



## Education Report: Proposal to establish a designated character school in Christchurch to provide education for students with severe Specific Learning Disabilities

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	28 January 2021	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1246667
<b>Drafter:</b>	Sue Barr	<b>DDI:</b>	9(2)(a)
<b>Key Contact:</b>	Coralanne Child	<b>DDI:</b>	
<b>Messaging seen by Communications team:</b>	N/A	<b>Round Robin</b>	No

### Purpose of Report

The purpose of this report is for you to decide on whether to consult, under Section 209 of the Education and Training Act 2020 (the Act), on the possible establishment of a proposed designated character school in Christchurch. If established, it is proposed the school would provide small group short-term education (from one to three years) for primary aged students with severe specific learning disabilities, and to then support their transition back into their local school.

Our assessment of the proposed school is that it does not meet the criteria under Section 204 of the Act for designation as a designated character school.

### Summary

1. The Seabrook McKenzie Trust administers the Jean Seabrook Memorial School (JSMS) as a co-educational private primary school for students from Year 3 – 8. The school is fully registered as a private school and has been operating since 2005.
2. The school was established in 2005 with a roll of 15 and increased to a full capacity of 24 by 2009. The roll has been decreasing since 2016 with approximately 14 – 16 students each year since 2016. The projected roll for 2021 is 12. The teaching and learning facilities at the school can accommodate up to 24 learners.

3. On 15 October 2020, the Ministry's Christchurch office received an application from the Jean Seabrook Memorial School, for establishment of a designated character school in Christchurch. The applicant wants to effectively replace its private school with a designated character state school so it can continue to provide education to small groups of students with a diagnosis of severe Dyslexia and Specific Learning Disability (SLD).
4. In order to approve the establishment of a designated character school you need to be satisfied that:
  - a) the school is to have a character that is in some specific way or ways different from the character of ordinary state schools
  - b) it is desirable for students whose parents want them to do so to get such an education
  - c) students at the school are to receive an education of a kind that differs significantly from the education they would get at an ordinary state school.
5. Our analysis of the application concludes that the proposed school does not meet the criteria set out in Section 204(3)(d) of the Act.
6. The applicant describes a school focus on skill development rather than "accommodation" of learning deficits, with students transitioning back to their local school as soon as possible.
7. Education for students diagnosed with dyslexia and specific learning disabilities (SLD) is now available in existing state schools. The application does not identify how the curriculum that Jean Seabrook Memorial School offers is significantly different to good teaching practice in ordinary state schools.
8. Policy settings for students with learning disabilities encourages inclusive education within local school settings alongside same aged peers, siblings, and within a local community.
9. The applicant proposes that they would withdraw students into a segregated small group setting to address their learning support needs (this would be their different character) based on their identified disability. This type of education is similar to that which was historically provided by special classes (pre-2000) and special schools.
10. Support for another state designated character school such as the one described by the applicant is not recommended as there is already existing provision at local schools and this type of intervention could be better provided alongside, and as part of, the Learning Support Delivery Model.
11. Individualised data supplied by the applicant does not show accelerated progress for learners in the private school. Outcome data indicate that students do make progress but do not reach age equivalent levels even after two or more years at the private school. There is not enough evidence in the application to identify if these results are an indication of the severe level of learning difficulties students present with at the time of enrolment, or whether this is comparable to progress students could have made within a local state school.



12. Since 2007, we have recognised that learners in New Zealand with dyslexia often require additional learning support. Between 2007 and 2017 however, there were limited courses or supports for teachers on how to identify and address specific learning disabilities. Facilities such as the Seabrook Memorial Centre and SPELD NZ developed tutorial and assessment centres in response to a gap in school provision for neurodiverse learners.
13. Learners who enrol at the private school come from across greater Christchurch. The small number of learners on the roll, and the short-term enrolment timeframe, means the school has a minimal impact on the existing network of schools.
14. Current infrastructure planning suggests we can accommodate all primary-aged learners in the greater Christchurch area, and will not need a new school (or specialist school) within the Christchurch city boundaries in the foreseeable future.
15. For the reasons given above we recommend that you decline the application to establish a designated character school.
16. If, after considering this report, you wish to progress to consultation, this will be undertaken on your behalf (under Section 209 of the Act). Consultation is not required if you decide to decline the application, which you may do at your absolute discretion.

