



Education Report: Draft Cabinet paper: Education and Training Bill: Second Tranche of Policy Approvals

To:	Hon Chris Hipkins, Minister of Education		
Date:	18 July 2019	Priority:	Medium
Security Level:	In Confidence	METIS No:	1179786
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Messaging seen by Communications team:	N/A	Round robin:	No

Purpose of report

This paper asks for your feedback on the attached draft Cabinet paper *Education and Training Bill: Second Tranche of Policy Approvals* and seeks your agreement to begin departmental consultation.

Summary

1. A draft Cabinet paper seeking approval for policy decisions related to the second tranche of the Education and Training Bill is attached for your feedback. The paper has been informed by submissions made on the proposals through the recent public consultation process.
2. The proposals we consulted on were: transferring the provisions relating to the establishment and disestablishment of special schools to the Bill and changing the name "special school" to "specialist school", prohibiting the awarding of NCEA offshore, and strengthening the right to education in education legislation.
3. We recommend proceeding with the transfer of special schools' provisions but we do not recommend proceeding with the proposed name change to specialist schools because of lack of support and cost concerns.
4. We recommend proceeding with the proposed prohibition, and exceptions, in relation to awarding NCEA offshore, and we recommend that the prohibition be supported by a new offence with a maximum penalty of \$10,000 for an institution.
5. We recommend amending the legislation to strengthen the right to education by clarifying that this includes the right to attendance.
6. We propose to begin departmental consultation from 23 July. After you have consulted on the draft paper with your colleagues in the first week of August, we are aiming to lodge the paper by 15 August for consideration at Social Wellbeing Committee on 21 August.

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that we are seeking your feedback on the draft Cabinet paper which gives effect to the recommendations below;

Noted

Special schools

- b. **agree** to seek Cabinet approval to transfer the Education Act 1964 provisions regarding the establishment and disestablishment of special schools into the Education and Training Bill, with minor updates to remove the redundant terms "class" and "clinic";

Agree / Disagree

- c. **agree** not to proceed with the proposal to change the name of "special schools" to "specialist schools" in light of concerns expressed during consultation;

Agree / Disagree

Prohibiting awarding NCEA offshore

- d. **agree** to seek Cabinet approval to prohibit the awarding of NCEA offshore, subject to exceptions to:

- allow for the continued awarding of NCEA to domestic students through correspondence school enrolment gateways (currently limited to Te Aho o Te Kura Pounamu);
- allow for NCEA qualifications to continue to be awarded in countries, such as the Cook Islands and Niue, where the government has enabled this through cross-government agreements;

Agree / Disagree

- e. **agree** that breaching the prohibition should be an offence carrying a penalty of a maximum fine of \$10,000 for an institution;

Agree / Disagree

Strengthened right to education

- f. **agree** to seek Cabinet approval to amend the Education Act 1989 to clarify that the right to education includes the right for enrolled students to attend the school in which they are enrolled for all the hours that the school is open for instruction;

Agree / Disagree

*But we need to allow some flexibility
for approved transition plans etc.*

- g. **note** the Ministry's commitment to use of its existing support and intervention powers under the 1989 Act, to support the strengthened right to education;

Next steps

- h. **agree** that, once any feedback from you has been incorporated, the Ministry should begin departmental consultation on the attached draft Cabinet paper ;

Agree / Disagree

Proactive Release Recommendation

- i. **agree** that this Education Report is proactively released once Cabinet decisions have been made.

Agree / Disagree



Andrea Schöllmann
Deputy Secretary
Education System Policy

18/07/2019



Hon Chris Hipkins
Minister of Education

28/7/19

Background

1. On 6 May 2019 Cabinet agreed to public consultation on three legislative proposals as part of the second tranche of the Education and Training Bill (SWC-19-MIN-0041 and CAB-19-MIN-0203).
2. The proposals were: transferring the provisions relating to the establishment and disestablishment of special schools and changing their name to 'specialist schools', prohibiting the awarding of NCEA offshore, and strengthening the right to education in education legislation.
3. The Ministry of Education (Ministry) undertook public consultation on these proposals from 14 May 2019 to 14 June 2019. We received 73 submissions. We also met with the Disabled People's Organisations (DPO) Coalition on 24 May 2019 to discuss the proposals.
4. Most of the feedback we received was on the proposal to strengthen the right to education.

