffing entitlements and operational funding and manage the ORS funding for their students.
Regional Health Schools	Three Regional Health Schools (RHS) provide teaching for ākonga who are unwell and unable to learn in their local school.	Applications considered against criteria and information from medical specialists. All who meet criteria are supported.	2,423 ākonga in 2019-20	\$5m 2019-20 The schools receive staffing entitlements and operational funding
School High needs Health Fund (SHHNF)	Provides short term funding for teacher aide support to help students with health needs develop independence in managing their health condition	Applications considered against set criteria including medical recommendation.	1544 ākonga as at July 1, 2020	\$11.5m 2019-20
Te Kahu Tōi IWS (IWS) and Te Awa Unit (TAU)	Supports ākonga aged 5–14 years who have highly complex learning, social and behavioural difficulties at home, school and in the community. ākonga are supported in their local communities through a wraparound plan. A short stay at a residential school may also be part of the plan. IWS also supports rangatahi (11-17 years) in the care of Oranga Tamariki (OT) at the TAU in Auckland.	Applications are considered against set criteria. There is a target of 437 ākonga supported by IWS annually	439 ākonga supported through Te Kahu Tōi IWS and TAU in 2019-20	\$11.5m 2019-20.
Residential Specialist Schools	Three Residential Specialist Schools (RSS) support ākonga with social, behavioural and learning needs: Westbridge Residential School (Auckland); Salisbury School (Nelson); Halswell Residential College (Christchurch) ākonga may enrol at one of these schools as an identified intervention within an IWS plan or through the Residential Specialist School only (RSS only) enrolment pathway which has been established for those who do not want or require intensive wraparound services. Note, ākonga start and finish their enrolment at different times during a school year and the maximum period of enrolment for each ākonga is expected to be no more than 18 months.	Applications submitted by MOE, RTLB and Day Specialist Schools and considered against criteria by regional panels for IWS and school enrolment panels for the RSS only applications. Combined notional roll of 84 in 2019-20.	52 students across the 3 school in 2019-20	\$7.9m 2019-2020 Staffing entitlements and operational funding are provided as for state schools and the schools manage the funds for ākonga supported through the ORS.
Tamariki in the care of OT	Kingslea School delivers education to children and young people who are in the care or custody of OT throughout New Zealand. It operates on six OT residential sites and one Ministry of Education site. Some ākonga may be enrolled for a short time only. Central Regional Health (CRHS) School provides education at one care and protection residence and one youth justice Facility	Placement by Oranga Tamariki. Kingslea - combined notional roll of 176 2019-20. CRHS combined notional roll of 65 in 2019-20.	635 ākonga supported by Kingslea in in 2019-20	The schools receive staffing entitlements and operational funding 9(2)(j)
Total			24661	\$206,385,267

Notes and assumptions:

- Key costs for services are shown. The figures give an indication of costs for services and supports rather than a complete representation and should not be used for public release.
- Services and supports are funded, and data is collected and reported in different ways and may not be directly comparable.
- ākonga numbers as at July 1 have been considered as the total number for the year. Actual numbers could be greater as ākonga move in and out of the service throughout the year. Supports may be provided in the short or long term. Services may be funded on actual or notional rolls. ākonga may be represented in more than one service.
- Schools also receive staffing entitlements and operational funding which are not included here unless specifically itemised in a resourcing notice.
- Some services include ākonga with high and moderate needs e.g. regional services provided by the sensory schools. Funding for the sensory schools includes funding for pre-schoolers with sensory needs.