Government response to the Education and Workforce Select Committee on the petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol

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<th>To:</th>
<th>Hon Tracey Martin, Associate Minister of Education</th>
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<td>Drafter: David Barnes</td>
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Purpose of Paper

This briefing provides talking points to support you at Cabinet Legislation Committee (LEG) on 10 September 2019.

The LEG paper seeks approval for a proposed Government response to the Education and Workforce Select Committee (the Committee) report on a petition from Katrina Bevan. The response must be tabled in the House of Representatives by Tuesday 24 September 2019.

Proactive release

Agree that this Briefing will be proactively released once the government response has been tabled in the House.

Agree/Disagree

Ben O’Meara
Group Manager
Education System Policy
06/09/2019

Hon Tracey Martin
Associate Minister of Education
10/19/19
Annexes


Government response to the Report of the Education and Workforce Select Committee on the Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol

Purpose

1. This paper seeks the Cabinet Legislation Committee’s approval to the proposed government response to the Education and Workforce Select Committee’s report: the Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol.

2. This proposed government response is enclosed in Appendix A to this submission.

Executive Summary

3. The Education and Workforce Select Committee (the Committee) has considered and reported back to the House on a petition from Katrina Bevan. This petition expressed concern that the early stages of the education system did not adequately support children with learning development delays. The Ministry of Education provided evidence to the Committee on 9 April 2019.

4. The Committee finalised its report in June 2019 and presented it to the House on 2 July 2019. The Committee has sought a government response to its report, which must be tabled in the House by 24 September 2019.

5. I propose a response that indicates the government agrees with the recommendation of the Committee’s report that the education system needs to be flexible and provide support based on the needs of a child. I also propose that the government agree that teachers and professionals need quality training to enable them to work well with children with learning developmental delays. The full proposed response is attached as Appendix A.

6. This proposed response states that, in general, recent government announcements and the Ministry of Education’s work programme address the Committee’s recommendation. Additional resourcing for the Early Intervention Service announced in Budget 2019, the development of an Early Learning Strategic Plan 2019-29, and the introduction of Learning Support Coordinators in schools will specifically address the Committee’s recommendations.

Background

7. Ms Bevan’s petition was presented to the House of Representatives on 17 August 2018. It requests:
8. In her petition, Ms Bevan expressed concerns that there was not sufficient flexibility in funding, policy and legislation to accommodate children whose functional age is different to their chronological age. She also petitioned that early education support is under-resourced and there is not enough training and support for teachers who work with children with learning development delays.

9. The House referred this petition to the Committee. The Committee sought evidence from the Ministry of Education, which the Ministry provided on 9 April 2019.

The Education and Workforce Select Committee findings

10. The Committee’s June 2019 report, presented to the House on 2 July 2019 recommended:

10.1. That the Ministry of Education investigate the extension of greater resource for education support workers to better support children with learning developmental delays.
10.2. That it is important to provide greater support for teacher training.
10.3. The Ministry investigate legislative change to consider a greater understanding of children with learning developmental delays

11. The Committee has sought a government response to its report, which must be tabled in the House by 24 September 2019.

The government’s response to the Education and Workforce Select Committee’s recommendation

12. In general, the Committee’s recommendation is already being addressed by initiatives recently announced by the government, and the current work programme of the Ministry of Education.

13. These include the initiatives outlined below. The full proposed government response is attached as Appendix A.

Additional funding for Education Support Workers

14. To respond to growing demand for early intervention services, Budget 2019 allocated additional funding of $24.8 million over four years for the Early Intervention Service. This will fund new Education Support Workers, and extend the assistance that young children can receive.

15. This initiative directly responds to Recommendation 1 of the Committee’s report.

Learning Support Action Plan

16. The Learning Support Action Plan 2019-2025 was launched by the Associate Minister of Education, Hon Tracey Martin, on 26 July 2019. This will lead to the development of new screening tools, and creating flexible services for neurodiverse children and others with additional learning support needs.
17. This initiative directly responds to Recommendation 1 of the Committee’s report.

