

Joint submission from ODI parent/whānau group  
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To: MOE review team at [highestneeds.review@education.govt.nz](mailto:highestneeds.review@education.govt.nz)

**Re: Review of Interventions for Students with the Highest Level of Learning Support Needs.**

Tēnā koutou,

Thank you for the opportunity to participate in the above review. Please find below a **joint submission** from the following parent/whānau led organisations:

- Carers NZ
- Complex Care Group
- Disability Connect
- New Zealand Down Syndrome Association (NZDSA)
- Parent to Parent
- Parents of Vision Impaired NZ
- VIPS Equity in Education

In our joint submission regarding *Interventions for Students with the Highest Level of Learning Support Needs*, we consider issues faced across our respective groups and the issues common to the students, parents, and whānau that we represent.

Subsequently, we have answered the provided focus questions for determining the Scope and Terms of Reference from a broad disability perspective.

### **Question 1: Who are the tamariki and rangatahi we are looking to better support or support differently through this review?**

All students with a disability (whether recognised or unrecognised), neurodiversity, or trauma who need additional support in order to attend school.

It is our collective experience that tamariki and rangatahi with additional needs/disabilities can be better supported to attend school and participate equitably in education through 4 key actions:

- 1) Sufficient and equitable resourcing
- 2) Changing deficit orientations to high needs students
- 3) Educators, school leadership teams, and school boards to have inclusive and positive attitudes towards students who have additional support needs
- 4) Parent/whānau voice and tamariki/rangatahi voice valued and included in key decision-making processes

#### **1) Sufficient and equitable resourcing**

Currently 1.2% of student population receives ORS funding<sup>1</sup>. While this percentage has remained relatively steady, increasing amounts of students require additional support – yet

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<sup>1</sup> Ministry of Education website: <https://www.educationcounts.govt.nz/statistics/ongoing-resourcing-scheme>

do not receive them. It is our position that additional learning support should not be a set number (e.g. the 1% of high and very high) but should rather consider/identify what students need to attend school and respond to that need.

ORS applications are complex and time-consuming. Teaching staff can refuse to support an ORS application despite a parent's request and evidence of need due to the time involved and low success rate. Children without a specific diagnosis or who do not fit neatly into one criterion are disadvantaged by the current process.

Across our organisations our experience is that ORS funding has created a two-tier education system for disabled students: those who receive ORS funding and those who do not.

While receiving ORS funding is not necessarily an indicator of a 'smoother' ride or a more inclusive education environment for students and their parents/whānau, it typically means that ORS-funded students receive some of the supports they need to attend school. ORS-funded students may still require schools to find additional resources for needed supports.

Those students who do not receive ORS funding but who have a high need for support face a far more exclusory school environment with educators and school leadership often unwilling to fund needed services. For parents/whānau whose child is declined for ORS support, the student is often left with no support. Parents/whānau report being told that their child's behaviour is disrupting the class or is beyond the training provided to educators. Subsequently, parents/whānau and feel pressured to withdraw their child from school, accept part-time attendance, or consider home-schooling.

Each of our organisations has anecdotal stories of families with a significant level of need, but who not receive the needed support. Or whose level of support is inadequate for attending a full school day (a full school day being from the time the school starts to when it finishes, not the 4 hours benchmark currently used by schools). Again, anecdotal data from our respective organisations notes a classic issue for families where a very high needs student is funded for 3 hours of support/day but where the full school day is 6 hours.

Very high and complex needs can come with significant behavioural challenges for parents/whānau and educators alike. Safely managing a serious meltdown, for example, typically requires a minimum of two trained staff members with the student who is struggling, as well as staff in the classroom to assist with other students who may be present. It is clear to us that managing high and complex needs requires trained staff, and there appears to be a reluctance (by either schools or the Ministry) to adequately train and fund such supports.

Where school leadership informs parent/whānau that they cannot safely support their child, parents/whānau report feeling obliged or coerced into accepting part-time school attendance, enrolling in Te Kura, or having to home-school their child. There is currently little robust data regarding correspondence/home-school, disability, and levels of 'choice'. Anecdota from our organisations suggests that many parents/whānau with a student who has a high level of need (but who may not receive ORS funding) feel 'forced' into home-schooling for the well-being of their child, are expected to regularly collect their children at short notice and/or only attend part-time (which jeopardises parent employment), have their child excluded from school, are told to 'withdraw' their child or face an exclusion, or are otherwise told that the school is 'not the right place' for their child. Children in these instances are typically on the ASD Spectrum, have undiagnosed disabilities, or complex needs not fully understood or recognised by non-specialists.

