

Cabinet Paper material

Proactive release

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Highest Needs Review: What matters to stakeholders

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Material redacted

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

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In Confidence

Office of the Associate Minister of Education

Social Wellbeing Committee

Highest Needs Review: Report back to Cabinet

Proposal

- 1 Following a review of supports for students with the highest levels of learning support needs, this paper seeks Cabinet's agreement to develop a new system of learning support for those students. Approval is sought to develop a detailed business case on the investment needed to realise the system transformation.

Relationship to government priorities

- 2 The Highest Needs Review (the Review) relates to pre-election commitments signalled in the Labour Party's Education Policy for the 2020 election. It seeks to further the achievement of the Government's five objectives for education. It also supports the achievement of the Government's Child and Youth Wellbeing Strategy, as well as its commitment for delivering bold and transformative change for the disability community and making New Zealand the best place in the world to be a child.

Executive Summary

- 3 On 1 September 2021 Cabinet agreed to the scope and terms of reference for the Review, to be reported back to Cabinet in October 2022 [CBC-21-Min-0082 refers].
- 4 The Review has long been called for by the education sector and practitioners, disabled people and parents, and the review has found clear evidence of inequities within the system. Despite substantial investment by the Government into learning support initiatives over the past five years, there are still students who are not getting the support they need, and services are being rationed.
- 5 The key findings from the Review have been informed by the Ministry of Education's (the Ministry) public engagement for the Review, an analysis completed by the Social Wellbeing Agency (SWA) using the Integrated Data Infrastructure, and the findings from the Education Review Office (ERO) evaluations of education provision for disabled students in Early Childhood Education and Schools.
- 6 The Review found that there is not enough support in the system and too many students are not getting their additional learning needs met. SWA analysis indicates that for every seven students who receive support, there's around three who may have a potential unmet high need at some point during their education journey. This has lifelong social, emotional and education impacts for these students.
- 7 For students and their family/whānau, key issues include not feeling welcome or like they belong at their local school or school of choice, and that current supports are inflexible and difficult to access, with confusing application processes and arbitrary restrictions.

- 8 For early learning centres and schools, the key issues include not having adequate or equitable access to funding resources and supports, and the support they do receive not being timely or consistent. Not enough education leaders and staff feel confident supporting students with the highest needs in early learning or the classroom.
- 9 This Government is committed to achieving a fully inclusive public education system where every child in New Zealand, no matter what their background or learning challenge, can reach their full potential and thrive in their education journey.
- 10 The Ministry has work underway to move towards achieving a fully inclusive education system for all students. This includes the implementation of a new practice framework Te Tūāpapa o He Pikorua (Te Tūāpapa – see Figure 1). Te Tūāpapa seeks to place the student and their family/whānau at the centre of decision making.
- 11 Te Tūāpapa supports the change needed in behaviours and attitudes relating to inclusion. Shifting these long-held attitudes and behaviours on learning support needs will take us some of the way to resolving the persistent issues in the system. Learning Support Coordinators will help to support this shift as part of local learning communities.
- 12 However, greater changes are required to move from a system that is rigid, deficit focused and where services operate in a standalone manner. If we do not have the right system in place, gaps in support and the inequities in the system will continue to be exacerbated for students with the highest needs.
- 13 To address this, I recommend Cabinet agrees to a new system for supporting students with the highest needs. The Review has made it clear that significant long-term changes are needed to realise the ideal state of learning support delivery.
- 14 I am proposing a mixed model approach that aims to create a partnership between the student, their family/whānau and the early learning centre or school. This partnership approach will empower students and families/ whānau to have greater choice and control about what support looks like for them. It would provide multiple pathways and opportunities to access different supports depending on what works best for children/young people and their family/whānau.
- 15 This new system has been developed based on the Enabling Good Lives (EGL) principles¹ and Ka Hikitia – Ka Hāpaitia (Ka Hikitia) outcome domains.² In particular:
 - 15.1 The need to create greater choice and control for students and their families/whānau in deciding what support looks like for them;
 - 15.2 Māori whānau and Pacific families and communities have easier and greater access to a range of supports available from agencies that uphold their identity, language and culture;
 - 15.3 Students can access an inclusive curriculum on an equal basis to others to participate, progress and achieve throughout their education pathway.

¹ Enabling Good Lives principles: Mana enhancing, beginning early, person centred, easy to use, ordinary life outcomes, self-determination, relationship building.

² Ka Hikitia outcome domains: Te Tangata, Te Whānau, Te Kanorautanga, Te Tuakiritanga, Te Rangatiratanga.

- 16 I acknowledge there is more work to be done to unpack what EGL looks like in education and its various settings. I expect the Ministry to work alongside Whaikaha to understand this and to build in the required changes during the design and implementation of the mixed model approach.
- 17 This new system includes seven building blocks for change:
- 17.1 A new service delivery system;
 - 17.2 Customised tailored supports;
 - 17.3 An integrated and inclusive schooling network;
 - 17.4 Learning supports for Māori and Pacific students and their whānau and families that are developed by Māori and Pacific people;
 - 17.5 A confident, capable workforce with the capacity to respond;
 - 17.6 A new funding model to support a tailored and flexible approach; and
 - 17.7 Stronger integration with other agencies.
- 18 The building blocks are bold, medium to long-term changes that will require time to develop and implement effectively, with significant ongoing new investment. I have therefore asked the Ministry to develop a Business Case to set out the investment case for the new system design. I will report back to Cabinet in June 2023 with the Business Case and the work programme to support implementation of the mixed model. This work programme will provide the roadmap for change over the next two, five and ten years.
- 19 It is important we use the insights gained from the Review to make changes now where we can. 9(2)(f)(iv)
- However, these would not create extensive changes to the current experiences or create big immediate impacts.

