



CCS
disability action
Including all people

TE HUNGA HAUĀ MAURI MŌ NGĀ TĀNGATA KATOĀ

Briefing for
Hon Chris Hipkins
Minister of Education

17 November 2017

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Executive summary

- Without good access to quality education, students with disabilities are at high risk of poor outcomes, including unemployment, which ultimately disadvantages them, their families and wider society.
- The Treasury predicts that for students who use special education services 75% will achieve below NCEA 2 and 62% will receive a long-term benefit for five plus years.
- The Household Labour Force Survey reveals 42.3% of youth with disabilities aged 15 to 24 are not currently in education, training or employment, compared with 10% of non-disabled youth.
- The number of children who require learning support continues to grow. This has stretched current resources.
- The System Transformation project is due to start next year in the Mid Central DHB region. The preferred approach recommended by a cross-government group of officials was that the project includes Ministry of Education support and funding.
- Unlike other priority populations, no data is collected on the ECE participation of disabled children.
- Too often debates about learning support are dominated by parents, professionals and advocates. Students with disabilities can often have very different views and priorities to adults.
- Currently, we do not have a good overall picture of the needs of students, especially in mainstream schools. As a result, it is difficult to determine what level of resourcing is adequate and where resources would make the most difference.
- The Ministry of Education needs to collect data on attitudes towards disability and inclusion from educators, students, school governance, principals and parents. This data could then measure the success of intervention designed to improve attitudes.
- The Ministry of Education needs to collect data on students who have additional learning needs, but do not qualify for targeted support. By knowing the outcomes for these students, we can assess whether the boundaries for targeted programmes are set in the right place.

Recommendations

That as Minister of Education you:

- direct the Ministry of Education to include learning support funding in the System Transformation Project
- direct the Ministry of Education to collect data on the ECE participation rates of disabled children
- (together with the Minister for Disability Issues), direct the Ministry of Education to focus, at least in part, A Good Start in Life on ECE participation rates
- direct the Ministry of Education to survey caregivers of disabled children on whether they feel able to use the full 20 hours of free ECE if no data on the participation rates of disabled children is available
- direct the Ministry of Education to develop ways to have ongoing engagement with disabled students, both children and young people
- direct the Ministry of Education to collect data on attitudes towards disability and inclusion from educators, students, school governance, principals and parents
- direct the Ministry of Education to ensure its learning support data fits with the Treasury's CBAX tool
- direct the Ministry of Education to collect data on students who have additional learning needs, but do not qualify for targeted support
- direct the Ministry of Education to increase oversight of how schools are supporting students with disabilities, including looking at the role of The Health and Disability Commissioner and the Children's Commissioner.

About us

CCS Disability Action is a community organisation that has been advocating for disabled people to be included in the community since 1935. As of May 31 2017, we were providing support to around 4,000 children, young people and adults through our 17 branches, which operate from Northland to Invercargill. Our support focuses on breaking down barriers to participation. We receive a mixture of government and private funding.

CCS Disability Action has a national network of access coordinators, who work with local government and transport operators to create a more inclusive society. We also run the Mobility Parking scheme. As of June 30 2016, this scheme supported more than 130,000 people to more easily access their local towns and facilities.

Introduction

CCS Disability Action congratulates you on being appointed Minister of Education. This briefing provides you with independent advice on inclusive education and learning support to complement the advice you receive from the Ministry of Education.

We recommend action in five areas to future-proof our learning support system.

Firstly, the Ministry of Education needs to be fully involved in the System Transformation Project.

Secondly, we need a focus on early childhood education for disabled children. The Ministry of Education needs to collect data on the ECE participation rates of disabled children. There also needs to be a cross-government project to increase the ECE participation rates of children with disabilities.

Thirdly, the Ministry of Education needs to consult with disabled students on an ongoing basis. Important policy decisions about learning support should not be made without input from students with disabilities.

Fourthly, we need an intelligent funding system for learning support. The Ministry of Education has already started this process through the Learning Support Update. Several gaps need to be addressed though.