## Recommended Actions

The Ministry of Education recommends you:

- a) **note** that the Seabrook McKenzie Centre Trust, the managers of the Jean Seabrook Memorial School (JSMS) has applied for establishment of a designated character school in Christchurch. The applicant wants to effectively replace its private school with a designated character state school so it can continue to provide education to small groups of students with a diagnosis of severe Dyslexia and Specific Learning Disability (SLD);
- b) **note** that the Ministry's assessment is that the proposed school does not meet the criteria for a designated character school set out in Section 204(3)(d) of the Education and Training Act 2020 (the Act);

EITHER (recommended)

- c) **decline** to establish the proposed school as a designated character school;

☒ Agree ☐ Disagree

OR (not recommended)

- d) **agree** that consultation under Section 209 of the Act about the possible establishment of the proposed designated character school be initiated;

☐ Agree ☒ Disagree


AND

- e) **sign** the relevant attached letter to JSMS;
- f) **note** that if you decide to pursue consultation on establishment of the proposed school we will conduct this on your behalf and prepare further advice on possible establishment of the school; and
- g) **agree** that this report be proactively released once a final decision is made. Any information that might need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

☒ Release ☐ Not release

  
Katrina Casey  
Deputy Secretary  
Sector Enablement and Support

28 / 1 / 2021

  
Hon Chris Hipkins  
Minister of Education

3 / 3 / 21

## Background

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1. The Seabrook McKenzie Trust manages the Jean Seabrook Memorial School (JSMS) as a co-educational private primary school for students from Year 3 to Year 8. The school is fully registered as a private school and has been operating since 2005.
2. The school was established in 2005 with a roll of 15 and increased to full capacity (24) by 2009. The roll has been decreasing since 2016 with approximately 14-16 students enrolled each year. The gradual roll decline since 2016, and increasing Māori roll, are not explained in the application.
3. Students who attend JSMS do not attract individualised funding through the On-going Resourcing Scheme (ORS), as their level of educational need is not considered severe enough. Their diagnosed SLD is not at a level where a specialist school setting is considered appropriate, so do not access existing state special schools.
4. The local Ministry team met with the applicant in April 2020 to discuss the application process. The group explored alternative options such as working in partnership with a local school or Kāhui Ako, potentially applying to become state-integrated, and how their provision could operate as an off-site special programme attached to a local school.
5. On 15 October 2020, the Ministry's Christchurch office received an application from the Seabrook McKenzie Trust (the governing body of JSMS), for establishment of a designated character school in Christchurch. The applicant wants to effectively replace its private school with a designated character state school so it can continue to provide education to small groups of students with a diagnosis of severe Dyslexia and Specific Learning Disability (SLD).
6. Ministry staff analysed the application against the criteria of Section 204(b) and (d) of the Act and concluded that the proposal did not meet the criteria of "significantly different". While the school character is different from the character of an ordinary state school, in that it provides exclusive small group instruction to learners with a specific diagnosis of SLD (under DSM5), the curriculum is not deemed to be significantly different to the education students could receive in an ordinary state school. The school setting is different in character, but the education is not.
7. Consultation under Section 209 of the Act is only required if you wish to establish the school. It is not required if you decide to decline to establish a school.

## Application

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8. The applicant believes the school offers a specialised curriculum in that all students receive an individualised programme in small groups with low pupil to teacher ratios. The applicant describes multi-sensory teaching techniques used at the private school, but these do not differ significantly from teaching methods used by other schools.
9. JSMS's application focuses on the provision of a programme to meet the needs of students with Severe Dyslexia who are failing to thrive at school. When the private school was first registered in 2005, specific programmes and strategies for supporting learners with a diagnosis of Dyslexia was not widely available in local State schools. The development of additional resourcing and support for teachers and learners over the last 15 years, including the introduction of Learning Support Coordinators and implementation of the LSAP expects that good teaching practice within local State schools will successfully address individual learning difficulties such as Dyslexia.

10. The applicant describes a school focus on skill development rather than “accommodation” of learning deficits, with students transitioning back to their local school as soon as possible.
11. Skill development is focused on remediating the ‘deficit’ of skills a young person has and addresses this through a planned sequence of instruction, building on previous learning, explicitly explaining and modelling key skills. Practice accommodations refer to the adjustments in curriculum and learning environment that teachers make so that a young person can engage in learning in a variety of ways without their level of skill development becoming a barrier.
12. In quality learning environments where teachers have deep content knowledge and specific teaching expertise there will be a deliberate integration of both skill development and accommodations.
13. The applicant is applying for a designated character school to be established to support parental choice and equitable access. The applicant reports that school fees are a barrier to parents seeking enrolment. The 2020 annual fees are modest compared to most private schools, set at \$7475 plus a donation of \$1500. It is unclear whether the school envisage growing their future roll, but the provided 3 yearly projections if “fees free” indicate a maximum of 24. The roll capacity of 24 corresponds to the stated designated character difference of providing small group remediated instruction.

