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Information Sheet #4

Navigating the

Education system

Education is a fundamental right and is critical to being part of your community.

In New Zealand parents of disabled children must navigate the special education system, which has been set up to assess and provide extra support for children with disabilities, as well as the regular education system.

There are a range of issues that may occur for disabled students and their families during their school years. The special education system is complex and difficult to navigate, there can be difficulty accessing appropriate support and issues of discrimination can arise. Having up to date information and knowledge of systems and rights can assist with your advocacy in this area.

Disability discrimination in education

Disability discrimination can happen directly and indirectly. Direct discrimination is usually obviously unfair, for example, refusing to consider a person's application for enrolment or for admission to a course because of their disability.

Indirect discrimination is not always obvious, but more common. It refers to situations that appear to be the same for all people, but in some way disadvantages a person because they have a disability. For example, where limited resources is given as a 'reason' not to enrol a student, discrimination occurs on the basis of disability.

The rights to education for people with disabilities are protected by law. All state schools, integrated schools and private schools have obligations to pupils and families based on legislation, policies and strategies. For more information see the Policy and Legislation Information Sheet.

Support

There is a range of support available for disabled children and young people to ensure they are included within their education setting.

Early Childhood Education

Early intervention support is available from birth through to the time children start school through the Ministry of Education, Special Education (GSE) and other service providers accredited by GSE.

Parents with children who have not started school and who are concerned about their child's learning and development can talk to their family doctor, paediatrician , Plunket nurse, Parents as First Teachers educator, Iwi Health Authority or early childhood education centre. A referral can then be made to GSE with the approval of the parents or guardian. Parents can also contact their local GSE office directly.

Primary and secondary school

Some disabled children will have had their needs assessed by early intervention staff before they start school and services will be in place for them as they start school.

In some cases, concerns about a child's learning and development are only identified after a child starts school. Parents with children at school who are concerned about their child's learning and development should speak to their child's teacher or the Principal or contact GSE directly.

Choosing a school

It is important that planning for starting school begins early, ideally a year ahead, so that support is in place when the child starts. It is a good idea to visit a variety of schools, to discuss with each Principal how the child will be included and ask other parents with disabled children who attend the school about their experiences.

Remember a child's right to enrol and be included at their local school is protected by law.

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Enrolment

Once the parent or caregiver has decided which school they wish their child to be enrolled in an appointment should be made to see the Principal. It is often a good idea for a partner, advocate or a friend to attend this meeting to provide support.

Some things to ask when enrolling a child with a disability at school:

- Find out about the staff who are likely to be teaching the child and who parents should talk to about the child's progress
- How the school's Special Education Grant (SEG) is spent to support students with special education needs and how your child might access that support
- Where the Resource Teacher: Learning and Behaviour (RTLB) is based, what other schools they work with and how he or she might be involved in supporting your child's learning
- Who will supervise the child in the playground, if required?
- What will happen when the teacher or teacher aide is sick?
- What will happen with school outings or school camps?

Accessing support – what is involved

Most disabled children and young people receive support and services from the school they attend. If necessary a school will make a referral to the Ministry of Education, Special Education (GSE), who assess the child's learning needs, to determine if additional services and resourcing are required.

Step 1 – Assessment

Assessment is largely the responsibility of the class teacher and school staff, and specialists from appropriate agencies. Information gathered from the assessment will form the basis for the Individual Education Programme (IEP) for the child.

Step 2 – Developing an Individual Education Programme (IEP)

An IEP involves a meeting between the parents, classroom teacher, child (if they wish to attend) and specialists as appropriate, to set short and long-term goals for the child's development and learning progress.

The IEP should be reviewed at least twice a year in a meeting with parents, and the same support team that developed the plan. For more information see the IHC Pocket Sized Guide to Individual Education Plans

Step 3 – Types of support

Support for students with moderate special education needs:

Special Education Grant (SEG) - funding for all schools as part of their operational funding to be used for special education programmes and support.

Enhanced Programme Fund (EPF) - funding for schools with a disproportionate number of students with moderate special education needs.

Learning Support Funding (LSF) - funding for clusters of schools, used in conjunction with the Resource Teachers: Learning and Behaviour (RTLB).

Resource Teachers: Learning and Behaviour (RTLB) - specially trained teachers who work within school settings to meet the needs of students with moderate learning and/or behaviour difficulties. RTLB Māori work in Māori education settings, such as Kura Kaupapa Māori or Te Reo immersion classes.

Resource Teachers: Literacy (RT: Lit) - specially trained teachers who work in schools, assisting staff to meet the needs of students with reading and writing difficulties.

Specialised Services - occupational therapy and/or physiotherapy for students with physical impairments; resource teachers for students with vision impairment; advisers on deaf children and/or itinerant teachers of the deaf for students with hearing impairments.

