



Education Report: Highest Needs Review: What we heard, Scope and Terms of Reference

To:	Hon Jan Tinetti, Associate Minister of Education		
Cc:	Hon Chris Hipkins, Minister of Education		
Date:	16 July 2021	Priority:	Medium
Security Level:	In Confidence	METIS No:	1265369
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Messaging seen by Communications team:	Yes	Round Robin:	No

Purpose of Report

This report provides you with the proposed Scope for the Review of Interventions for Learners with the Highest Level of Need. This has been informed by engagement with a diverse group of stakeholders including young people, parents, schools, and specialists from both the education and health sectors.

Summary

- 1 In April you agreed to how the Review of Interventions for Learners with the Highest Level of Need (the Review) would be undertaken [Metis 1250363 refers]. In June you agreed to the timelines of the Review [Metis 1262052 refers].
- 2 We have now completed the first phase of engagement to inform the Scope and Terms of Reference for the Review. A summary of engagement feedback is attached as Annex One and engagement confirmed the key issues as identified in April.
- 3 We propose that the Scope of the Review:
 - a. Does not define tamariki and rangatahi by specific diagnosis, disability, disorder or learning difference. But instead is focused on what support children and young people require and how they can access the support. This includes those who:
 - i. currently receive individualised support
 - ii. have an unmet need for individualised support
 - iii. are in settings that have inequitable access to these supports
 - b. Focuses on the child and young person's journey through the education system, from early learning through to leaving secondary school.

- c. Includes how tamariki and rangatahi can access supports regardless of where they are learning. This will allow us to address those key tension points being experienced by children, young people and their family and whānau as they move through and across settings.
 - d. Considers the need for fluid boundaries between education settings to encourage and enable stronger working relationships where schools can better access the expertise held in specialist schools.
 - e. Includes how supports and services are accessed. This would include reviewing the current ridged and deficit focused criteria and application processes for identifying when children and young people experience significant barriers to accessing the curriculum, the level of support required, and the length of time support is provided for.
 - f. Maps the current funding and resourcing arrangements against up-to-date prevalence and forecast data for individualised support to inform options and solutions to move away from the current soiled model of support.
 - g. Evaluates the responsiveness of supports to child/whānau needs and how supports can help children and young people define and achieve successes.
 - h. Focuses on the need to align services and supports across government agencies for children, young people, and their families/whānau.
 - i. Builds knowledge, understanding and capability of people to address and reduce barriers tamariki and rangatahi are experiencing at all levels of the network; classroom level, management level, governance level, resource teacher and specialist level and agency level.
- 4 There are several reviews already underway that are looking to better support a crossover population of tamariki and rangatahi identified as in-scope of this Review. This includes:
- a. Improving schools' use of Universal Design for Learning
 - b. How Teacher Aides are funded, and career pathways supported
 - c. The review of the Special Education Grant funding
 - d. Disengagement and non-attendance of children and young people, including the review of Alternative Education
- 5 These reviews listed are looking at wider system issues being experienced by these tamariki and rangatahi. We recommend that the issues being addressed by these reviews are considered as out-of-scope of the Review. For example, improving referrals into and out of alternative education. We will still be focusing on how and when these rangatahi need access to individualised and targeted supports as we know they are being underserved by the current system.
- 6 A Draft Terms of Reference, which includes the proposed Scope is attached as Annex Two.