Special schools

5. The Ministry consulted on proposals to transfer the provisions relating to the establishment and disestablishment of special schools from the Education Act 1964 to the Bill, and to change the name "special school" to "specialist school". We received 18 submissions on these proposals. Further detail on the submissions can be found in **Annex 2**.
6. There was no opposition to transferring the provisions to the Bill (very few submitters commented on the proposal), so we recommend proceeding with this proposal.
7. The proposed name change was contentious. The majority of submitters on this proposal were opposed to the name "specialist school". Some submitters favoured a name change but there was no consensus on what the new name should be. Several submitters recommended that targeted consultation be undertaken with special schools, their communities and disabled people before deciding on a new name. There were also concerns expressed about the cost to affected schools of rebranding (a cost estimated by some to be \$20,000 per school).
8. In view of the insufficient level of support for the name change from "special schools" to "specialist schools", and the concerns raised about potential costs if schools choose to rebrand their school names to reflect the name change, we recommend that this proposal not proceed at this time.

Prohibition of NCEA offshore

9. The Ministry consulted on a proposal to prohibit the offshore awarding of NCEA except in the following circumstances:
 - to allow for the continued awarding of NCEA to domestic students through correspondence school enrolment gateways; and
 - to allow for NCEA qualifications to continue to be awarded in countries, such as the Cook Islands and Niue, where the government has enabled this through government-to-government agreements.

10. It is intended that this proposal will allow tertiary education providers (TEPs) to continue to provide unit standards offshore that lead to qualifications other than NCEA, and which can also contribute to NCEA, where this provision is not aimed at NCEA.
11. The proposal also provided for the prohibition to be backed up with an offence or other sanction. We sought comment on what the sanction should be.
12. We received eight submissions on this proposal. Six of these were in favour of the proposal, one did not express a view and one was opposed. Only one submitter commented on the sanction, recommending that any fine should be more than a year's tuition fees per student. Further detail on the submissions can be found in **Annex 2**.
13. We recommend proceeding with the proposed prohibition and exceptions. In relation to the sanction, we propose that it should be an offence to breach the prohibition punishable by a maximum fine of \$10,000 for an institution. The proposed penalty is consistent with existing penalties for offences under the 1989 Act that target similar types of wrongdoing. Compliance with the prohibition will be enforced by NZQA. The new offence and penalty provisions will be designed to complement NZQA's existing compliance monitoring and enforcement powers to ensure a flexible and proportionate response to non-compliance.
14. One of the purposes of the consultation was to check whether there are any private schools or TEPs currently offering NCEA offshore (we had previously been advised by NZQA that it is not aware of any schools or TEPs doing this). We proposed to put transitional arrangements in place for any students based offshore currently studying towards an NCEA qualification through private schools or TEPs if this is happening.
15. We wrote directly to all TEPs and contacted private schools through the School Bulletin informing them of the proposals and inviting them to make a submission. We also contacted their peak bodies. We did not receive any submissions indicating that any schools or TEPs are offering NCEA offshore. Accordingly, we are not proposing to include transitional arrangements in the Bill.

Strengthening the right to education

16. The Ministry consulted on a proposal to amend legislation to clarify that the right to education includes the right to attend school fulltime, and to sign post more clearly how the legislation gives effect to other aspects of the right to education. We received 69 submissions on this proposal. Further detail on the submissions can be found in **Annex 2**.
17. Very few submitters commented on the sign posting approach and no submitters opposed it. Since consultation ended, we have had an opportunity to review the most recent version of the draft Bill which locates the provisions regarding the right to education, and related obligations, in the same part of the Bill. This restructuring of the legislation achieves the outcome we were seeking when proposing the sign posting approach. We have therefore moved away from using that term in the attached Cabinet paper and instead refer to locating the provisions together in the Bill making it easier for students to understand and realise their right to education.
18. While the vast majority of submitters supported the proposal to clarify the right to attendance in legislation, most qualified their support by saying that more resources were needed for this to happen. For schools, the resourcing concerns were generally around schools needing more resources and support from the Ministry to enable fulltime attendance by students with extreme behavioural management issues as well as those with disabilities and additional learning support needs.