Finally, we need the government to strengthen its oversight of how schools are teaching and treating students with disabilities

The current situation

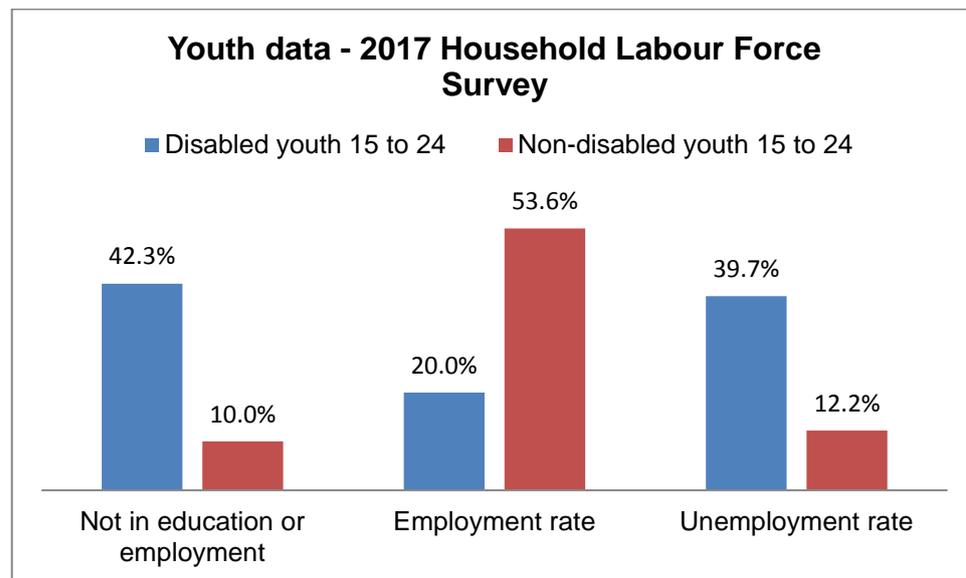
Section 8 of the Education Act gives students with disabilities the same right to enrol and receive education at a state school as students without disabilities. Article 24 of the Convention on the Rights of Persons with Disabilities and the Human Rights Act reinforce this right (Convention on the Rights of Persons with Disabilities). Despite this, the experience of individual students with disabilities still varies wildly and more often than not depends on the individual school.

The self-managing nature of our schools and society's attitudes toward disability continues to mean that discrimination is a reality for some disabled students and their families. Disabled students are still not welcome at some schools, especially if they do not come with extra resources (Wills & Rosenbaum, 2013, p. 35). There have been ongoing concerns from students with disabilities and their families about enrolment, discrimination and unequal treatment in schools (Radio New Zealand, 2015).

Without good access to quality education, students with disabilities are at high risk of poor outcomes, including unemployment, which ultimately disadvantages them, their families and wider society. The Treasury predicts the following for teenagers on a Supported Living Payment, attending a special school or receiving special education services:

1. 75% will achieve below NCEA 2;
2. 35% will use mental health services; and
3. 62% will receive a long-term benefit for five plus years (McLeod, Templeton, Ball, Tumen, Crichton, & Dixon, 2015).

The recently added disability questions to the Household Labour Force Survey allow us to monitor and track how young disabled people are doing post-school. The results are very concerning. 42.3% of disabled youth aged 15 to 24 years are not in employment, education, or training. 39.7% of disabled youth aged 15 to 24 years are unemployed. 41% of disabled youth aged 15 to 24 years have no qualifications.



These figures show the disadvantages faced by disabled youth in education and training, which in turn have a large impact on outcomes later in life, such as employment and poverty. To ensure disadvantages do not compound, it is important that young people with disabilities have the same opportunities for education as everyone else, from early childhood all the way to tertiary study.

The number of children who require learning support continues to grow. This has stretched current resources. While the wait time for early intervention services has fallen in recent years, it is still far too long at 73 days. Given the relatively short time children spend in early childhood education and the benefits of early intervention, this is concerning. Satisfaction rates from parents and staff have also been largely flat in recent years (Ministry of Education, 2016, pp. 26-27).

The System Transformation Project

The System Transformation Project is due to start next year in the Mid Central DHB region. This project promises to radically overhaul support for disabled adults and children. The preferred approach recommended by a cross-government group of officials was that the project includes the Ministry of Education's learning support funding (Office of the Minister for Disability Issues and Associate Minister of Health, 2017, p. 17).