#### Proposed student population

14. The application states that the new school would seek to educate students diagnosed with severe dyslexia or Specific Learning Disabilities (SLD) requiring additional learning support, although as a state school the Board would be unable to enrol only those students as it would be legally bound to enrol any student who accepted the school’s designated character.
15. The applicant believes that Dyslexia and SLD have been under-diagnosed and not adequately supported by the New Zealand education system. The applicant also believes the school provides a significantly different approach to teaching for students with severe SLD.
16. The initial group of students identified in the application fall between the low and moderate learning needs groupings. These students are currently catered for in mainstream state schools. They are not at the high needs level for which support outside mainstream schooling would be considered appropriate under current policy settings.
17. To date, JSMS has drawn its existing students from other Christchurch schools where they were enrolled in inclusive settings within standard classes.
18. At July 2020 the total roll of the private school was 14. Most students are male, enrolling at more than twice the ratio of girls. Students identifying as Māori have increased as a proportion of the roll since 2015 and in 2020 made up 28% of enrolments.
19. One reason for a decreasing roll could be the increased understanding of SLD by New Zealand educators and an increased level of support through recent education initiatives to address underachievement of priority groups.



## Student Outcome

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20. The applicant describes the nature of their proposed designated character as having a focus on skill development in literacy and numeracy skills, and transitioning students back to a local school as soon as possible. They note that this type of support is valued by parents with reports of successful academic outcomes, successful reintegration to other schools, and enhanced social and emotional development.
21. The limited individualised academic data from the private school provided in the application, does not indicate accelerated progress for learners. While students do make progress, they do not reach age equivalent literacy levels even after two or more years at the school. There is not enough evidence to identify if these results are an indication of the severe level of learning difficulties students present with at the time of enrolment, or whether this is comparable to progress students could have made within a regular school. There is also no guarantee that the staff of the private school would be employed at the state designated character school if established as all positions would be publicly advertised under the Public Service Act.
22. The private school does report success with the transition of learners back into local schools although no longitudinal data on secondary school outcomes is provided. A recent parent survey conducted as part of this application, indicates positive outcomes for all former students of the 17 respondents.
23. The applicant provided leaver data for 96 learners enrolled at the private school between 2005 and 2019. Of these leavers, all but two returned to schools in Canterbury. Forty percent transitioned to local state secondary or intermediate schools, 30% to a primary school different to their previous school, 16% to their original primary school and 8% to Correspondence School, State-integrated, or private schools.

## Assessment of designated character

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24. The criteria for designating a state school as a designated character school are set out in Section 204(3) of the Act. They are, for schools other than kura kaupapa Māori:
  - d) the school is to have a character that is in some specific way or ways different from the character of ordinary state schools
  - e) it is desirable for students whose parents want them to do so to get such an education
  - f) students at the school are to receive an education of a kind that differs significantly from the education they would get at an ordinary state school.
25. The designated character of the proposed school is characterised by lower student to staff ratios than ordinary non-specialist state schools. If the school were approved with a designated character, the board would possibly require significant levels of locally raised funds to maintain the low student to teacher ratio. Students with a diagnosis of SLD do not generate enough resourcing to provide the low student to teacher ratios required to maintain the designated character. If you decided to support the application the designated character of the school would be more aligned to that of a specialist school, especially if a maximum roll of 24 were to be maintained.



26. In the application the applicant describes a focus on evidenced-based methods for systematically acquiring numeracy and literacy skills. The application describes a range of sequential teaching systems such as phonics, word study, auditory and visual discrimination and fine motor and hand-writing skills.
27. We have undertaken an assessment of the applicant's curriculum proposal, and on the information provided, we found the designated character appears to be largely about programmes to be offered at the school rather than a different character. The features listed above can be, or are already, available at existing ordinary state schools.
28. We consider that there is insufficient reason to say students at the proposed school would get an education of a kind that differs significantly from the education they could get at an ordinary state school. We consider that students with dyslexia, even if assessed as severe, can be adequately catered for by the existing network.
29. Without an identifiable different kind of education compared with an ordinary state school, section 204(3)(d) is not met.