19. For parents and the disability community, the resourcing concerns also included ensuring the individual student was properly supported to fully participate and learn i.e. attendance should mean more than just being allowed to sit in a classroom for the same amount of time as other students.
20. Some parents and schools considered that the Ministry could do more to assist them under current policy and legislative settings.
21. Many of these submitters consider that the proposals do not go far enough in strengthening the right to education. Their recommendations include:
 - creating legislative frameworks to uphold and enforce the right and provide redress where the right is breached;
 - a legislative code of rights for students and a legislative code of practice for boards of trustees;
 - an independent complaints and disputes resolution service (Education Disputes Tribunal and/or Education Commissioner) to address all education-related complaints between students/whānau and schools or the Ministry; and
 - explicitly referencing the relevant United Nations Conventions in the legislation and having the right to an inclusive education (this is discussed in more detail in paragraphs 38-45).
22. In our meeting with the DPO Coalition, they stressed the importance of using words from the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in the legislation. The DPO Coalition considers that, to give effect to the core, fundamental right of disabled people to access education, it has to be enshrined in legislation.

Proposed approach to strengthening the right to education

23. In view of the above feedback, we are proposing to amend the Education Act 1989 (the 1989 Act) to clarify that the right to education includes the right for enrolled students to attend the school in which they are enrolled for all the hours that the school is open for instruction.
24. Section 3 of the 1989 Act would be amended to make it clear that the right to education includes both a right to enrolment and a right to attendance. There would be consequential amendments to other sections of the Act. For example, section 8 of the 1989 Act provides that "people who have special education needs (whether because of disability or otherwise) have the same rights to enrol and receive education at State schools as people who do not". Section 8 would be amended to reference the right to attendance.
25. We have heard from parents that there is more the Ministry could be doing under the current legislation. We have heard from schools that lack of resources is the reason why full access isn't currently being provided.
26. Clarifying the right to attendance in the legislation may lead to greater awareness of the right to attend school, which may in turn result in more issues or complaints being brought to our attention. We will continue to use the existing means available to us to work with schools and students and their parents to work through the issues which will differ for each individual circumstance. The Ministry does not proactively monitor all

schools' compliance but will intervene where necessary in response to complaints or to requests for assistance, within current resources.

27. Under our current complaints process, in the first instance it is the Board's responsibility to investigate any complaint made by a parent and we seek to ensure schools take these complaints seriously and respond appropriately. When the Ministry receives a complaint or is made aware of issues concerning a student's access to education being limited or denied, we actively investigate and work with the school concerned to determine if any assistance or help is required.
28. The Ministry has intervention powers in Part 7A of the Education Act 1989. Where a formal approach is needed, these can be used to assist schools to meet their obligations and help parents to ensure that their children can realise the right to attend. For example, we recently put a financial adviser into a school where lack of resources to support attendance had been raised as a problem. A workable solution was developed for all parties within the existing resource constraints.
29. Where an issue relates to resourcing, we anticipate the implementation of the Learning Support Action Plan (particularly learning support coordinators), the Review of the Ongoing Resource Scheme and the implementation of the Learning Support delivery model over the next five years will assist with ensuring there are a range of supports available to support both schools and children and young people who need assistance.
30. If students are being prevented from attending school for reasons unrelated to resourcing we will guide and support schools to be more inclusive. The Accord between the Ministry, NZEI Te Riu Roa and PPTA Te Wehengarua (the Accord) provides for a number of initiatives that may help address some of the issues around behavioural management. In particular, work to develop and deploy a para-professional workforce employed by Boards that supports teaching and learning.
31. We considered and decided against the status quo. Maintaining the status quo will not address problems identified by parents and others who have clearly stated their experience of children and young people being denied their right to attend school. Failure to respond to concerns with the status quo may damage New Zealand's reputation for supporting an inclusive education system.
32. We have also considered whether we should further strengthen the right to education by specifying this as being a right to "participate". Whilst a right to participate would be a step closer to the UN Convention requirements than a right to attend, it would require some significant accessibility issues to be worked through and resourced. For example, a right to participate would likely require all off-site school activities to be accessible to all students. Students at all schools would require access to resources in special formats. Given the uncertainty about the resources needed to fully deliver the right to attend, we would not recommend creating a right to participate at this time.
33. Our proposal will result in clearer legislation backed up by use of the existing statutory interventions. This will, in conjunction with the LSAP initiatives, Accord initiatives and proposals responding to the final report of the Tomorrows Schools Independent Taskforce, enable an effective and proportionate response to the problem of children and young people being prevented from attending school fulltime¹.