Despite this clear recommendation, it is currently unclear whether the Ministry of Education's funding will be included in the project. We recommend you direct the Ministry of Education to honour the preferred approach. Currently, disabled students and their families get very little choice or control over their learning support. This needs to change. The Ministry of Education is engaged in their reforms of learning supports. These reforms are important, but need to be consistent with the Enabling Good Lives principles. These reforms also need to be done alongside the Ministry of Education's full involvement in the System Transformation Project.

Recommendation

- That you direct the Ministry of Education to include learning support funding in the System Transformation Project

Early childhood education

The ECE Taskforce noted that for disabled children early childhood education can have important long-term benefits (ECE Taskforce, 2011, pp. 98-99). This matches overseas research, such as a study on an American early childhood education programme. This study showed that disabled children receive generally the same benefits, or even greater, from early childhood education as their non-disabled peers. Similar to studies on non-disabled children, the study emphasised the importance of quality, as well as full-day attendance (Phillips & Mary, 2012, pp. 481-482, 485).

Children with disabilities face no shortage of challenges as they grow-up, especially in education and employment. It is therefore imperative that they do

not enter the education system already at a disadvantage because they did not attend early childhood education, attended less than non-disabled children attended or they did not receive the same quality experience. Yet currently, there is plenty of evidence that disabled children are not able to attend early childhood education as frequently as non-disabled children.

We often support families who are turned away from early childhood centres because their child has a disability. As a result, the families sometimes give up on early childhood education entirely. New Zealand research has found families with disabled children face the same attitudinal barriers that many families face in primary and secondary education. Research has found cases of parents planning to petition early childhood centres for the removal of children with disabilities (Stark, Gordon-Burns, Purdue, Rarere-Briggs, & Turnock, 2011, pp. 11-12).

The final report of the ECE Taskforce devoted a chapter to disabled children. The ECE Taskforce heard concerns that some children with disabilities and their families were turned away from, or made to feel unwelcome at, some early childhood education centres. The ECE Taskforce considered it likely that disabled children and their families are being disadvantaged, including possible breaches of the Human Rights Act (ECE Taskforce, 2011, p. 98).

Unlike other priority populations, no data is collected on the participation of disabled children (Ministry of Education). This means the size of the issue is unknown. This lack of accountability also tends to result in children with disabilities being left out of participation initiatives in favour of priority populations whose participation is measured. For example, the Ministry of Education's Early Learning Taskforce has four strands in which the other priority populations are targeted, but not, explicitly, children with disabilities (Ministry of Education, 2016).

We simply cannot afford to let disabled children fall behind. If children with disabilities do not get a good start in their education, it will end up costing them, their families and ultimately the taxpayer. The Taskforce report found

investment in early childhood education to be one of the most efficient, with \$16 being returned for every \$3 spent, due to reduced negative spending in areas such as health, justice and welfare while also contributing to better education and employment outcomes in the future by enabling children to reach their full potential (ECE Taskforce, 2011).