Background

- 20 As a Government we are committed to upholding our obligations to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) Article 24 and the Committee's General Comment on the right to education. The New Zealand Disability Strategy³ guides the Government's agency-wide response to the UNCRPD, including Outcome One for education.

³ Outcome 1 of the New Zealand Disability Strategy includes 'All local schools and education services (including early childhood, primary secondary, tertiary, kohanga reo and kura kaupapa Māori) are welcoming and provide a great inclusive education... We have trained teachers and educators who support and believe in our progress and achievement, and value our contribution to the learning environment.'

- 21 This Government sees investing in learning support as a priority with around \$1.2 billion spent every year on learning support. Since Budget 2018 the significant investment includes:
- 21.1 \$217 million for the first tranche of Learning Support Coordinators;
 - 21.2 \$297 million invested in the Ongoing Resourcing Scheme;
 - 21.3 \$18 million to expand Te Kahui Tōi: Intensive Wraparound Service;
 - 21.4 \$24 million for maintaining Ministry specialist staff; and
 - 21.5 \$19.5 million additional funding for the School High Health Needs Fund.
- 22 The Government has also made a commitment to the Learning Support Action Plan 2019 – 2025 (the Action Plan). The Action Plan sets out the improvements we aim to make to learning support and includes six key priority areas [CAB-19-MIN-0139 refers].
- 23 Priority four within the Action Plan 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”. The Review progresses this priority.
- 24 On 1 September 2021, Cabinet agreed to the scope and terms of reference for the Review [CBC-21-Min-0082 refers]. Following Cabinet’s agreement, the Ministry undertook public engagement, receiving a total of 1093 submissions, and the Social Wellbeing Agency completed a needs analysis using Statistics New Zealand’s Integrated Data Infrastructure.
- 25 Cabinet agreed that the Review would take a whole child approach, with children and young people with highest needs defined as:
- 25.1 Those who experience complex and overlapping barriers to learning and require more tailored supports to participate and actively engage with their education on an equal basis to others, and to enhance their emotional and social wellbeing. This includes disabled children and young people with high levels of learning need.
- 26 During the Review, the Education Review Office (ERO) did an evaluation of education provision for disabled students in Early Childhood Education and Schools. The ERO evaluation was completed in conjunction with the Office for Disability Issues and the Disability Rights Commissioner. ERO engaged with disabled students, parents/whānau, early learning teachers and centre staff, teachers, teacher aides, principals, school leaders and special education needs coordinators.

Key issues identified through the Review

- 27 Students with the highest needs are still experiencing persistent barriers to being able to participate, progress and achieve in their education journey. Early learning centres and schools are still not receiving adequate support to feel confident and capable to support students with the highest need.

- 28 This Government has multiple sources of evidence confirming these persisting issues are real for students with the highest needs, for their families/whānau and for early learning centres and schools. The public engagement for the review, ERO's evaluations of education provision for disabled students in Early Childhood Education and Schools and an IDI analysis by SWA are three of the most recent pieces of evidence.
- 29 Key issues for students and their family/whānau include:
- 29.1 Students and their families and whānau experience multiple and complex overlapping barriers to accessing education. Their need for supports can vary depending on the environment or context they are in and may arise at different times during their education journey;
 - 29.2 There are age limits and other arbitrary restrictions in place for accessing support (including complex and confusing application processes) which mean students are unable to receive certain supports at the same time, or age out of supports they would still benefit from receiving. Cross-agency systems are complex and difficult to navigate;
 - 29.3 Transitions from early learning to school, between schools and to life beyond school are not well supported. The new learning setting is usually not well prepared or informed about a learner's needs;
 - 29.4 Parents are not always able to enrol their child in a local school due to exclusionary practices and local schools not being equipped in advance to accommodate their child's needs;
 - 29.5 Many disabled students are experiencing exclusion or feel that they are not accepted and supported to engage in learning, but complaints about these experiences are not being resolved effectively; and
 - 29.6 Ākonga Māori, whānau, Pacific students and families experience institutional bias and discrimination in the education sector. This experience is then compounded for ākonga Māori and Pacific students who have additional learning needs, due to the lack of alignment between western and te ao Māori and Pacific conceptions of disability.
- 30 Key issues for early learning centres and schools include:
- 30.1 Not enough teachers and school staff feel confident supporting students with the highest needs within the classroom. Parents and families are reporting that bias and discrimination is impacting on the ability of their disabled child to participate at school;
 - 30.2 Early learning centres and schools do not have adequate or equitable access to funding resources and support and when they do receive support this isn't timely or consistent;
 - 30.3 There is a significant shortage of specialists to meet the current levels of demand in the system. Current workloads and staff turnover are high and job satisfaction for some specialists is low; and

- 30.4 Legislation sets out robust expectations for disabled students but there is no systematic tracking of how well these expectations are being met, and the quality and inclusiveness of education across schools and early learning services varies significantly.
- 31 There is also unmet need in the system and shortages in the type and range of supports available. SWA data indicates that for every seven students who currently receive high needs supports there are around three who may have a potential unmet need. The data shows that students Māori are overrepresented in this group. Delays in identifying needs and providing supports are resulting in negative impacts on learning and development and create harder transitions from early learning to school.