¹ The Taskforce has for example made a number of recommendations aimed at providing more support for schools, students and their families and it is likely that our proposed response in those areas will include measures that will complement the proposed approach for strengthening the right to education.

Impact on Māori

34. As advised in our earlier Education Report: *Proposed approach to reflect the Treaty of Waitangi / Te Tiriti o Waitangi in the Education and Training Bill* (METIS 1184856), we will review the current legislative provisions that provide for the right to education against the Māori Education Strategic Framework design principles, and provide further advice before the third tranche of Education and Training Bill decisions are made.

Assessing current legislation against the Māori Education Strategic Framework

35. Our work to review the current statutory provisions that provide the right to education is currently underway. Our initial thinking is that a strengthened right to education for Māori would include ensuring that Māori tamariki and rangatahi have choice in whether they are taught in Māori-medium, English medium or a combination of the two. It would also involve guaranteeing the right of Māori students to be taught in te reo and tikanga Māori. The strengthened right to education for Māori also needs to support the vast majority of Māori students who are currently taught in English medium, and those who choose in the future to learn in English medium, to enjoy educational success as Māori in culturally safe learning environments that are free from racism and cultural bias.
36. We will continue to assess what amendments the right to education might require in the context of the Māori Education Strategic Framework design principles, and provide further advice before the third tranche of Education and Training Bill decisions are made. At this stage, however, we do not think we'll be in a position to recommend legislative change in the Bill, ahead of ensuring the workforce and resourcing needs to support a strengthened right are in place.
37. However, we are preparing advice on how to improve outcomes for Maori by requiring student removal decisions (stand downs, suspensions, exclusions and expulsions) to be made using restorative practices. We will provide this advice in the next few weeks. This work draws on restorative justice principles and kaupapa Māori principles and provides a great opportunity to improve outcomes for Māori.

New Zealand's International Obligations

38. The Ministry is not recommending making the legislation fully consistent with the UNCRPD at this time because that would, among other things, require us to close special schools.
39. Article 24 of the UNCRPD affirms the rights of persons with disabilities. At a high level, the article requires States to ensure an inclusive education system at all levels.
40. The right to an inclusive education is substantive. The UN has suggested that inclusion involves a process of systemic reform, including changes in teaching methods, approaches, structures and strategies in education to overcome barriers. Importantly, the UN has stated that, placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion.
41. Currently, the New Zealand education system does not provide for all aspects of an inclusive education. To do so would require structural change to our schooling system and significant resourcing (for staffing, property, and professional learning and development).
42. Long term work in the learning support space (such as the Learning Support Action Plan) has the goal of providing an inclusive education system. We recognise that we are not there yet.

43. Amending the legislation can only effect change to a limited degree. Improving participation and education for all students requires a comprehensive and multi-faceted approach. This is why last year the government consulted on the draft Learning Support Action Plan to build and further drive progress towards an inclusive education system.
44. Key stakeholders including the Disability Rights Commissioner, Office of the Children's Commissioner and IHC have recommended the legislation be amended to explicitly reference UNCROC and UNCRPD and have cited the Children, Young Persons and Their Families (Oranga Tamariki) Act 2017 and the Children's Act 2014 as exemplifying this approach.
45. It may be possible to do this in a way that demonstrates commitment to the conventions without giving full legal effect to them (we understand that neither of these two statutes gives full legal effect to the conventions) but this would require careful consideration of the resourcing and financial implications to give effect to the intention behind such a commitment.

Financial implications

Strengthening the right to education

46. We do not have a clear understanding of the resourcing implications involved to support the right to attendance. Because we do not know how many students are currently being prevented from attending fulltime, it is difficult to estimate the cost or demand for resources that might be required to support fulltime attendance for all students. *really?*
47. On one hand, it is arguable that the proposal to clarify the right to attendance should not create additional costs for schools, because its purpose is to confirm an existing right, rather than to create a new one i.e. schools should already be enabling all their students to attend fulltime. However, the reality is that some schools are not currently doing this. Those schools may need to reconsider their current allocation of resources to support their students' rights to attend school fulltime.
48. In many cases, these costs will be offset by implementation of the Learning Support Action Plan. Work is currently underway to ensure that funding is directed to where it is most needed. Adjustments may need to be made to funding allocation mechanisms.
49. To achieve full compliance across the system, additional resources will be required, including resources to help schools address behavioural management issues. Budget 2019 initiatives will not address schools' concerns about the lack of teacher aides and funded teacher aide hours which those schools consider necessary to address the types of extreme behavioural issues mentioned earlier.
50. As noted above, the development and deployment of a para-professional workforce under the Accord will, over time, help to address these issues. In the meantime, the Ministry will work with schools and families to ensure we are using the right informal and formal (statutory) supports to uphold students' rights to full-time education.