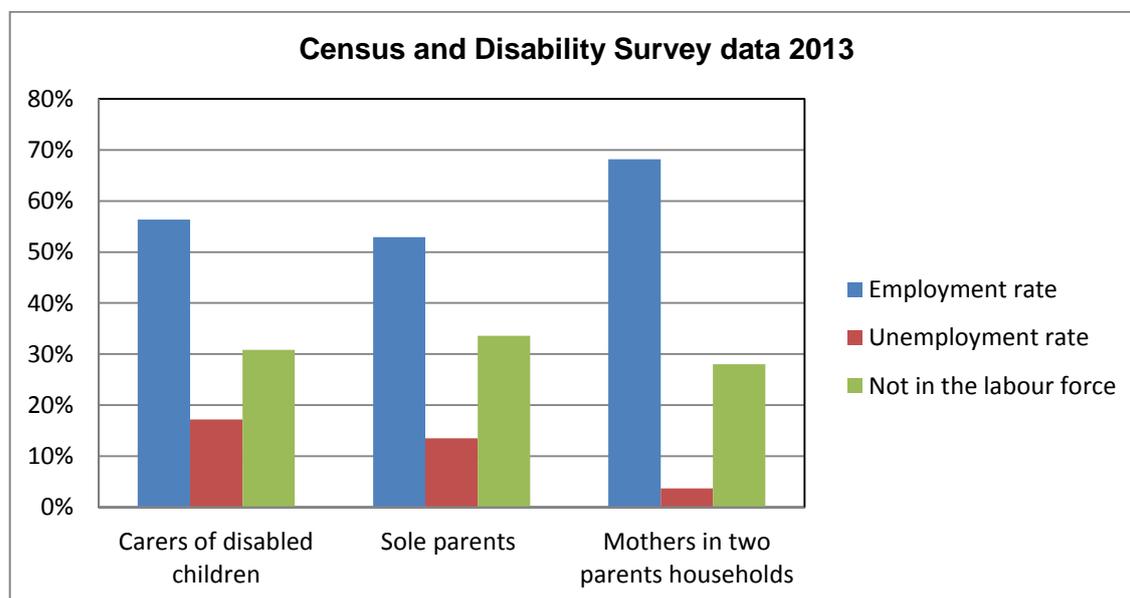
A secondary issue, but one that the Ministry of Education should consider under a whole of government approach, is the impact on the employment opportunities for parents/caregivers. If parents/caregivers of disabled children are unable to effectively use 20 hours of free ECE this will affect not only the child's development, but also the parents/caregivers' ability to work. Teaming up with the Ministry of Social Development to extend OSCAR funding allocation for children with disabilities will also help alleviate the conflict between work and caring for children many families face.

As of June 2015, 50.9% of caregivers receiving the Child Disability Allowance (which is not means tested) are on a main benefit or superannuation¹. This indicates that a large number of families with disabled children are not working. Often one or both parents have to give up their jobs because of their child's support requirements.

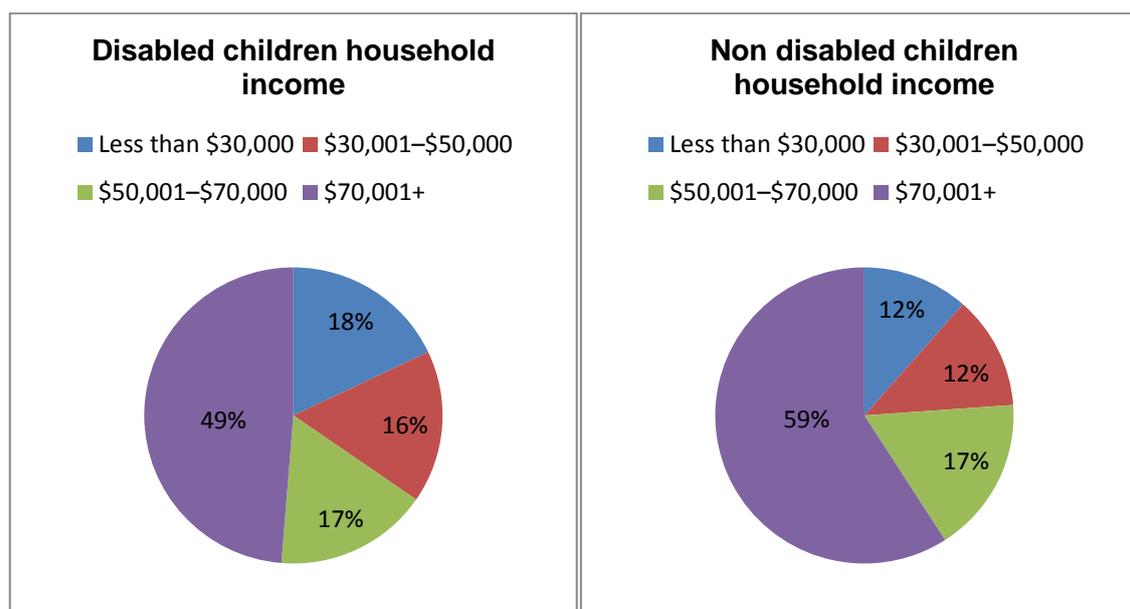
Further working may be more difficult because often the parent is a sole parent. In the 2013 Disability Survey, 30% of disabled children lived in one parent households. 23% in just one parent households and 7% in one parent with other people (but not a couple) households. By comparison, 17% of non-disabled children lived in one parent households. 14% in just one parent households and 3% in one parent with other people (but not a couple) households (Statistics New Zealand, 2016, p. 4). This matches previous research that found almost 26% of people on the Domestic Purpose Benefits had children with disabilities (O'Donovan, McMillan, & Worth, 2004).