Vision for the Review

- 32 This Government's vision for a fully inclusive education system is to ensure every child in New Zealand, no matter what their background or learning challenge, can reach their full potential and thrive in the education system. This means every child knows they:
- 32.1 Really belong and are valued;
 - 32.2 Are present and participating;
 - 32.3 Are making progress; and
 - 32.4 Their wellbeing is safeguarded and promoted.
- 33 I see the proposals in this paper as critical to realising this vision and the changes needed will support all students during their education journey through a system that centres around them and their whānau, which is responsive to their learning goals and aspirations through and beyond that journey. We want to enable all children | tamariki and young people | rangatahi across New Zealand to achieve equitable life outcomes.

Principles and frameworks guiding the Review

- 34 The previous Cabinet paper that sought approval to commence the review, committed to developing options within the context of our obligations under Article 24 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the Enabling Good Lives (EGL) principles⁴ and Ka Hikitia – Ka Hāpaitia (Ka Hikitia) outcome domains.⁵ The importance of this approach has been confirmed through the engagement, which reinforced that future service delivery and supports need to be based on inclusive education and the EGL approach.
- 35 The EGL approach is a partnership between Government and the disability sector. It centres on the persons' strengths and aspirations and enables disabled people and their family/whānau to have much more choice and control over their lives and the supports they receive. The EGL approach places the voice of disabled people at

⁴ Enabling Good Lives principles: Mana enhancing, beginning early, person centred, easy to use, ordinary life outcomes, self-determination, relationship building.

⁵ Ka Hikitia outcome domains: Te Tangata, Te Whānau, Te Kanorautanga, Te Tuakiritanga, Te Rangatiratanga.

the centre of all decisions and recognises that family/whānau input will change and develop as they journey through the education system.

- 36 It also discussed Learning Support as a tiered model of support, with supports that may be universal, targeted, or individualised. Since then, the Ministry has made improvements to its practice framework, and has updated the tiered model of support to become Te Tūāpapa o He Pikorua (Te Tūāpapa).
- 37 Te Tūāpapa moves away from the concept of learning supports and services that are separate or stand alone. It provides a focus on understanding the strengths, aspirations and needs of children and young people in their different settings and planning for meaningful and successful education pathways. It consists of Te Matua (universal), Te Kāhui (targeted) and Te Arotahi (tailored) practices (figure 1).

Figure 1: Te Tūāpapa

Te Tuapapa o He Pikorua

A foundation for inclusive learning communities for all mokopuna and their whānau.



- 38 To be effective, changes resulting from the Review should be underpinned by Te Tūāpapa, which supports students within an inclusive education context. For students with the highest needs, effective support relies not only on specific individualised supports but also on the support provided through inclusive education practices within education settings more generally. Alignment with the Disability System Transformation and the EGL approach to services will help ensure the effectiveness of the proposed changes.
- 39 The desired outcomes of the Review will be supported by changes already underway across education to set the foundations for all students to have their learning valued and recognised (Te Matua). These foundational pieces of work include:
- 39.1 The Māori Medium Education / Kaupapa Māori Education work programme;
 - 39.2 New Zealand Curriculum Refresh and redesign of Te Marautanga o Aotearoa;

- 39.3 The Literacy & Communication and Maths Strategy and Hei Raukura Mō te Mokopuna (strategy for te reo matatini and pāngarau);
- 39.4 The NCEA Change Programme;
- 39.5 How Schools are Funded for Teacher Aides; and
- 39.6 The ongoing process for making school property more accessible.

A continuum of change has been considered

- 40 The Ministry presented me with three high level options to address the issues identified through the Review, ranging from strengthening the status quo to a full EGL and Whānau Ora approach to providing support in education.
- 41 I am seeking Cabinet's agreement to move over time to a mixed model approach, with some strengthening of the current system in the short-term and with a view towards progressive integration with EGL and Whānau Ora to the extent possible in the long-term once the national rollout has been embedded. This approach would deliver on most of the outcomes of the Review and move the system towards achieving the vision.

Mixed Model Approach to Change

- 42 I am proposing a mixed model approach to how services are accessed and delivered. The mixed model is underpinned by a rights-based approach to uphold our government's obligations to the UNCROC and the UNCRPD. This aims to create a partnership approach between the student, their family/whānau and the early learning centre or school. This partnership approach will empower students and families/ whānau to have greater choice and control about what support looks like for them.
- 43 This partnership works best when educators accept full responsibility for all learners in their care. This requires a shift in long held attitudes and behaviours about learning support needs across all levels of the education system, including school leadership, so that all students are welcomed and valued as part of their early learning or school community.
- 44 This attitude shift will help support the creation of educationally powerful relationships between early learning services/schools and students and their family/whānau. Students and their family/whānau will be empowered to discuss the barriers the student is experiencing with their educators, and then collectively agree what support is needed for them to be able to fully participate, progress and achieve in their education.
- 45 The mixed model would provide multiple pathways and opportunities to access different supports depending on what works best for children/young people and their family/whānau, while maintaining some elements of the current system. Supports would be accessible, easy to understand and navigate, with a shared common language.
- 46 At the same time, the mixed model approach would continue to enable the Ministry, services and schools to allocate resources in ways that best meet the needs of the

teachers and support staff who are charged with delivering an inclusive education to our students. The Ministry would remain the budget holder for learning support to ensure the equitable distribution of limited specialist resources and to manage workforce allocations, particularly learning support specialists.

