Cabinet Paper material
Proactive release

Minister & portfolio: Hon Tracey Martin, Associate Minister of Education

Name of package: 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

Date considered: 16 September 2019
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These documents have been proactively released:

   Cabinet paper - 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
   Date considered: 10 September 2019
   Authors: Department of Prime Minister and Cabinet, Ministry of Education

   Cabinet Legislation Committee minute – LEG-19-MIN-0133
   Date considered: 10 September 2019
   Author: Cabinet Office

   Cabinet minute – CAB-19-MIN-0465
   Date considered: 16 September 2019
   Author: Cabinet Office

Material redacted
Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

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Section 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers of the Crown and officials

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Office of the Associate Minister of Education

Cabinet Legislation Committee

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

Executive Summary

2 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.

3 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.

4 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.

5 This proposed response states that, 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 an Early Learning Strategic Plan 2019-29, and the introduction of Learning Support Coordinators in schools will specifically address the Committee’s recommendations.
Background

6 Ms Bevan’s petition was presented to the House of Representatives on 17 August 2018. It requests:

That the House of Representatives urge the Government to fund the functional age of a child for learning support and remove chronological age criteria for the education of children with identified developmental delays.

7 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.

8 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

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

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

9.2 That it is important to provide greater support for teacher training;

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

10 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 recommendations

11 In general, the Committee’s recommendations are already being addressed by initiatives recently announced by the Government, and the current work programme of the Ministry of Education.

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

Additional funding for Education Support Workers

13 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.

14 This initiative directly responds to Recommendation 1 of the Committee’s report.
Learning Support Action Plan

15 I launched the Learning Support Action Plan 2019-2025 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.

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

The creation of new Learning Support Coordinator roles

17 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.

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

Early Learning Strategic Plan 2019-29

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

20 This initiative directly responds to Recommendation 2 of the Committee’s report.

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

21 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.

22 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.

23 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

24 The Ministry of Social Development, the Office for Disability Issues, the Ministry of Health, Te Puni Kokiri, the Ministry for Pacific Peoples and the Education Review Office were consulted on this paper. The Department of the Prime Minister and Cabinet was informed.
Publicity

25 The Ministry of Education will issue publicity material on its website, and in the Education Gazette on the range of learning supports available in our education system. The proposed Government response acknowledges the concerns of the petitioner and shows that the Government has already been doing work to address these issues.

Recommendations

26 The Associate 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.

Authorised for lodgement
Hon Tracey Martin
Associate Minister of Education
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
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 launched by the Associate Minister of Education, Hon Tracey Martin, on 26 July 2019.

This Plan includes six priorities for the period 2019-2025:

• Implementation of a new Learning Support Coordinator role in schools and kura;

• Strengthening screening and the early identification of additional learning needs;

• Strengthening early intervention;
• Flexible supports and services for neurodiverse children and young people;
• Meeting the learning needs of gifted children; and
• Improved education for children and young people at risk of disengaging.

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, 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, a strategic plan for early learning 2019-29 will provide greater support for teacher training.

A strategic plan for early learning 2019-29

The Government has commissioned a strategic plan for early learning 2019-29. This is under development and the progress of this can be tracked at conversation.education.govt.nz

This will propose actions to strengthen kaiako capability, which will include meeting the diverse needs of children with additional learning needs.

Proposed actions 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 Strategic Plan 2019-29, and the introduction of Learning Support Coordinators in schools will extend resources to support children with learning developmental 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.

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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.
Petition of Katrina Bevan: Government Response

Portfolio Associate Education (Hon Tracey Martin)

On 10 September 2019, the Cabinet Legislation Committee:

1 noted that on 2 July 2019, the Education and Workforce 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 noted that the Committee recommended that:

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

2.2 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 noted that the Ministry of Education supplied evidence to the Committee on 9 April 2019;

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

5 approved the Government response, attached as Appendix A to the submission under LEG-19-SUB-0133, to the Report of the Education and Workforce Committee entitled Petition of Katrina Bevan: Fund education supports at functional age and remove chronological age to enrol;

6 noted that the Government response must be presented to the House by 24 September 2019; and

7 invited the Associate Minister of Education (Hon Tracey Martin) to present the Government response to the House in accordance with Standing Order 252.

Gerrard Carter
Committee Secretary

Hard-copy distribution: (see over)
Present:
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Iain Lees-Galloway (Chair)
Hone Jenny Salesa
Hon Tracey Martin
Hon Kris Faafoi
Hon Eugenie Sage
Michael Wood MP (Senior Government Whip)

Hard-copy distribution:
Associate Minister of Education (Hon Tracey Martin)
Report of the Cabinet Legislation Committee: Period Ended 13 September 2019

On 16 September 2019, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 13 September 2019:

LEG-19-MIN-0133 Petition of Katrina Bevan: Government Response
Portfolio: Associate Education (Hon Tracey Martin)

CONFIRMED
Redactions made as content outside scope of Minister's portfolio responsibility

Michael Webster
Secretary of the Cabinet

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