Support for students with combined moderate, high and very high special education needs:

Ongoing and Reviewable Resourcing Schemes (ORRS) - funding for extra teaching, specialist programmes, therapy, consumables and education support. The amount is set in two levels, either high or very high according to the student's needs. Each student receives a set amount of additional teacher time at the rate of either two tenths (0.2) Full Time Equivalent (FTE) at the very high level, and one tenth (0.1) FTE at the high level. The other resource levels are not pre-determined.

Supplementary Learning Support (SLS)
Supplementary Learning Support is a recent addition to the special education resourcing policy to provide 1500 students with an additional 0.1 FTE teacher, called a learning support teacher, and some specialist support. The initiative aims to better support students who have missed out on Ongoing and Reviewable Resourcing Schemes (ORRS) support by building on their existing range of support.

Speech-language therapy - speech-language therapy is usually provided at school for students with high communication needs. Training courses are also run for teachers so they can identify difficulties and set up programmes to meet a student's needs.

Severe behaviour support - advice and specialist support is available for students with severe behaviour difficulties. Schools, families, community and government agencies can also receive advice and support.

High health needs - special education support through two initiatives, regional hospital health schools and the school high health needs fund (SHNNF).

Regional Hospital Health Schools - these schools have been established in Auckland, Wellington and Christchurch and have responsibility for managing a teaching service for students with high health needs in their regions.

School High Health Needs Fund (SHHNF) - para-professional support for students with care and safety issues arising from high health needs.

Residential special schools - eight residential special schools located throughout the country that support students who are hearing or vision impaired, or who have severe behaviour needs, or educational, social and emotional needs together with an underlying intellectual impairment.

Other support available from the Ministry of Education may include:

- *Transport assistance* - a subsidy or allowance for taxi or bus for travel between home and school.
- *Property modifications* - capital works such as alterations or additions to school property to enable access for children and young people with special education needs.
- *Traumatic incident management* - a service where specialists work with schools and early childhood services to prepare for and manage traumatic incidents.
- *Assistive equipment* - technology that helps students to overcome barriers to learning.
- *Cultural support* - specialist services, research and service leadership focused on the learning needs of Mäori students in Mäori education settings.
- *Systemic support* - advice and training for school staff. For example, a school may want to set up a whole school approach to managing behaviour, or a system for managing a traumatic incident.

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If the school is reluctant to enrol or offers conditional enrolment

Schools have an obligation to ensure the learning needs of all students are met. If this involves modifying property or making specialist services available, the school works with the Ministry or other agencies to meet these needs. If there are difficulties which cannot be resolved by going through the school's complaints policy and procedures, contact the local Ministry of Education office.

Challenging decisions

Parents or caregivers can ask questions and challenge decisions made about special educational support for their child. There are generally two ways of doing this, depending on the type of decision or direction the parent is not happy with.

Any person's parent or guardian may apply to the Ministry of Education for formal reconsideration under s 10 of the Education Act 1989 of any decision made regarding either enrolment, or the provision of education or help from a special service. Examples include refusing to enrol a child at a particular school, or a failure to provide adequate special educational resources. Decisions around Ongoing and Reviewable Resource Schemes (ORRS) funding and Supplementary Learning Support (SLS) are also subject to the formal process under s 10. Requests for reconsideration must be made in writing to the Secretary for Education within one month of the decision or direction the parent does not agree with.

For decisions or directions that do not involve enrolment or the provision of education or help from a special service there is generally no formal means of redress. However, this does not mean that the parent or family should not complain about the decision. Complaints can be made to the school Board of Trustees, the Ministry of Education, the Minister of Education, the Education Review Office or the Office of the Ombudsmen.

While the Ministry of Education may not be able to formally alter a decision a school makes, it can be persuasive if it believes the school is in error. Similarly, a decision may be in breach of the Education Act, in which case having the Ministry of Education or the Office of the Ombudsmen point this out to a school can be useful.

If a child's needs are not being met at school

- Talk with the class teacher or Principal as soon as any problems arise.
- Gather information, such as a copy of the school's charter or strategic plan and talk through issues with people you trust such as other parents of children with special education needs, support groups or specialists who know your child and their needs.
- Arrange a meeting with the Principal to discuss your concerns (see the IHC Pocket Sized Guide to Meetings)
- When you have come to an agreement, write it down and develop a plan.
- If you fail to reach an agreement, discuss your options for taking your case to the school's board of trustees or other parties.

If you are not comfortable about approaching the Board of Trustees, talk to a Student Support Development Officer or Facilitator at your local Ministry of Education. They will be able to help you with what to do next.

Further information is available from the...

Ministry of Education website www.minedu.govt.nz
Special Education Information Line on 0800 622 222
Disability Support organisations (e.g. IHC, CCS Disability Action)
Parent Info Line on 0800 499 488