- 47 This is different from the current system which is rigid, inflexible and deficit focused. Supports are usually fixed and prescribed and families and whānau are left feeling disempowered. For example, a student who meets the criteria for the Ongoing Resourcing Scheme (ORS) requires an adult to carry out an extensive application form which is then provided to a panel of verifiers for approval. The panel are the decision makers and if they approve the application, the student receives access to a formula driven mix of supports (number of teacher aide hours, specialist teacher time and a consumables grant) that are not customised to the student's needs.
- 48 In comparison, the mixed model approach will bring together the student, their family, school and local Ministry staff to identify the needs of the student and the educators/adults around them. In this approach, the student and their family/whānau are central to the decision making about what mix and type of support is required. Decisions about the customised package of support are made as a partnership between the student, family/whānau, school and local Ministry, rather than from an external panel who doesn't know the student, with the student and family/whānau being able to choose what support will best meet their needs.

Building blocks for change

- 49 The Ministry has identified seven core building blocks for change to support the design and implementation of the mixed model approach. These core building blocks are consistent with the recommendations made by ERO in its evaluations of education provision for disabled students in Early Childhood Education and Schools.

A new service delivery system

- 50 A new service delivery approach will build aligned, cohesive and easy to navigate cross-agency systems that support diverse and complex needs. It will require an accountability system that increases educational success for students while also allowing for creativity and innovation in how support is provided.
- 51 The approach would include a connector function to build powerful and authentic relationships with the student and their family/whānau and to walk alongside them throughout their journey. The connector would have a key role in helping the disabled learner to find tools and resources to support their decision-making capacity as they move through the education system. This person would work with the child/young person and families/whānau to build the right supports for their child and the adults around them. The connector function could be performed by Learning Support Coordinators or a new role. This level of detail would need to be developed.
- 52 The Ministry will work alongside Whaikaha – the Ministry of Disabled People as they implement an EGL approach to disability support services nationwide to ensure that the new service delivery approach for learning support in education will work effectively for disabled students and their families/whānau. This will include unpacking further what an EGL approach looks like in education to deliver on the government's commitment to the nationwide rollout of EGL and building that into the design and implementation of the new learning support system. In particular, I expect

the EGL approach in education to create greater choice and control for students and their families/whānau in deciding what support looks like for them.

- 53 A holistic plan for each student would be owned by the learner and their family and would follow the learner throughout their education journey, supporting them through their transitions into new schools and settings. The holistic plan would recognise the evolving role of family/whānau in supporting students to make decisions about the level and type of support they receive. This will help students are able to increase their capacity and capability to make decisions during key life transitions, on an equal basis with their non-disabled peers. The holistic plan would bring together the various plans and forms of plans used within education, including individual education plans (IEPs).

Customised tailored supports

- 54 I am proposing to replace the existing application requirements for access to support. I have directed the Ministry to investigate how a needs-assessment approach might work to identify needs. Once a need was assessed, supports would be matched to need, rather than asking for applications. The Ministry will work with Whaikhaha and Oranga Tamariki on this work as it develops.
- 55 Over time students and families/whānau would have greater choice through being able to develop tailored packages of supports. These supports would be available for as long as the learner requires. Existing supports that have multiple components, such as ORS, could be broken down into their component parts.⁶

An integrated and inclusive schooling network

- 56 I want education to move to an inclusive and integrated schooling network where all students who need additional support for learning can benefit from learning alongside their peers in their local school without missing out on access to specialist expertise. 9(2)(f)(iv)

⁶ ORS funding is made up of a specific number of teacher aide hours, specialist teacher support and a fixed consumables grant. There is no flexibility in the amounts received.

⁷ Available at

https://tbineternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRPD%2fC%2fN%2fZL%2fCO%2f2-3&Lang=en

9(2)(f)(iv)

Learning supports for Māori and Pacific whānau and families developed by Māori and Pacific communities

- 59 Students receiving learning support services are disproportionately ākonga Māori, with 15% of ākonga Māori receive one or more supports, compared to 10% of Pacific learners 12% of Pākehā. In addition, the supports they are receiving tends to not be culturally or linguistically appropriate.
- 60 I am committed to establishing a partnership with Māori, iwi and Pacific communities and families to develop support and services that meet the needs of whānau and families. This includes creating space for tino rangatiratanga for Māori to determine what is needed for Māori and how best to enable this, such as an increase in fluent Te Reo Māori learning support specialists and teachers.
- 61 To begin this work, the Ministry will bring in the key findings and recommendations that come out of the Māori Affairs Select Committee inquiry into learning support for students Māori, as well as the work with Te Pae Roa and Te Matakāhuki on the Māori medium education work programme.
- 62 The Ministry will also need to work with Pacific communities on what support looks like for their children/young people and how to best provide that support. The Ministry will use its Pacific Action Plan for Education 2030 to guide this work.⁸ This will ensure the Ministry is working reciprocally with diverse Pacific communities to respond to unmet needs.