The creation of new Learning Support Coordinator roles

18. The first tranche of Learning Support Coordinators (LSC) have recently been allocated to more than 1,000 schools and kura. The 623 new Learning Support Coordinators will start in January 2020 and will be part of the Learning Support Delivery Model.

19. These initiatives directly respond to Recommendation 1 of the Committee’s report.

Early Learning Strategic Plan 2019-29

20. The government has commissioned the development of an Early Learning Strategic Plan 2019-29. The draft Plan contains proposed actions to strengthen teacher and kaiako capability which will include the diverse needs of children who have additional learning needs.

21. This initiative, together with the Learning Support Action Plan, directly responds to Recommendation 2 of the Committee’s report.

Ensuring legislation reflects the needs of young children with learning developmental delays

22. The Ministry of Education has considered whether the legislation needs any changes to reflect the needs of young children with learning developmental delays. The Ministry would not recommend any changes to meet the needs of these children at this time.

23. This is because there is already flexibility within existing legislation to accommodate children with learning developmental delays. This flexibility is enabled through section 9 of the Education Act 1989 which provides for the Secretary for Education and parents to enter into bespoke agreements for special education. Section 9 also allows for the agreement to exempt students from the enrolment restrictions and requirements based on chronological age that would otherwise apply depending on what is in the best interests of the particular student.

24. Section 25 (3A) provides additional flexibility for children aged 4-5 to have a planned transition to school that reflects their particular needs and requirements. ¹

25. Our education system and curricula (including Te Whāriki and the New Zealand Curriculum) are able to be used in ways that are inclusive for all learners. This response addresses Recommendation 3 of the Committee’s report.

Consultation

26. TBC

Publicity

27. There is a risk that the government response may be seen as inadequate by parents who have children with delayed development. To mitigate this, the Ministry of Education

¹ From 1 January 2020, Section 25(3A) will not provide for children under five years of age because they will no longer be able to attend school.
will issue publicity material on its website, and in the Education Gazette on the range of learning supports available in our education.

Recommendations

The Minister of Education recommends that the Cabinet Legislation Committee (LEG):

1. **note** that on 2 July 2019, the Education and Workforce Select Committee presented its report to the House entitled *Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol*;

2. **note** the Select Committee recommended:

   2.1. That the Ministry of Education investigate the extension of greater resource for education support workers to better support children with learning developmental delays.

   2.2. That it is important to provide greater support for teacher training.

   2.3. The Ministry investigate legislative change to consider a greater understanding of children with learning developmental delays.

3. **note** that the Ministry of Education supplied evidence to the Committee on 9 April;

4. **note** that in general, the recommendation from the select Committee is already being addressed by the current work programme of the Ministry of Education;

5. **approve** the government response, attached as Appendix A to this submission, to the Report of the Education and Workforce Select Committee entitled Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol;

6. **note** that the government response must be presented to the House by 24 September 2019; and

7. **invite** the Associate Minister of Education to present the government response to the House in accordance with Standing Order 249.

Hon Tracey Martin
Associate Minister of Minister of Education

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Appendix A: Proposed government response
Government Response to

Report of Education and Workforce Committee

On

The Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol

Presented to the House of Representatives
In accordance with Standing Order 252
Government response to the Report of the Education and Workforce Select Committee on Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol

Introduction

The government has carefully considered the Report of the Education and Workforce Committee (the Committee) on: the Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol.

The government responds to the report in accordance with Standing Order 252.

The government has taken action on all of the Committee’s recommendations.

Recommendations and government response

Recommendation 1: That the Ministry of Education investigate the extension of greater resource for education support workers to better support children with learning developmental delays.

Government Response: The Ministry of Education has undertaken considerable work on early learning support and has advised the government that further resources are needed for education support. Recently announced initiatives will extend resources to support children with learning developmental delays and learning support needs. These are outlined below.

Additional funding for Education Support Workers

To respond to growing demand for early intervention services, Budget 2019 allocated additional funding of $24.8 million over four years for the Early Intervention Service. This includes:

- Recruiting additional Ministry specialists and Education Support Workers to assist an additional 1,150 young children for each of the next four years; and
- Extending the assistance young children can receive from 40 to up to 50 weeks. This will enable children enrolled in early learning services to receive support in-between school terms.