¹ Information sourced through Official Information Act request

In the 2013 Disability Survey, an estimated 17% of primary carers of disabled children were unemployed². This is higher than for sole parents in general or mothers in two-parent households.



Children with disabilities' support needs often last longer than for children without disabilities. Their caregivers are potentially out of the workforce for an extended period. This has lasting effects on the income level of the household, as shown by 17.7% of disabled children living in households with an income of under \$30,000 per year, compared with 11.5% for non-disabled children (Statistics New Zealand, 2017).



² Unpublished data from the 2013 Disability Survey, available on request.

As very a bare minimum families with disabled children should be able to use the full 20 hours of free ECE just like families with non-disabled children can. Currently, based on our experience and the available research, we are not sure this is the case. Therefore, we recommend you direct the Ministry of Education to take the following actions.

Data on the early childhood education participation rates of disabled children

The Ministry of Education needs to begin collecting data on the early childhood education participation rates of disabled children. There are multiple ways the Ministry could collect this data. None of these ways is particularly easy, which is probably why it has not been done to date. Collecting accurate data on disability is hard. It can, and should, be done though. One option would be to use screening questions. This could be done through a survey administered to a representative sample of children. Alternatively, questions could be adapted and integrated into the early learning information system (Ministry of Education).

The two leading candidates to base screening questions on would be the Canadian Disability Screening Questions and the Washington Group on Disability Statistics' child functioning question sets (Grondin, 2016; Washington Group on Disability Statistics, 2016). We recommend the Canadian Disability Screening Questions because they are based on a social model of disability and separate the influence of factors internal to the person and those external. Such an approach could help identify whether the current policy mix is right, in terms of focusing on internal and external factors (focusing on people's abilities or on changing their environment).

Another approach would be to use linked administered data. A proxy for disability could be developed through a combination of data from the Ministry of Health (particularly the SOCRATES, Child Development Services and B4 School Checks databases. Another possibility is data from the National Patient Flow programme), ACC and the Ministry of Social Development (particularly, data on the Child Disability Allowance and the Disability

Allowance). Much of this data is already in the Integrated Data Infrastructure and the Ministry of Education is already planning to use data from the B4 School Checks to identify the needs of students (Parata, 2016, p. 13; Statistics New Zealand, 2017). If the 2013 Disability Survey is included in the Integrated Data Infrastructure as planned this could be used to check the accuracy of this proxy (Statistics New Zealand, 2016). This proxy data could then be matched to national student numbers to check ECE participation rates.

Although both ways would require investment to get up and running, the resulting data could have huge benefits in other areas. If a reasonably accurate proxy for disability could be loaded into the Integrated Data Infrastructure, this could be used to track outcomes for this cohort later in life (for example NCEA results or use of adult services). The importance of knowing and tracking education and related statistics, and measuring the success of interventions and additional support, can be seen in the recording of ECE participation rates of priority populations of Māori and Pasifika. Extending this realisation to disability needs to be done, as it would allow us to identify the support that works the best for disabled students throughout the education system. This could lead to a much more intelligent resourcing and evaluation system for learning support.

Recommendation

- That you direct the Ministry of Education to collect data on the ECE participation rates of disabled children.

Cross-government project on ECE participation rates

As mentioned, increasing the ECE participation rate of disabled children would benefit not only those children, but potentially allow their caregivers to join, or re-join, the workforce. As a result, there is considerable scope for a cross-government project that looks at practical ways to remove the barriers that stop children with disabilities from attending early childhood education as frequently as children without disabilities.

In some cases, these barriers may be directly related to Ministry of Education policy and resourcing, such as the general restriction on a child getting more than 15 hours of education support worker assistance a week. In other cases, it may be due to broader issues, which require solutions from other government departments, such as concerns from early childhood centres about health and safety requirements and disabled children.