There is a clear need for tamariki/rangatahi to receive the supports they need when they need them.

## **2) Changing deficit orientations to high needs students**

It has been documented in the literature<sup>2</sup> and anecdotally for over a decade now that parents, whānau, educators and specialists alike are forced adopt a deficit perspective when undertaking an ORS application in order to increase the chance that funding would be granted for the child. Subsequently, students who need high levels of support may not receive ORS funding due to weaknesses in the ORS applications and/or reluctance to portray a child in a negative light, rather than according to the student's actual level of need<sup>3</sup>.

Our respective organisations hear too often from distressed parents/whānau whose child is either ineligible or has been declined ORS funding because of a poorly conducted assessment which the parent/whānau member did not understand. This ORS inequity is exacerbated in instances where the student has their funding removed or reduced due to making reasonable progress. This often causes a significant slowing or even reversal of the progress of the student.

It is our perspective that forcing educators, parents and whānau to view their child negatively and from a deficit-perspective is harmful to the psychological well-being of all concerned. We all have anecdotal stories of parents in tears and in visible distress due to the emotional toll completing an ORS application takes. Supporting students with high levels of need should not require such an overtly negative and deficit-oriented perspective.

The Ministry of Education has known since at least 2010 of the need for the ORS verification process to be improved and for further action to ensure ORS criteria is clearer to families and educators, fairer, and more consistently applied<sup>4</sup>. It is the opinion of our respective organisations that little has changed in this regard and we also request a fairer, more equitable, and consistent system for tamariki and rangatahi alike. Educators receive professional development and as such have access to a wide range of supports, if they choose to.

## **3) Educators, school leadership, and school boards need to have inclusive and positive attitudes towards students with additional support needs.**

In considering the experiences of high needs students and their parents/whānau, we wish to note the ERO reviews in 2004 and 2005 of ORS funding use by school leadership<sup>5</sup>. These reviews found that, while the majority of schools managed and used the ORS funding and supports to improve outcomes and had well-developed consultative practices with parents, a small group of schools did not manage the ORS funding effectively. Common to such schools were; poor assessment practices, insufficient or absent specific and measurable outcomes for students, low expectations, ineffective school self-review systems, and not all key stakeholders involved in the student's learning. The experiences of our respective organisations tell us that these issues have yet to be effectively addressed.

A 2012 ERO report on the same<sup>6</sup> noted concerns that school leadership teams did not identify the impact of their provision on the learning outcomes and progress for their ORS

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<sup>2</sup> Bartlett, 2009; Reilly, 2016

<sup>3</sup> Education Review Office. (2010). Including students with high needs. <https://ero.govt.nz/our-research/including-students-with-high-needs>

<sup>4</sup> Ministry of Education. (2010). The review of special education 2010: Public response summary. <https://www.educationcounts.govt.nz/publications/learning-support/the-review-of-special-education-2010-public-response-summary>

<sup>5</sup> Education Review Office. (2007). The ongoing and reviewable resourcing schemes: Good practice.

<sup>6</sup> Education Review Office. (2012). Including students with high needs: School questionnaire responses.

students, and subsequently, did not know whether the resources supporting ORS students were having the intended impact or were used in the most effective way.

There is inconsistency in provision of supports and the quality of inclusion in schools. Given some schools are able to flexibly manage funds and provide needed support, there is a question as to whether the issue is indeed resourcing, or if it is one of the perceived value of high needs students and the commitment (or lack thereof) to including disabled students. It would be useful if there were clearly identified examples of schools where the system is working well (e.g. IEP's for all learning support needs) irrespective of funding. There appears to be an issue with educators and school boards attitudes to disability, the training (or lack thereof) for educators with regards to high and complex needs in the classroom environment, and an underlying negative attitude towards high needs tamariki and rangatahi. It is our collective experience that too many educators and school leadership teams have underlying ableist attitudes towards disabled and traumatised students, leading them to be reluctant to invest time, money, and resources into their educational experience.