A confident, capable workforce with the capacity to respond

- 63 Successfully implementing the changes outlined above will depend on the workforce's ability to respond to this new way of supporting students with the highest need. This includes teachers, teacher aides, school leadership, and learning support specialists. It will also require a shift in long held attitudes and behaviours about learning support needs across all levels of the education system, including school leadership so that all students are welcomed and valued as part of their early learning or school community. We need to ensure the workforce is capable, confident and has the capacity to respond. This can be challenging to do in practice due to the complexities of meeting the multiple needs of multiple students in the classroom.
- 64 Educators need to have access to the support they need when they need it, so they are confident in planning and delivering an inclusive curriculum. Inclusive curricula provide teaching, learning and assessment that fit the needs of each child/young person, and create positive and inclusive relationships, connectedness, and a sense

⁸ The Action Plan for Pacific Education 2030 includes five key system shifts: Work reciprocally with diverse Pacific communities to respond to unmet needs, with an initial focus on needs arising from the COVID-19 pandemic; Confront systemic racism and discrimination in education; Enable every teacher, leader and educational professional to take coordinated action to become culturally competent with diverse Pacific learners; Partner with families to design education opportunities together with teachers, leaders and educational professionals so that aspirations for learning and employment can be met; and Grow, retain and value highly competent teachers, leaders and educational professionals of diverse Pacific heritages

of belonging for all children/young people. These changes will take time and will need to be built off the foundational changes already happening in education.

- 65 Resourcing iwi and Māori to develop new models for specialist workforce roles, rather than assuming that the Pākehā support model should be adopted within Kaupapa Māori educational settings, will also be important.
- 66 The new approach will see an increase in demand for services as it will highlight current unmet need. The Ministry will need to find new models and tools to better spread specialist support across the country. This could include making better use of digital technologies.

A new funding model to support a tailored and flexible approach

- 67 The current funding model is rigid and creates a rationing mentality within the education sector and unintended perverse incentives. I propose moving towards a predictive funding model that better positions the system to respond to children and young people's needs as they move through the learning pathway. This will require us to collect the data and develop the infrastructure to support this model.
- 68 The Ministry has begun work on a financial model to cost different options for meeting unmet needs. The new funding model will help to estimate the costs of meeting some or all of the level of unmet need in the system. The SWA analysis has indicated that approximately five percent of students are likely to have a high unmet need at some point in their education journey. This means that in any one year approximately 25,000 students could be missing out on receiving the support they need to effectively engage in and participate in early learning or school.

- 69 9(2)(f)(iv)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Stronger integration with other agencies

- 70 I ask that Cabinet commits to progressing the development of an aligned, cohesive and easy-to-navigate cross-agency system that supports diverse and complex needs, so that students and their families/whānau need only tell their story once and that information is shared with those who need it.
- 71 This will require a whole of government response. For example, the Child and Youth Wellbeing Strategy commits to agencies working together to improve our system of support for children, families/whānau in the first 1000 days and in the early years of a child's life. The establishment of Whaikaha, the EGL rollout and Whānau Ora will go some way to achieving this. I propose agencies work together to develop options in this space.
- 72 The Review is also Action 8 of the Oranga Tamariki Action Plan, which sets out how children's agencies will work together to prevent harm to, and promote the wellbeing of, children and young people who are at risk of being involved with, or are already involved with, Oranga Tamariki systems.

The level of change is significant and will require ongoing investment

- 73 The seven core building blocks are significant and signal the extensive work required to enable an innately capable system for students with high needs. A system that seeks to meet students' needs as they are identified would be quite different from the system we have now, which is based on applications for support as a way of rationing resources.
- 74 Given the size and scope of change, and the need for significant ongoing new investment, the Ministry has begun to develop a Better Business Case. I will report back to Cabinet by June 2023 with a high-level work programme to support implementation of the new model over the next two, five and ten years.
- 75 It is critical to get this right for disabled students, many of whom have high needs. Therefore, I propose that the Ministry work with Whaikaha on developing what an EGL approach in education would look like to ensure the new system is aligned with the EGL principles and the national rollout and building those changes into the design and implementation of the new learning support system. 9(2)(f)(iv) [REDACTED]
[REDACTED] and creating greater choice and control for students and their families/whānau in deciding what support looks like for them.
- 76 I recognise that children and young people need to be at the centre of all work and decisions and that the people who work closely with children and young people have an in-depth understanding of learner needs. Their knowledge is central to designing the long-term changes required to achieve the future system we want. The Ministry and in particular, Te Mahau, will work in partnership with them on the future design and implementation.

The Ministry has started on the foundations for change

- 77 Many young people, their families/whānau and advocates in the sector have been waiting for change for far too long. It is important we use the insights gained from the Review to make changes now where we can. 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] However, these would not create extensive changes to the current experiences or create big immediate impacts.
- 78 Work on shifting the system has already started with the implementation of the Learning Support Delivery Model (LSDM), Learning Support Coordinators (LSCs), and Te Tūāpapa. Most schools and some early learning services are part of a learning support cluster through the LSDM. The LSDM enables clusters to make local decisions for local solutions through access to responsive, accessible, and integrated learning support services.
- 79 There are currently 623 LSCs within the schooling sector. LSCs are a core function of the LSDM. Their purpose is to ensure children and young people with disabilities and additional learning needs have access to the services they need. It is expected LSCs work with the learner and their family/whānau and the school to help identify and plan for the learning support needs of the learner. The third and final evaluation

of the rolled out of LSC's is complete. Specific actions to respond to the short-term opportunities to improve the effectiveness of the LSC role will be included in the LSDM Work Programme, The Evaluation report also provides valuable information to inform advice on any future tranches of LSC, 9(2)(f)(iv)

- 80 Te Tūāpapa is in its two final stages of implementation, led by Ministry Regions with National Office support. It is being implemented with Ministry staff and Resource Teachers: Learning and Behaviour (RTLb). The next steps will be to implement it across all school staff and early learning services to ensure the practice framework is applied across the board.
- 81 The benefits of the LSDM, LSCs and Te Tūāpapa cannot be fully realised because the current system is rigid, and programme based. The flexible and integrated way of working proposed in this paper will resolve this issue and create the right features for the LSDM and Te Tūāpapa to be implemented effectively.