Such a project would be very easy to establish. This is because there is already a cross-government project, called A Good Start in Life, looking at improving support for disabled children aged 0 to 8 and their families. This project involves the Ministries of Education, Health and Social Development as well as ACC. The Ministry of Education leads this project. Currently, this project does not have a specific focus on ECE participation rates (Ministry of Education, 2016). Together with the Minister for Disability Issues, you could direct the Ministry of Education to focus this project, at least in part, on ECE participation rates.

To ensure this shift in focus is meaningful, the project needs to have a tangible target. If the above recommendation is carried out, data on the ECE participation rate of disabled children could provide a suitable target. Alternatively, the target could be the number of caregivers of disabled children who feel able to use the full 20 hours of free ECE. This information could be collected through a survey administered to a representative sample of caregivers with disabled children. This survey could also sample caregivers on the barriers that stop them from using the full 20 hours of free ECE.

Recommendations

- That you, together with the Minister for Disability Issues, direct the Ministry of Education to focus, at least in part, A Good Start in Life on ECE participation rates.
- That you, if no data on the participation rates of disabled children is available, direct the Ministry of Education to survey caregivers of disabled children on whether they feel able to use the full 20 hours of free ECE.

Better together - inclusive education

Inclusive education is where all students learn together in the same classroom. With the right attitudes and support, disabled children can grow and thrive in regular classrooms. Inclusive education is about providing support to students in regular classes – not special units or schools.

There is firm evidence for the benefits of inclusive education for disabled students, other students and for teachers (MacArthur, 2009) (Bentley, 2010) (Peters, 2004) (Visser, Cole, & Daniels, 2010). The case for inclusive education is not solely based on evidence alone, however. Inclusive education is as much about rights, values and passion. The debate is about who we are as a society and who we want to be.

Pluralism, choice and inclusive education

As a modern democratic society, people in New Zealand often hold different views. We do not always agree with each other. Some families believe a special school or unit is the best choice for their child. We respect and understand that choice. For choice to be real, however, there have to be viable alternatives and equity of funding. If families are choosing special education because their regular school was unwelcoming, this is not a real choice. If resources are locked up unfairly in special schools and units and not transferable to regular schools then this is also not a real choice.

Unfortunately, research we carried out in 2011 on families with children who received the Ongoing Resourcing Scheme found that families often did not have a real choice. Nearly half of the 217 respondents felt they had not always had a real choice between schools. Almost a quarter of those who had not been able to enrol their children in the school of their choice reported an unwelcoming atmosphere, lack of special services and poor equipment and physical access (MacDonald & Gray, 2011).

All students should be welcome in all schools and every classroom in the country. Once this is achieved, then real choice can occur.

The voice of disabled students

Article 7 of the Convention on the Rights of Persons with Disabilities requires the government to assist disabled children to have their voice heard on matters affecting them. Too often debates about learning support are dominated by parents, professionals and advocates. Students with disabilities can often have very different views and priorities to adults and those without lived experience. The views of disabled students can be particularly powerful for highlighting the hidden norms and assumptions that create barriers for them and their whānau. For example, Australian research into the views of students with learning disabilities revealed important insights into what teaching strategies and styles were more effective, as well as the importance of the culture of the school (Watson, 2007).

There is a growing research base around engaging with children, including disabled children (MacArthur & McKenzie, 2013, p. 83). It is possible to have genuine engagement with disabled children, and gain insights that are imperceptible to the 'expert' eye. The Ministry of Education has engaged students with disabilities with the Learning Support Update. This engagement needs to be ongoing, however, similar to the commitment made to engaging children and young people in care through VOYCE – Whakarongo Mai. We recommend you direct the Ministry of Education to develop ways to have ongoing engagement with disabled students, both children and young people.

Important policy decisions about learning support should not be made without input from students with disabilities.

Recommendation

- That you direct the Ministry of Education to develop ways to have ongoing engagement with disabled students, both children and young people.

An intelligent funding system for learning support

Currently, we do not have a good overall picture of the learning support needs of students, especially in mainstream schools. As a result, it is difficult to

determine what level of resourcing is adequate and where resources would make the most difference. This is further complicated by learning support being made up of a mixture of highly targeted interventions that only reach a small population, such as the Ongoing Resourcing Scheme and the Intensive Wraparound Service, and completely untargeted resources, namely the Special Education Grant.