Annexes

- Annex 1: Draft Cabinet paper – Education and Training Bill: Second Tranche of Policy Approvals
- Annex 2: Summary of submissions on the proposals

Annex 2: Summary of submissions on the proposals

Special schools

Transfer of provisions regarding establishing and disestablishing special schools

1. Six submitters commented on the proposal to transfer the provisions regarding the establishing and disestablishing of special schools from the 1964 Act to the Bill. Five were in favour of the proposal, and one did not express a clear view.
2. Two submitters explicitly supported the retention of the current criteria from the 1964 Act constituting the ministerial decision-making regarding the establishment and disestablishment of special schools.
3. The Disability Rights Commissioner especially recommended that ministerial powers need to be exercised in accordance with Article 24 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) that specifies the right to inclusive education.
4. There was no opposition to transferring the provisions to the Bill.

Re-naming of special schools

5. Eighteen submitters commented on the re-naming of "special schools" to "specialist schools".
6. Six submitters were in favour of the name change to "specialist school". One submitter was neutral to the proposal, one submitter did not express a view, and one submitter's comments were out of scope.
7. Eight submitters opposed the name change to 'specialist school'. Six of these submitters suggested they be changed to names such as "resource schools/centres", "specialist resource schools/centres", or "education resource schools/centres". Two submitters did not consider "specialist schools" to be an appropriate choice but did not suggest an alternative. It was commented that these alternative names would better reflect a change of role towards supporting regular schools to include all children and young people in their communities.
8. There were concerns that people would still continue to use the term "special" as an insult. The term "specialist school" was also considered to reinforce the idea that people with disabilities get a better education from special schools when research showed that inclusive education at local schools was better for everybody. There was also the concern that the name "specialist schools" might communicate the belief that it was only settings and people outside of regular schools and teachers that held the expertise and skills to teach disabled students. It was also commented that the name change is retrogressive in respect of contemporary understandings of the human rights of disabled persons. The Disability Rights Commissioner opposed the proposed name change on the basis of feedback from the Education for All forum and disability community which was overwhelmingly against the term.
9. Five submitters expressed concern about the rebranding costs of the name change. Two submitters estimated that the name change can cost up to \$20,000 to cover rebranding costs associated with signage, vehicles, business cards and internal wall logos. Submitters considered that these rebranding costs should be funded by the Ministry of Education rather than as a cost to schools.

10. Six submitters considered that the Ministry should carry out targeted consultation with disabled people and special schools regarding any proposed name change.

Prohibition of the awarding of NCEA offshore in most circumstances

11. Eight submitters commented on the proposal to prohibit NCEA offshore in most circumstances. Six of these were in favour of the proposal, one did not express a view, and one was opposed.
12. Of the six submitters in favour of the proposal, three submitters explicitly expressed support to the exceptions to the prohibition. Te Aho o Te Kura Pounamu (Te Kura) noted its support for the exception which will allow for the continued awarding of NCEA to domestic students through correspondence school enrolment gateways. Te Kura also expressed a desire to discuss the possibility of enabling students based offshore to complete New Zealand pre-university qualifications before enrolling at a New Zealand university. Te Kura believes that this could be particularly valuable in terms of New Zealand's relationships with and support for other Pacific nations.
13. One submitter commented that the prohibition should not prevent the opportunity for students to experience overseas family holidays (except where this has become an unreasonable and repetitive pattern). The submitter also noted that there should be an exception for situations where the families live between two countries.
14. The submitter opposing the prohibition, a private school based in Fiji, disagreed with the claim that NCEA is unsuitable outside New Zealand. The submitter also disagreed that the school or provider's connection with the broader educational system could become weaker, creating risks to the quality and consistency of teaching and assessment, when NCEA is offered offshore. The submitter agreed that there may be resourcing implications for the moderation and quality assurance of assessments carried out offshore, especially for internal assessments. The submitter suggested several solutions to address to this.
15. Only one submitter commented on the proposal to create a sanction, recommending that the fine should be more than a year's tuition fees per student.
16. One submitter supported transitioning offshore students that may be currently studying towards NCEA to other qualifications. The Ministry is not aware of any such students.