Recommended Actions

The Ministry of Education recommends you:

- a. **note** the key issues raised by stakeholders are consistent with previous engagements and have been used to inform the proposed Scope of the Review. **Noted**
- b. **agree** to seek Cabinet endorsement of the proposed Scope of the Review and its Terms of Reference (Refer Annex Two). **Agree / Disagree**
- c. **agree** to us preparing a draft Cabinet paper for you to take to the Social Wellbeing Committee on 25 August 2021. **Agree / Disagree**
- d. **agree** that the Ministry release this briefing once it has been considered by you and after Cabinet decisions. **Agree / Disagree**



Helen Hurst
Tumu Te Hāpai ō Rāngai
Deputy Secretary
Sector Enablement and Support

16/07/2021



Hon Jan Tinetti
Associate Minister of Education

18/07/2021

Background

- 1 In April you agreed to how the Review of Interventions for Learners with the Highest Level of Need (the Review) would be undertaken [Metis 1250363 refers]. In June you agreed to the timelines of the Review [Metis 1262052 refers].
- 2 The key issues of the Review outlined in the briefing included:
 - 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 vision of the Learning Support Delivery Model (LSDM)¹;
 - c. specialist services are providing variable outcomes for ākonga and their effectiveness in meeting the needs of diverse learners has not been reviewed in all cases;
 - d. parents | whānau, educators and stakeholders have ongoing concerns about the adequacy of specialist services and about access to them, how they are funded and provided, and how long the support is provided for; 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.
- 3 The purpose of this Review is to address these concerns and propose possible options and solutions.
- 4 We have now completed the first engagement phase of the Review to confirm the key concerns and note any other issues raised by stakeholders to inform the proposed scope of this work.

Context for the Review

- 5 Every child and young person in New Zealand has the right to education and the support they need to learn and succeed. New Zealand has international human rights obligations as a signatory to the United Nations Convention on the Rights of the Child (UNCROC).
- 6 UNCROC Articles 28 and 29 state that all children have the right to free education with equal opportunities that are aligned with the child's personality, talents and mental and physical abilities. In addition to this, Article 24 of the Convention on the Rights of Persons with Disabilities (UNCRPD) gives people with disabilities the right to access an inclusive, quality education on an equal basis with others.
- 7 This is reflected in the Education and Training Act (2020) which states: "people who have special education needs (whether because of disability or otherwise) have the same rights to enrol, attend and receive education at state schools as people who do not." This right includes the entitlement to attend the school at which the student is enrolled during all the hours that the school is open for instruction.

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.

- 8 The majority of rangatahi and tamariki can, and do, achieve within the universal approaches to learning. However, some children and young people experience greater barriers to accessing the curriculum and require additional targeted or individualised supports to overcome these.
- 9 The Ministry is committed to shaping an education system that delivers equitable and excellent outcomes for all learners, including through work to promote inclusive learning environments. There is an extensive Education Work Programme (EWP) underway to address this and includes:
- a. Establishment of a National Curriculum Centre and curriculum work programme
 - b. NCEA Change Programme
 - c. Establishment of Te Mahau
 - d. Learning Support Action Plan
 - e. Reviewing the way Teacher Aides are funded
 - f. Reviewing the Special Education Grant
 - g. Redesign of Alternative Education
 - h. Establishment of an independent mechanism for raising and resolving complaints (dispute resolution panels for school Board decisions)
 - i. Attendance Action Plan
 - j. Other work to advance the Learning Support Delivery Model and the network of supports
- 10 The work highlighted in paragraph 15 demonstrates that there is already a lot underway in the education system to make system improvements at the universal level. However, there is more that needs to be done to address the issues identified in paragraph 8.

Learning Support System

- 11 Learning support is conceptualised as a tiered model of support, with supports that may be universal, targeted, or individualised. Supports increase depending on the barriers tamariki and rangatahi face, their needs, and their individual circumstances.
- 12 The Learning Support Action Plan (the Action Plan) sets out commitments for change to the learning support system against six priority areas. This Review is a part of priority four within the Action Plan and seeks to address the key issues as previously identified and confirmed by this Review.
- 13 We see this Review as part of a step change to help ensure that systemic change occurs from both ends of the tiered model. The Review will focus on the top tier and recognise individualised supports can benefit both the individual ākonga and all learners in the classroom.
- 14 Stakeholders told us that as a part of this step change there is a need to redefine learning support as mana enhancing and strengths based. This Review provides the opportunity to begin this shift.