Learning Support Action Plan

The government has also developed a Learning Support Action Plan 2019-2025. This was announced by the Associate Minister of Education, Hon Tracey Martin, on 26 July 2019.

This Plan includes these priority areas:

- Developing new screening tools to help identify learning needs as early as possible;
- Strengthening early intervention for pre-schoolers. This includes improving the types, mix and volume of services needed to provide timely support; and
- Creating flexible support and services for neurodiverse children and any other young children needing learning support.
Learning Support Coordinators

As part of the Learning Support Action Plan, the first tranche of Learning Support Coordinators (LSCs) have recently been allocated to strengthen learning support provision in more than 1,000 schools and kura. The 623 new LSCs will start in January 2020 and will be part of the Learning Support Delivery Model.

LSCs will:

- support students in schools and kura;
- work with teachers and kaiako in schools and kura;
- work with parents, family and whānau;
- work with other LSCs across a cluster of schools and kura, be assisted by the Ministry’s Learning Support Facilitator function and work within the Learning Support Delivery Model; and
- work with the school or kura leadership team to plan support for all learners.

Recommendation 2: provide greater support for teacher training.

Government Response: The government agrees that teachers require appropriate training and development to be able to work well with young students with learning developmental delays. Along with the support that the Learning Support Action Plan and the new LSC roles will provide for teachers in schools, the Early Learning Strategic Plan 2019-29 will provide greater support for teacher training.

Early Learning Strategic Plan 2019-29

The government has commissioned an Early Learning Strategic Plan 2019-29. This is under development and the progress of this can be tracked at conversation.education.govt.nz. The draft Plan has proposed actions to strengthen kaiako capability, which will include meeting the diverse needs of children with additional learning needs.

Proposed action include:

- improving professional learning and development (PLD), thus supporting kaiako to consider the abilities and needs of all children; and
- the development of progress resources providing kaiako with information to guide teaching practice and approaches to support children’s learning and development. These resources would also help kaiako notice when learning progress suggests there is a need to consider exploring additional supports.

Recommendation 3: investigate legislative change to consider a greater understanding of children with learning developmental delays.

Government Response: The Ministry of Education has considered whether legislation needs any changes to reflect the needs of young children with learning developmental delays. The Ministry would not recommend any changes to meet the needs of these children at this time.
This is because there is already flexibility within existing legislation to accommodate children with learning developmental delays. This flexibility is enabled through section 9 of the Education Act 1989 which provides for the Secretary for Education and parents to enter into bespoke agreements for special education. The section 9 provisions provide flexibility to enrol children at any State or special school and to access special services which would assist the child. Section 9 also allows for the agreement to exempt students from the enrolment restrictions and requirements based on chronological age that would otherwise apply depending on what is in the best interests of the particular student.

Section 25 (3A) provides additional flexibility for children aged 4-5 to have a planned transition to school that reflects their particular needs and requirements. ¹

Our education system and curricula (including Te Whāriki and the New Zealand Curriculum) are able to be used in ways that are inclusive for all learners. The national curriculum acknowledges that the direction and speed of learning can vary depending on a range of factors which can include learning developmental delays. This means that children and young people can be taught the curriculum at their functional age, rather than their chronological age while still being able to interact with their age group peers.

**Conclusion:**

In general, recent government announcements and the Ministry of Education’s work programme address the Committee’s recommendations. Additional resourcing for the Early Intervention Service announced in Budget 2019, the development of the Early Learning Plan 2019-29, and the introduction of Learning Support Coordinators in schools will extend resources to support children with learning development delays and learning support needs. They also introduce new ways to identify and address learning needs at the youngest age possible.

There is flexibility within existing legislation to meet the needs of children with learning developmental delays and the Ministry of Education does not recommend making any legislative changes at this time.

¹ From 1 January 2020, Section 25(3A) will not provide for children under five years of age because they will no longer be able to attend school.