### Network considerations

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30. Current infrastructure planning indicates that the Christchurch city network of schools is not an area of high population growth over the next 5-15 years and we will not need a new special school in the central city to meet foreseeable population demand. While there is increased demand for learning support services across New Zealand, the population of students who have severe dyslexia and additional learning support needs in Canterbury is expected to grow only minimally.
31. Schools in Christchurch already provide education for students with additional learning needs including Dyslexia and those diagnosed with SLD.

### Learning support policy

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32. The application is predicated on the applicant's belief that other state schools in Christchurch are not meeting the needs of students with severe SLD.
33. Literacy teaching over the last 10 years has developed and become more agile in responding to individualised differences in language acquisition.
34. We acknowledge the need for teachers in all state schools to understand and plan for neurodiversity, which includes those children and young people with dyslexia and SLD. We have recently provided Learning Support Co-ordinators (LSC) as Priority 1 of the Learning Support Action Plan. The role of the LSC is to co-ordinate supports to learners with additional needs.
35. In 2018, the Ministry announced the provision of school-based services to identify students with individual learning needs. Support for students with dyslexia is now included in the Ministry of Education's *Learning Support Action Plan (LSAP) 2019-2025*.
36. Priority Four of the Plan focusses on *flexible support for neurodiverse children and young people*. The plan has been developed from a strong evidence base, to guide effective and achievable learning support for students who are neurodiverse and who present with difficulties in literacy and numeracy development.



37. To support the LSC's, SENCO and teachers in schools across Aotearoa, a kete of resources to strengthen support for students with dyslexia was announced earlier this year. The resources promote a range of options for helping students with dyslexia to learn in ways that work best for them. The resources aim to support individual learner needs to be recognised so they can successfully access the curriculum within ordinary classrooms.
38. We have updated two guides on the *Inclusive Education* website. The [\*Dyslexia and Learning\*](#) guide has been expanded to include strategies and tips in understanding dyslexia and literacy acquisition, structured literacy, and developing schoolwide approaches.
39. Other work that is happening within the Ministry Early Learning and Student Achievement teams includes resources to support the Better Start Literacy Approach, updated assessment tools, and refreshed Ready to Read Phonics Plus texts. The intention of these additional resources is to support teachers in a structured literacy approach to teaching reading.
40. The networked approach to the provision of learning support through the Learning Support Delivery Model will encourage communities to take opportunities to identify needs and share resources across schools and kura, special schools and satellites, and learning support facilities. This networked approach supports a range of options to meet the needs of all children and young people; and strengthens the current network through a collaborative and inclusive educational model.
41. Under the proposed application, establishing a new state school to provide small group remedial instruction in isolation from local schools would only be contemplated if the existing community of provision could not meet the needs of students in the low to moderate learning needs category.

### Financial sustainability

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42. Guidelines for establishing a designated character school state an expectation for a minimum roll of 35 (e.g. for kura), growing to a roll of 100 for a primary school within three to four years of establishment. We consider that a maximum roll of 24 would raise risks about the school's viability.
43. The target group from the application are students with low to moderate learning needs. Some students may attract in-class support funding but do not attract individualised ORS funding or staffing. In-class Support Funding is already available to the school, and they have recently applied for access to this additional resource.
44. The applicant has provided an indicative budget. We consider the budget overstates income, as much of their income will still be derived from local fundraising, donations or charging parents for "therapy" services. As a designated character, state school they would be unable to charge any fees or rely on parent donations to provide the school curriculum. Resourcing would be provided at the usual rate for a state school of 24 students, which would not generate enough staffing to provide the low student to teacher ratios proposed.

## Property

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45. The applicant currently operates out of a purpose-built facility that also provides services associated with supporting children and adults with SLD. The Seabrook McKenzie Trust is a New Zealand Qualifications Authority accredited provider of teacher development and provides assessments and tuition for learners with SLD. Occupational therapists, specialist teachers, psychologists and Seabrook McKenzie Trust Centre staff are accommodated within the same building as the classrooms. The applicant reports that the buildings comply with all requirements of the Building Act but if they were to be acquired by the Crown the property would probably require additional modifications to bring it up to state school standards.
46. Crown asset policy does not usually support leasehold arrangements for state schools, and it is unclear whether the current facilities are suitable for operation as a state school. If established, the Crown could incur significant property costs associated with purchasing a site for the school and its property development.
47. To date, possible establishment costs have not been included in the 2021 Budget for network provision in the Canterbury and Chatham Islands Region.