- 15 The aim of a mana-enhancing approach to learning support is to enable tamariki and rangatahi who are disabled, disadvantaged, have learning differences or face other difficulties to gain the most they can from education and lead lives that are as fulfilling and independent as possible. This means we need to provide support that helps them overcome the barriers they face.
- 16 A strengths-based approach to learning support means we recognise all tamariki and rangatahi have inherent strengths. We need to empower ākonga and their whānau and give them more agency, choice and control.
- 17 This shift will take time to embed into the system and requires a significant shift in the mindsets of many in the sector, including Ministry staff, other government agencies, specialists, early learning centres, kura and schools.

Proposed Scope of the Review

Tamariki, rangatahi and family/whānau included in the Highest Needs Review

- 18 Stakeholders wanted the review to take a whole child approach and not define children and young people by specific diagnosis, disability, disorder, or learning difference. It is not appropriate to separate tamariki into cohorts or populations based on these needs as they are complex and overlapping. We recognise that barriers tamariki and rangatahi face can change depending on the environment they are in. For the context of this Review, it is about how ākonga access and engage with the curriculum and achieve meaningful emotional, social, and education outcomes.
- 19 Based on the description above, we recommend the Review is focused on what support children and young people require and how they can access the support. This includes those who:
- a. currently receive individualised support;
 - b. have an unmet need for individualised support; and
 - c. are in settings that have inequitable access to these supports and services.
- 20 We have not provided you with the number of children and young people captured within these groups. A data scoping exercise is required in the next phase of the Review to pull together system level information available to help inform solutions and options. The Review in the next phase will also need to be aware of prevalence and forecast data. The review can support the development of a more sophisticated understanding of need, both at regional and national levels.

Tamariki and Rangatahi who currently receive individualised support

- 21 We heard children, young people and whānau who receive individualised supports in the current learning support model often experience supports that are not timely, flexible, adequate or mana enhancing. Accessing these supports relies on application processes that situate problems within children and young people, highlight deficits, are hard to navigate and lack transparency.

Tamariki and rangatahi with an unmet need

- 22 We heard about children and young people who do not receive individualised or targeted supports because they do not meet the existing criteria and the accommodations they require are not well understood. This includes children and young people who do not receive support but who have multiple or complex needs and/or short or long term disability, disorder, or learning difference that is a significant barrier to them accessing the curriculum.
- 23 An extensive, but non-exhaustive, list of the types of needs we heard about is provided in the Summary of Submissions in Annex One.

Tamariki and rangatahi who are in settings that have inequitable access to supports

- 24 Finally, we heard about children and young people in specific education settings where individualised supports are not able to be fully accessed and utilised.
- a. We heard the deficit-based application process and a lack of culturally aligned supports was a barrier to schools in Māori medium accessing individualised level supports.
 - b. Rural and remote schools experienced lack of access to consistent support due to the availability of specialists in their area and the geographic distance between them, resource teachers and regional offices.
 - c. Early childhood education provides an opportune context for supporting children early but the range of learning supports available to schools is not accessible to early learning settings.
 - d. Ākonga in some school settings are not able to access current supports available in the learning support system (for example, Te Kura, Alternative Education).

Education settings included in this review

- 25 Stakeholders strongly recommended that this Review focuses on the child and young person's journey through the education system, from early learning through to leaving secondary school. We will be reviewing how tamariki and rangatahi can access supports regardless of where they are learning. This will allow us to address those key tension points being experienced by children, young people and their family and whānau as they move through and across settings.
- 26 Stakeholders have identified the need for fluid boundaries between education settings to help encourage and strengthen positive working relationships where schools can better access the expertise held in specialist schools. This included the need to better share knowledge and expertise. We recommend considering this in scope of the Review.

What else the review will include

- 27 Across these groups of tamariki and rangatahi, the Review will consider:
- a. Access to supports,
 - b. Alignment of supports,

- c. Alignment across government services and supports, and
- d. Building knowledge, understanding and capability of people to address and reduce barriers tamariki and rangatahi are experiencing at all levels of the network; classroom level, management level, governance level, resource teacher and specialist level and agency level.