We note our respective anecdotal data that higher decile schools struggle with inclusive practice and are more likely to suggest that parents/whānau of a child with additional support needs attends school elsewhere. There is a clear need for school staff need to be overtly welcoming and supportive of high needs. Parents/whānau are keenly aware of body language and the subtleties of language that are employed to exclude and promote inaccurate stigma. This form of terminological inexactitude, where school staff code exclusion in polite language (e.g. suggesting another school as a 'better fit'), clearly communicates to parents/whānau that their child is not welcome. This type of indirect yet clearly communicated rejection is harder to challenge than more overt forms of discrimination. Nonetheless, it is clearly communicated and can leave parents/whānau feeling unwanted, excluded, marginalised – and reluctant to ask for the reasonable accommodations to which their child is entitled to.

Contributing to these challenges are the sometimes negative attitudes of parents of other children, who may not understand or value inclusion, who may have concerns and worries of their own with regards to including high needs students in the classroom and may view high needs tamariki and rangatahi as barriers to their child's achievement results. There is a need to address wider societal attitudes towards high needs tamariki and rangatahi.

#### **4) Parent/whānau voice and tamariki/rangatahi voice valued and included in key decision-making processes**

Parents/whānau of high needs tamariki and rangatahi have clearly and consistently called for change. There are very few effective levers for parents/whānau to action where educators, other parents, or school leadership is unable or unwilling to provide needed accommodations so that their child can attend school and participate equitably.

There is a need for clarity regarding available pathways, levers, and supports for parents/whānau when faced with a disinterested or actively hostile school that refuses to implement known interventions. Parents/whānau often feel voiceless in addressing their concerns to MOE. There is a sense amongst our families that school boards are a 'closed shop' and will act to protect the school staff rather than the disabled child.

Additionally, there is a power imbalance between one parent representing one high needs child going up against a full school board and a school leadership team. There is a strong need to clearly identify the pathways and levers that parents can access when faced with a disinterested or actively hostile school that refuses to implement known interventions. The current Principal to BOT to Ombudsman pathway is cumbersome, ineffective, time-consuming, and actively harms high needs children and their parents/whānau.

**Question 2: To better support the tamariki and rangatahi you have identified in Q1, what are the non-negotiable things that should be considered within the Scope of the review?**

Address our identified key barriers to school attendance and inclusive education:

- 1) Sufficient and equitable resourcing
  - a. Review of inclusion/exclusion criteria
  - b. Consider how multiple points of need can be better addressed/met
  - c. Consider how changes in need and/or reviews can be undertaken to ensure sufficient and equitable resourcing for students and schools
- 2) Addressing deficit orientations to high needs students
  - a. Review how ORS is assessed and consider alternatives for identifying high and very high needs
  - b. Clearer and more equitable assessment processes that meet identified needs on the ground (as opposed to current limits of a percentage and/or regional distribution)
- 3) Positive attitudes towards students with high needs
  - a. Support for all educators with face-to-face training/PLD relevant to disability
  - b. Increased accountability to parents/whānau by school leadership and boards regarding support for disabled children within the school community
  - c. Disability specific leadership and processes for assessing accountability to disabled students and their parents/whānau
- 4) Parent/whānau voice and tamariki/rangatahi voice
  - a. A clear pathway for parents/whānau when faced with school leadership and boards that are reluctant to provide an inclusive education for their child.
  - b. Ensuring adequate and appropriate disability representation for high needs tamariki and rangatahi and their parents/whānau
  - c. Ensure parents/whānau have an adequate choice of experienced clinicians to undertake assessments
- 5) A clear timeframe for enacting the review and translating this into on-the-ground action and support.

**Question 3: Is there anything else that should be considered as the Scope and Terms of Reference are developed?**

Yes. It is important that the experiences and voice of students are captured and included within the review. There needs to be a clear plan for doing so. Similarly, there is a need to ensure that this process is intentionally inclusive of parent/whānau voice across the board. Again, there needs to be a clear plan for doing so.

We acknowledge that we have not specifically commented on the issues faced by tamariki and rangatahi who are Māori, Pacifica, or from minority groups. We are aware that these tamariki/rangatahi and their parents/whānau face additional barriers and marginalisation, compounding a sense of exclusion and not-belonging. We are supportive of proposed solutions, such as noted the findings in the draft report from the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques. Such findings should be included within the Scope and Terms of Reference.

Finally, life can be overwhelming for parents/whānau of a child who has additional needs. Most simply want their child to attend school and for school to be positive and participatory place. Unfortunately, education remains a major pain point for too many tamariki/rangatahi and parents/whānau.

Ngā mihi

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