## Risks

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48. If this application is declined, parents who are paying for their children to attend JSMS as a private school will feel upset by a decision not to establish the school and/or will no longer be able to afford the private school fees.
49. Should this be the case we will work with them to support students to transition to a local state school for 2021.

## Conclusion

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50. The Ministry's recommendation is that you should decline the application because:
- our assessment of the proposed school is that it does not meet the statutory criteria for establishment as a designated character school
  - the curriculum is not significantly different to the education students could receive in an ordinary state school. The school setting is different in character, but the education is not.
  - the needs of the proposed student community for the school can be, and are being, met within the existing school network.
  - Christchurch city is not an area of high population growth and a new special school is not required in the area.
  - the proposed school would withdraw students for an intensive remedial programme in a small group setting, which is not considered appropriate under current inclusive education policies or the Learning Support Action plan.
  - students identified in the application have moderate learning support needs and are not at a level for which provision outside mainstream schooling would be considered appropriate under current policy settings.
  - The school would not be viable within the proposed maximum roll without significant outside funding.



## Next Steps

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51. If you decide to decline the application, please sign the decline letter attached in Annex 1 and return it to the Ministry. We will meet with the applicant to deliver and discuss the reason for the decision and possible opportunities for supporting their intervention as part of the wider Learning Support Network.
52. If you decide to initiate consultation on the proposal, please sign the agreement to consultation letter attached in Annex 1 and return it to the Ministry. We will meet with the applicant to deliver and discuss this decision and undertake the consultation process.

## Proactive Release of this Report

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53. If you decide to decline this application, we propose to proactively release this report in the next proactive release cycle, in line with your expectations.
54. If you decide to initiate consultation, the results of which you would need to consider, we recommend that this report be proactively released once a final decision is made.
55. Any information that might need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

## Annexes

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- Annex 1: Alternate letters to the applicant
- Annex 2: Letter agreeing to undertake consultation

Annex 1: Decline letter to applicant

Proactively Released



# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



Hester Warren  
Director  
Jean Seabrook Memorial School  
68 London Street  
Richmond  
Christchurch 8011

Dear Hester

Thank you for your application for establishment of the Jean Seabrook Memorial School as a designated character school in Christchurch for students with severe dyslexia and specific learning disabilities.

I have carefully considered your proposal against the criteria for establishing a school as a designated character school as set out in the Education and Training Act 2020 (the Act). I have also considered the ability of the existing school network in Christchurch to meet the needs of your identified student group.

Having considered these matters I advise that I will not be establishing a new state designated character school in line with your proposal. This is because:

- assessment of the proposed school is that it does not meet the statutory criteria for establishment as a designated character school as it does not offer an education of a kind that differs significantly from the education students would get at an ordinary State school
- the needs of the proposed student community for the school can be met within the existing school network, especially since the strengthening of resources and dyslexia information for NZ educators
- withdrawing students with SLD for small group instruction outside of their local school is not supported by inclusive education research or policy

Thank you again for your application. I have asked the local Ministry of Education Advisors to meet with you to explore alternative options for supporting the work you do as part of the integrated Learning Support network.

I wish you well with your existing provision.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CH', representing Chris Hipkins.

**Chris Hipkins**  
**Minister of Education**

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Annex 2: Letter agreeing to undertake consultation

Proactively Released



## Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



Hester Warren  
Director  
Jean Seabrook Memorial School  
68 London Street  
Richmond  
Christchurch 8011

Dear Hester

Thank you for your application for establishment of the Jean Seabrook Memorial School as a designated character school in Christchurch for students with severe dyslexia and specific learning disabilities.

Under section 209 of the Education and Training Act 2020, before establishing a school I am required to consult with the board of all state schools whose roll might, in my opinion, be affected if the school is established. The Ministry of Education carries out this consultation on my behalf.

I have decided to initiate consultation on your proposal. I will make a decision on your proposal once I have considered consultation feedback along with the statutory criteria, school network implications, and any other relevant matters.

Ministry of Education staff will contact you regarding the next steps in this process.

Yours sincerely

**Chris Hipkins**  
**Minister of Education**