The highly-targeted support creates problems at the boundaries where students may just miss out on support. This will always be the case and does not mean support should not be targeted, but the government needs to have confidence that the current boundaries are set in a way that ensures the students that miss out on support are still participating and achieving. This requires far better data than is currently available.

In addition, applications for targeted support are often long and require students, their families and schools to focus on the negative. For example, in order to qualify for the Ongoing Resourcing Scheme students must prove their level of need puts them in the top 1% of students. Some services rely on crises to occur first. To qualify for the Intensive Wraparound Services, students must generally have been stood down from school.

The untargeted Special Education Grant creates incentives for schools to exclude disabled students. This is because the grant is allocated simply on the total roll of the school and the decile rating. As a result, a school that actively turns away students with disabilities will receive the same amount per capita as a school that fully includes disabled students.

We need change in three areas.

Firstly, the Ministry of Education needs to collect data on attitudes towards disability and inclusion from educators, students, school governance, principals and parents. This data could then measure the success of interventions designed to improve attitudes. Currently, we are in the dark

about whether current initiatives are effective in changing attitudes and outcomes.

Secondly, the Ministry of Education's data needs to fit with existing wellbeing valuation tools, particularly the Treasury's CBAX tool (The Treasury, 2015). This would enable the costs and benefits of the Ministry of Education's learning supports to be compared with other government programmes. Eventually we should be able to compare the effectiveness of support for disabled people across government departments. This could lead to much more informed decision-making about funding.

Thirdly, the Ministry of Education needs to collect data on students who have additional learning needs, but do not qualify for targeted support. By knowing the outcomes for these students, we can assess whether the boundaries for targeted programmes are set in the right place.

We recommend you direct the Ministry of Education to address these gaps.

Recommendations

- That you direct the Ministry of Education to collect data on attitudes towards disability and inclusion from educators, students, school governance, principals and parents.
- That you direct the Ministry of Education to ensure its learning support data fits with the Treasury's CBAX tool.
- That you direct the Ministry of Education to collect data on students who have additional learning needs, but do not qualify for targeted support.

Need for greater oversight

The recent issues around seclusion in schools have highlighted the lack of effective oversight of how schools are teaching students with disabilities. The Education Review Office can lack the expertise to judge the quality of education given to disabled students in a school and to assess issues such as

seclusion and the use of physical restraint. The Office was unaware of the use of seclusion rooms, despite its reviews (Moir, 2016).

The Ministry of Education can, and does, intervene when issues such as seclusion are brought to light. The Ministry, however, is not always best placed, or mandated, to investigate these issues. The primary role of the Ministry's frontline staff is to provide education support to students and to advise teacher practice, not investigate potential abuse or the misuse of practices such as physical restraint.

Children with disabilities tend to be the main group affected by practices, such as seclusion and physical restraint. This is particularly concerning given evidence from overseas that shows disabled children to be at very high risk of child maltreatment. One of the most comprehensive study to date, which took place in America, found children with disabilities to be 3.8 times more likely to be neglected, 3.8 times more likely to be physically abused, and 3.1 times more likely to be sexually abused when compared with children without disabilities. Children with communication difficulties and behavioural disorders had a much higher rate of maltreatment (Committee on Child Abuse and Neglect, Council on Children With Disabilities, Desch, & Hibbard, 2007, p. 1019).

The Government should investigate ways to increase its oversight of how schools teach and treat students with disabilities.

The Health and Disability Commissioner could play a bigger role. On paper, disability-related education support should fall under the definition of disability services in Section 2 (1) of the Health and Disability Commissioner Act 1994. In practice, the Health and Disability Commissioner has not become involved in issues such as seclusion and physical restraint in the education sector. A greater role for the Children's Commissioner is another possibility.

Recommendation

- That you direct the Ministry of Education to increase oversight of how schools are supporting students with disabilities, including looking at the role of The Health and Disability Commissioner and the Children's Commissioner.

Conclusion

Thank you for taking the time to read our briefing. The disabled students and families we work with have big aspirations for the future. Our challenge is to ensure that we have an education system that can help them realise those aspiration and not stand in the way. Disabled students and their families deserve a fair go.

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