9(2)(f)(iv)

- [Redacted]
- [Redacted]

Legislative Implications

- 84 There are no legislative implications arising from this paper. However, as the recommendations are progressed there may be future legislative implications. For example, updating the Education and Training Act 2020 to allow for dual enrolment between specialist school and local school settings.

Regulatory Impact Statement

- 85 This paper does not include a Regulatory Impact Statement (RIS). A RIS will be completed if needed during the development and design phase of the work.

Population Implications

- 86 The Mixed Model Approach to change will contribute towards reducing the inequities for priority groups within the education system. Children and young people are central to this Review and all the proposed building blocks for change work to provide better outcomes for students. The population groups specific to the Review and the impacts are outlined in the table below.

Population group	How the proposal may affect this group
Māori	Ākonga Māori are overrepresented in learning support services and the support they receive tends to not be culturally or linguistically appropriate. The building blocks for changes aim to increase the

	number of te reo speakers in the teaching and specialist workforce and resource iwi to develop culturally appropriate support models for specialist workforce roles. Supports and services that meet the needs of whānau will also be developed in partnership with Māori and iwi.
Disabled people	Disabled people experience exclusion from local school settings with some specialist schools still operating as separate entities despite our United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) obligations to ensure an inclusive education system at all levels. The integrated schooling network aims to remove the parallel system of support that segregates disabled students and ensure that these specialist settings are more integrated with local schools. This would allow students to move between settings according to their need at the time. There will also be a focus on building the capability of the workforce that will help to challenge ideas of ableism.
Pacific	Based on the SWA analysis using the IDI, Pacific students are the largest portion of students with 3+ high or very high learning needs. Having complex needs can require accessing support from multiple services and having to fit within the criteria for each of the separate supports. The building blocks for change will replace the existing application requirements for access to support with a needs-assessment approach that will tailor supports to the students need. Pacific families and communities will also be supported to develop culturally appropriate supports that best meet their needs.
Rural communities	There are known gaps in access to supports in rural communities and remote areas, with the current workforce being mainly spread across urban centres. The building blocks for change will map where the workforce gaps are and consider how to be more innovative in how we respond to the demand.
Oranga Tamariki children in care and protection	It is known that the children in the care and protection of Oranga Tamariki have complex needs that are often not meet by agencies. There are gaps in supports for children who have high needs in the Oranga Tamariki system. Building blocks for change will provide flexible trauma-informed services that will support positive engagement in education for children and young people who are involved with Oranga Tamariki care and protection and youth justice systems
Ethnic communities	There is potential for students with high needs in scope of the Review are also from ethnic communities and are children/young people who are English language learners (ELLs). Based on 2021 data, there were around 56,000 ELLs in schools. Some of these students may also have a disability, be neurodiverse or other needs that present in the classroom that results in needing a high level of support. These students will benefit from the changes being proposed in this paper.

Human Rights

- 87 The proposals in this paper are consistent with our obligations under the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

- 88 In drafting this paper, the following agencies were consulted: Te Puni Kōkiri; the Ministry for Pacific Peoples; the Ministry for Ethnic Communities; Manatū Hauora – the Ministry of Health; Oranga Tamariki – Ministry for Children; the Ministry of Social Development; Whaikaha – Ministry for Disabled People; the Tertiary Education Commission; Department of the Prime Minister and Cabinet; Child Wellbeing Poverty Reduction Group; Ministry for Youth Development; the Disability Commissioner, the Children's Commissioner and Treasury.

Advisory Group comment

- 89 The Ministry set up an Advisory Group to support the Review. The Group provided their advice, expertise, subject matter knowledge, lived experience and perspectives throughout the process.
- 90 The Group has emphasised that transformative change is required to create a streamlined and simple system centred around the needs and voices of students, and their families and whānau. It is important that families and whānau are supported to have autonomy over their support needs by everyone involved in the system, and their child or young person receives the learning supports when needed and without delays. They want to see inclusive education and a system that works in a way that is co-ordinated, collaborative within and across sectors, flexible and responsive to the student and their family and whānau, and takes on a strengths-based approach.
- 91 The Group has been informed of the rationale for a mixed model approach that transforms the current system for families and whānau while continuing to provide the certainty that services and schools need to enrol and support students. The Group would prefer a more Enabling Good Lives (EGL) approach, considering that change needs to go further and be bolder to ensure it is transformative for families and whānau.
- 92 Other key feedback from the Group on aspects of a new system necessary to achieve transformation includes:
- 92.1 Having a single assessment process and plan supported by a resource centre that is easily accessible to families, whānau and schools, so no navigation is required. This could be a one stop shop. The plan should be holistic and whānau-centred, and resources adapted to changing needs of the student, and their families and whānau;
- 92.2 Having a stable workforce with greater permanency (including teacher aides) to ensure there is the capacity and capability to respond. This includes providing specific Professional Learning and Development (PLD) about disability, universal design for learning and trauma informed responses, which should be ongoing and made essential. Support for staff to undertake PLD is also needed;
- 92.3 The need to adequately resource and provide appropriate support to service providers/schools/ECEs from early years through to tertiary education;

- 92.4 Ensuring that the development and implementation of a new system is underpinned by Te Tiriti o Waitangi, the EGL principles, Whānau Ora, and the UNCRPD;
- 92.5 Establishing a better way of monitoring and evaluating the system to understand how support can be strengthened, for example, through inclusive education practices. Any changes identified as a result of monitoring and evaluation should be effectively implemented.