Access to supports

- 28 We heard that the needs of children and young people may change depending on environment context, circumstances, and life events overtime, so barriers to education can also change.
- 29 We know that the current fragmented and siloed system of supports and services does not provide the flexibility needed to respond effectively or early enough and the current funding levels are based on out-of-date formulas and understandings.
- 30 We recommend the Review considers how supports and services are accessed. This would include reviewing the current ridged and deficit focused criteria and application processes for identifying when children and young people experience significant barriers to accessing the curriculum, the level of support required, and the length of time support is provided for.
- 31 We also recommend mapping the current funding and resourcing arrangements against up-to-date prevalence and forecast data for individualised support. This will inform options and solutions to move away from the current soiled model of support. This will be an extensive exercise to undertake but will provide valuable information to support the Review's options.

Alignment of supports available

- 32 We heard from stakeholders that supports available did not always provide the help they needed to address barriers to accessing the curriculum.
- 33 Stakeholders felt there is a lack of accountability for supports achieving positive outcomes for children and young people, rather the focus is the delivery of the current suite of programmes and specialist services responses.
- 34 We recommend including the responsiveness of supports to child/whānau needs and how supports can help children and young people define and achieve successes.

Alignment across government services and supports

- 35 Stakeholders expressed concern that services and supports were misaligned and disconnected from each other, resulting in overly bureaucratic processes that were ambiguous and not child and family centric
- 36 This Review provides an opportunity to create increased collaboration, connectedness and cohesion across services and supports funded by different agencies.
- 37 We have noted that the Minister of Health and Minister for Disability Issues are due to report to Cabinet in September 2021 with advice on machinery of government arrangements for the Disability Support Services. It will also include an implementation plan for the national expansion of the Enabling Good Lives approach to Disability Support Services Transformation.

- 38 We recommend considering the need and opportunities to align services and supports across agencies for children, young people, and their families within scope of the Review.

Building knowledge, understanding and capability of people at all levels of the network; classroom level, management level, governance level, resource teacher and specialist level and agency level.

- 39 Stakeholders stressed the importance of tamariki, rangatahi, family/whānau, educators, school leaders, school boards, resource teachers and specialists working together to:
- a. identify when ākonga need a higher level of support,
 - b. make plans to implement supports that include strengths, aspirations and learning goals, and
 - c. utilise pathways for additional support if needed.
- 40 Some parents told us that educators, school leaders, school boards, resource teachers and specialists require regular free access to professional development when tamariki and rangatahi needing individualised supports are identified or enrolled so they can respond with accommodations and supports at the earliest opportunity. We recommend that the provision of professional learning development about specific needs is included in scope of the Review.

Recommendation of what is out of scope of the review

- 41 There are several reviews already underway that are looking to better support a crossover population of tamariki and rangatahi identified as in-scope of this Review. This includes:
- a. Improving schools use of Universal Design for Learning
 - b. How Teacher Aides are funded, and career pathways supported
 - c. The review of the Special Education Grant funding
 - d. Disengagement and non-attendance of children and young people, including the review of Alternative Education
- 42 These reviews listed are looking at wider system issues being experienced by these tamariki and rangatahi. We recommend that the issues being addressed by these reviews are considered as out-of-scope of the Review. For example, improving referrals into and out of alternative education. We will still be focusing on how and when these rangatahi need access to individualised and targeted supports as we know they are being underserved by the current system.
- 43 The Review will work closely with these pieces of work to ensure we are aligned and benefits are seen across these to create meaningful change for tamariki, rangatahi and their family and whānau.

Overarching Principles of the Review

- 44 The Review will be guided by the Enabling Good Lives Principles and the Convention on the Rights of Persons with Disabilities (CRPD) Article 24. United Nations Convention on the Rights of the Child (UNCROC)
- a. self-determination,
 - b. beginning early,
 - c. person centred,
 - d. ordinary life outcomes,
 - e. mainstream first,
 - f. mana enhancing,
 - g. easy to use, and
 - h. relationship building.