Strengthening the right to education

17. We received 69 submissions on the proposal to strengthen the right to education in legislation. Thirty two submissions are from schools and their representatives (this includes principals, teachers, board members and peak bodies). Thirty seven submissions are from parents, interest groups, specialist staff in the learning support area and other members of the public. Representatives from the Ministry also met with the Disabled Peoples' Organisations (DPO) Coalition on 24 May.
18. The majority of submitters (54) support the proposal to include the right to attendance in legislation. However, most of these submitters made their support conditional on other factors. Most commonly, this was that the right to attendance needed to be resourced properly and that the right to attendance did not go far enough in providing a meaningful right to education.
19. Ten submitters opposed the proposal and five did not express an opinion. However, most of these submitters opposed the proposal on the basis that the right to fulltime

attendance is not feasible under current resourcing and support arrangements, and therefore the proposal would put a burden on schools that they are unable to meet. However, most expressed the view that if issues around full time attendance were addressed (such as ensuring there was sufficient resourcing for students with learning support needs to attend fulltime), they would support including the right to education in legislation.

Views of parents and organisations representing the interests of those with disabilities and additional learning support needs

20. Parents and interest groups overwhelmingly support the proposal but many consider that it does not go far enough.
21. Twenty six submitters (including 17 parents and interest groups, six members of the general public) consider that there needs to be legislative frameworks to uphold and enforce the right and provide redress where the right is breached. Eleven of these submitters consider that these frameworks and mechanisms should include a code of rights for all students and 12 submitters support a code of practice for professionals working alongside students with special needs, and that both codes should be incorporated into the Education Act. Eleven submitters also recommend the establishment of an independent education dispute resolutions service (Education Disputes tribunal and/or Education Commissioner) to address all education-related complaints between students/whānau and schools or the Ministry.
22. Ten of these submitters also considered that the right to education should be supported by the right (for each student) to be adequately and appropriately resourced and supported. Twenty one submitters (including nine parents and interest groups, and six members of the general public) should have the option of reduced hours of attendance if that was necessary to meet their child's needs. There was a perception among some parents and interest groups that the Ministry could do more with its existing powers to address the problem of schools disincentivising enrolment and attendance.
23. The DPO Coalition stressed the importance of using words from the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in the legislation. They advised that to give effect to the core, fundamental right of disabled people to access education, it has to be enshrined in legislation. The DPO Coalition considers that anything less than this would be tinkering round the edges and that we should be using these significant education reforms to make meaningful change in this area. The DPO Coalition recommend that the words used in the legislation should be around access and suggested that language from article 24 of the UNCRPD, such as "on an equal basis" be used.
24. This was similar to the comments of other key stakeholders (including the Disability Rights Commissioner, Office of the Children's Commissioner, IHC New Zealand and 11 other submitters) who stressed that the proposed right to attendance does not go far enough and have recommended the legislation be amended to explicitly reference the United Nations Convention on the Rights of the Child and UNCRPD. In particular, submitters commented that the right to education should extend to the right to an inclusive education and the right to participate in education, rather than simply the right to attend.

Views of schools and those representing their interests

25. Only seven schools (and three other submitters) opposed the proposal. Twenty five submissions from schools and organisations representing their interests support the proposal. However, the majority of schools and organisations representing their interests

consider that schools generally do not have sufficient resources to meet the obligation and that the proposal should not be implemented unless and until it is properly resourced.

26. The main resourcing concerns are that the proposal will require:
 - a. a significant increase in funding (27 submitters, including 15 from schools and organisations representing their interests); and
 - b. more specialist staff (including teacher aides) (23 submitters, including 14 from schools and organisations representing their interests).
27. A key concern of this group is the impact of students with behavioural problems on teachers and other students. Many of these submitters commented on the need to balance the right of those students to attend with the right of others to learn and the need to keep everyone safe (18 commented on the impact the right would have on other students, 15 on the impact on staff). There is a perception that the Ministry doesn't understand the reality for teachers of having to manage students with extreme behavioural issues.