Communications

- 93 Following Cabinet decisions, I propose to release this paper and to announce the development of the new system of support. This will include high level detail on the next steps towards progressing the features of the new system.

Proactive Release

- 94 I intend to proactively release the Cabinet paper and its appendix within 30 business days of decisions being confirmed by Cabinet.

Recommendations

- 95 The Associate Minister of Education recommends that the Committee:

- 1 **note** that the Government is committed to achieving a fully inclusive public education system where every child in New Zealand, no matter what their background or learning challenge, can reach their full potential and thrive in their education journey at their local school;
- 2 **note** that, in September 2021, Cabinet agreed to the scope and terms of reference for the Highest Needs Review, which included a report back to Cabinet in October 2022 [CBC-21-Min-0082 refers];
- 3 **agree** to the direction of travel for a new system of learning support for children and young people with the highest needs which includes the seven building blocks for change:
 - 3.1 A new service delivery system;
 - 3.2 Customised tailored supports;
 - 3.3 An integrated and inclusive schooling network;
 - 3.4 Learning supports for Māori and Pacific whānau and families developed by Māori and Pacific people;
 - 3.5 A confident, capable workforce with the capacity to respond;
 - 3.6 A new funding model to support a tailored and flexible approach; and
 - 3.7 Stronger integration with other agencies;

- 4 9(2)(f)(iv)

- 5 **note** the Ministry will work in consultation with other agencies that provide services and supports to disabled people on a more aligned cross agency service delivery approach. This includes working with agencies in the development of the Business Case;
- 6 **agree** that the Ministry of Education and Whaikaha will work together to unpack what an EGL approach looks like in education and to build in the required changes to deliver that EGL approach during the design and implementation of the new system;
- 7 **note** that the response to the UN Committee on the Convention on the Rights of People with Disabilities is being progressed through a cross-agency response being led by Whaikaha. 9(2)(f)(iv)
[REDACTED]
- 8 **agree** that the Ministry will develop a Business Case to support the significant system changes from applications and rationing to identifying and meeting needs;
- 9 **agree** that the Associate Minister of Education will report back to Cabinet by June 2023 with the Business Case and the work programme to support implementation of the mixed model over the next two, five and ten years.

Authorised for lodgement

Hon Jan Tinetti

Associate Minister of Education

Appendices

Appendix One: Overview of Mixed Model Approach (*attached separately*)

A Mixed Model Approach aims to create a **partnership** with **learners and families and whānau**, enable **flexibility**, and deliver **better supports** through...

- Acknowledging a **learner’s need varies** depending on the **environment** and **context** at the time.
- Multiple and clear **pathways and opportunities** based on the **rights of the child** to access different supports.
- **Consistent and equitable access to support** across education settings and the country.
- Ministry remains budget-holder while.
- An integrated schooling network so **learners can move** between local and specialised settings.
- **Partnering with Māori, iwi, and Pacific** communities to meet their needs.
- Educators accept **full responsibility for all learners** in their care and connect/ partner with whānau.
- Supports that are **accessible, easy to understand** and navigate, with a shared common language, so **information flows** to those who need it when they need it.

Building blocks for change We have identified the **core building blocks for change** for a mixed model approach to supporting learners with the highest needs. Below, we outline the **issues with how the current system** works in relation to each of these building blocks, and **potential changes to achieve the desired future state**.

1 | **A new service delivery system**

Current state:

- Separate funding pools, each with their own rigid, deficit-based criteria.
- Application processes that are complex and confusing.
- Planning handed from person to person as supports change.
- Multiple and complex overlapping barriers to learners accessing support they need, when they need it, which can vary depending on the environment or context.

Potential changes for the future state:

- Shift toward a more **flexible, individualised approach** where learners and families/whānau feel **empowered** and can make **informed choices** to develop tailored support, including for the adults around them.
- Develop an **accountability system** that **increases educational success** for learners with the highest need while allowing for **creativity and innovation**.
- Investigate the functions of a **connector | kaitūhono** to build powerful and **authentic relationships** with family/whānau and walk alongside them throughout their journey:
 - The need for a connector function has been recognised by both EGL and Whānau Ora models, and within Oranga Tamariki.
- Consider a **holistic plan for each learner** with the highest needs, which would be **owned by the learner and whānau**, that is based on the learner’s **strengths** and celebrates **successes**. The plan would follow the learner throughout their education journey.
- Consider a **transdisciplinary team approach** within education and across agencies to support family/whānau and learners.
- Build **aligned, cohesive, and easy-to-navigate cross-agency systems** that support diverse and complex needs, so that learners and families/whānau **need only tell their story once** and that information is shared with those who need it.

2 | **An integrated and inclusive schooling network**

Current state:

- Some specialist schools and Te Kura act as separate entities, creating a parallel system of support which has been criticised as segregating disabled learners from their peers.
- Possible exclusionary practices and lack of capability mean parents can’t enrol their child in a local school.

Potential changes for the future state:

- Shift towards a more **inclusive and integrated network** where all learners can learn alongside peers in their local school while still having access to specialist expertise.

[Redacted content]

This will require **change across all levels** of the education system, **significant investment**, and a **multiyear investment plan**

Building blocks for change

We have identified the **core building blocks for change** for a mixed model approach to supporting learners with the highest needs. Below, we outline the **issues with how the current system** works in relation to each of these building blocks, and **potential changes to achieve the desired future state**.