He Pikorua

- 45 The Review's methodology will be guided by the Ministry's principle-based practice framework for learning support, He Pikorua. He Pikorua is based on the premise that the needs of learners sit at the heart of and drive practice. The primary focus is on identifying and meeting their needs and helping them overcome barriers they face to enable them to learn and achieve in education settings. The practice principles for He Pikorua include:
- a. Mokopuna and whānau centred
 - b. Collaborative
 - c. Strengths-based
 - d. Culturally affirming and responsive
 - e. Inclusive
 - f. Ecological
 - g. Evidence informed
- 46 He Pikorua promotes fostering relationships and collaboration to improve outcomes. It is the practice framework for all Ministry specialist practitioners and Resource Teachers: Learning and Behaviour and enacts the Learning Support Delivery Model (LSDM).
- 47 We recognise that the Enabling Good Lives principles have benefits for all children, young people and their family and whānau. We will need to do some work in the next phase of the Review to better understand how these two frameworks work best together.
- 48 The Review will be cognisant of the Government's commitments to the:
- a. Te Tiriti o Waitangi
 - b. United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)
 - c. United Nations 1951 Convention Relating to the Status of Refugees

- d. New Zealand Disability Strategy
- e. Child and Youth Wellbeing Strategy
- f. Ka Hikitia - Ka Hāpaitia the Māori Education Strategy
- g. Action Plan for Pacific Education 2020 – 2030
- h. He taonga te tamaiti - Every child a taonga: Early Learning Action Plan 2019 – 2029

Objectives of the Review

- 49 The objectives for the Review include:
- a. Align cross agency work so it is better connected and co-ordinated to ensure ākonga and their whānau have access to broader government supports.
 - b. Identify how best to meet the needs of children and their families and whānau including how supports are structured and delivered through the LSDM.
 - c. Develop 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.
 - d. Provide a proposed sequenced set of improvements within a short-term, medium-term and longer-term investment plan.
 - e. Uses the Learning Support Delivery Model as the mechanism for delivering possible options and solutions.

Summary of engagement feedback

- 50 An invitation to participate was sent out to around 80 stakeholders, including the Ministerial Youth Advisory Group (YAG). As at 14 July 2020, we had 68 responses in total, including 47 email submissions, 19 face to face conversations over Teams and two meetings in person. We heard from a wide range of stakeholders who represented a vast range of views, perspectives, and groups.
- 51 We have now analysed the feedback received through the engagement sessions and a detailed summary is attached as Annex One. Our intention is to send a summary to those who provided us with feedback.
- 52 Feedback received built on what we had already heard from past engagements and has informed the proposed scope for your consideration. We heard that systemic change is needed. Specifically, shifting from a deficit-based system of accessing supports, to a strengths-based mana enhancing one.
- 53 There is a strong call for meaningful change within the current learning support system. This means the review needs to be wider than a single service, support or setting and needs to place the whole child and their family and whānau at the centre of all options for solutions.
- 54 We heard that all people (family, whānau, teachers, teacher aides, school leadership, school boards, resource teachers, specialists, and Ministry staff) in the system have a role to play to affect the change that is needed.

- 55 We have developed the proposed scope based on the feedback we received from stakeholders.

9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Next Steps

- 61 As per your agreement from this report, we will:
- a. Prepare a draft Cabinet paper, along with talking points, press release and speech for you to consider.
 - b. 9(2)(f)(iv)
[REDACTED]
[REDACTED]
 - c. Share our findings of summary of engagement with the stakeholders who provided us with feedback on what should be considered as in-scope for the Review.

Annexes

Annex One: Summary of Engagement for the Phase One of the Highest Needs Review.

Annex Two: Draft Terms of Reference.

Proactively Released