3 | Customised tailored supports

Current state:

- Prescriptive, programme-based approach where applications must be made for each service and learners need to meet each rigid criteria.
- Restrictions so learners can't receive certain supports at the same time and age out of supports they would still benefit from.

Potential changes for the future state:

- **Family and whānau have a voice and choice** in deciding the package of support for their child/young person.
- Explore options to **replace application requirements** for access to support.
- Investigate how a **needs-assessment approach** could work to identify if a need is present
- Identify and **meet unmet need**.
- Develop a **funding model** that enables a **flexible tailored supports**.
- Address impacts of deconstructing existing systems that feed into other systems like Immigration or long-term disability supports.

4 | Learning supports for Māori and Pacific developed by Māori and Pacific

Current state:

- Māori and Pacific families face additional barriers to access.
- Ākonga Māori, whānau, Pacific learners and families experience institutional bias and discrimination in the education sector.
- Lack of alignment between western and te ao Māori and Pacific conceptions of disability
- A lack of culturally and linguistically appropriate services, programmes, measures, and resources.

Potential changes for the future state:

- **Partner with Māori, iwi and Pacific communities** and families to explore approaches to support that meet the needs of whānau and families.

5 | Confident, capable workforce with the capacity to respond

Current state:

- Not enough staff feel confident supporting learners with the highest needs within the classroom.
- Families say bias and discrimination impacts on their disabled child's participation at school
- Significant shortage of specialists to meet current demand, with high workload and low job satisfaction

Potential changes for the future state:

- Build workforce that is **capable, confident and has capacity** to respond to learners.
- Explore ways to **improve ITE and PLD opportunities** that enable schools to: plan, teach, and include learners; support knowledge on the social model of disability; and challenge current ideas about disability and ableism, trauma informed responses and universal design for learning.
- Ensure **online resources** are fit-for-purpose and up to date.
- Look to increase uptake of **NZ Sign Language and braille**.
- Work to **meet demand for specialist workforce** and explore **beyond what is traditionally** considered specialist workforce.
- Connect with EGL Workforce Strategy and resource iwi and Māori to explore **fit-for-purpose specialist roles**.
- Position **workforce in the right places across the country** to support rural learners and equity of access.

6 | A new funding model to support tailored, flexible approach

Current state:

- Separate funding pools mean learners are unable to access support across multiple programmes.
- Current funding model creates a rationing mentality within the education sector and unintended perverse incentives.

Potential changes for the future state:

- A funding model that allows for the **development of flexible supports** for learner's while being able to **fund and support their educators/adults** around them.
- Consider the data and infrastructure needed to **gear the system to be ready to respond to increased need**. This would include the use of population modeling and trends in current data to develop a predictive forecasting model.
- Monitoring and evaluation to **know what is working and what isn't**.



Cabinet


Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Highest Needs Review: Report back

Portfolio **Associate Education (School Operations)**

On 7 November 2022, following reference from the Cabinet Social Wellbeing Committee (SWC), Cabinet:

- 1 **noted** that the Government is committed to achieving a fully inclusive public education system where every child in New Zealand, no matter what their background or learning challenge, can reach their full potential and thrive in their education journey at their local school;
- 2 **noted** that in September 2021, the Cabinet Business Committee agreed to the scope and terms of reference for the Highest Needs Review, and invited the Associate Minister of Education (School Operations) to report back with recommendations on options and solutions to ensure children and young people are receiving individualised supports and services when they need them and for as long as they are needed [CBC-21-MIN-0082];
- 3 **agreed** to the direction of travel for a new system of learning support for children and young people with the highest needs, as described in the submission under CAB-22-SUB-0490, which includes the seven building blocks for change:
 - 3.1 a new service delivery system;
 - 3.2 customised tailored supports;
 - 3.3 an integrated and inclusive schooling network;
 - 3.4 learning supports for Māori and Pacific whānau and families developed by Māori and Pacific people;
 - 3.5 a confident, capable workforce with the capacity to respond;
 - 3.6 a new funding model to support a tailored and flexible approach; and
 - 3.7 stronger integration with other agencies;
- 4 9(2)(f)(iv) 
- 5 **noted** that the Ministry of Education will work in consultation with other agencies that provide services and supports to disabled people on a more aligned cross agency service

delivery approach, including working with agencies in the development of the Business Case;

- 6 **agreed** that the Ministry of Education and Whaikaha Ministry of Disabled People (Whaikaha) work together to unpack what an Enabling Good Lives (EGL) approach looks like in education and to build in the required changes to deliver that EGL approach during the design and implementation of the new system;

7 9(2)(f)(iv)



- 8 **agreed** that the Ministry of Education develop a Business Case to support the significant system changes from applications and rationing to identifying and meeting needs;

- 9 **invited** the Associate Minister of Education (School Operations) to report back to SWC by June 2023 with the Business Case and the work programme to support implementation of the mixed model over the next two, five and ten years.

Rachel Hayward
Secretary of the Cabinet



Cabinet Social Wellbeing Committee

Minute of Decision

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Highest Needs Review: Report back

Portfolio **Associate Education (School Operations)**

On 26 October 2022, the Cabinet Social Wellbeing Committee **referred** the submission under SWC-22-SUB-0188 to Cabinet on 31 October 2022, revised as appropriate in light of discussion at the meeting.

Rachel Clarke
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Kelvin Davis
Hon Poto Williams
Hon Peeni Henare
Hon Willie Jackson
Hon Hon Jan Tinetti
Hon Kiri Allan
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC