Briefing Note: Joint Ministerial Meeting with the Independent Monitoring Mechanism

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<th>Hon Chris Hipkins, Minister of Education</th>
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<td>Hon Tracey Martin, Associate Minister of Education</td>
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Purpose of Paper

This briefing is to support discussion at a meeting of the Ministerial Leadership Group on Disability issues with the Independent Monitoring Mechanism on 26 June 2019.

Summary

- You have been invited to attend a Joint Ministerial Meeting hosted by Hon Carmel Sepuloni, Minister for Disability Issues, on 26 June 2019. The meeting brings together Ministers with a responsibility for disability issues and the Independent Monitoring Mechanism (IMM).

- The meeting will focus on actions agencies are taking to make further progress on the IMM’s six priority areas, one of which is education, as well as how disabled people can further participate in government work that affects them.

- You have been asked to provide a report back to Minister Sepuloni’s office on what the Ministry is doing to further advance the right of disabled people to education, to be shared with the IMM in advance of the meeting. Work includes:
  - developing potential actions for the education section of the Disability Action Plan 2019-2022;
  - engaging with disabled people and their whānau to inform initiatives across the Education Work Programme;
  - improving future engagement and partnership with disabled people and their representative organisations;
consulting on a legislative proposal to strengthen the provisions that give children and young people a right to education;

- initiatives funded through Budget 2019;

- finalising the Learning Support Action Plan; and

- continuing to develop the Learning Support Co-ordinator role.

- We will send another briefing to your office on 20 June outlining possible talking points to support your discussion at the meeting.

Proactive release

Agree that this Briefing will be proactively released following the meeting.

Agree / Disagree

Dr Andrea Schöllmann
Deputy Secretary
Education System Policy
06/06/2019

Hon Chris Hipkins
Minister of Education
13/06/19

Hon Tracey Martin
Associate Minister of Education

/ / /
Background

1. You have been invited to attend a meeting of the Ministerial Leadership Group on Disability Issues (Ministerial Leadership Group) hosted by Hon Carmel Sepuloni, Minister for Disability Issues, on 26 June 2019. The meeting brings together Ministers with responsibility for disability issues and the Independent Monitoring Mechanism (IMM), made up of the Human Rights Commission (represented by the Disability Rights Commissioner), the Disabled People’s Organisations’ Coalition (the DPO Coalition) and the Office of the Ombudsman as part of ongoing engagement between the disability community and Ministers.

2. Education officials have attended previous meetings between the Ministerial Leadership Group and IMM in December 2018, May 2018 and December 2017. The last meeting focused on the IMM’s six priority areas and actions government agencies have taken to advance the rights of disabled people (including education). Information about the IMM’s six priority areas and on actions the Ministry has taken to advance the right of disabled people to education is set out in a briefing we sent to your office on 20 November 2018 (Metis 1165763 refers).

3. Following these discussions, this meeting will focus on actions agencies have taken, or will take, to make further progress on disability issues in these six priority areas and beyond. It will also include a conversation about the participation of disabled people in government work that affects them, which Minister Sepuloni spoke about at Cabinet Social Wellbeing Committee in February this year. Background information on this issue is attached to the letter your office received inviting you to the meeting.

4. The IMM will be given the opportunity to comment and express their expectations to Ministers of what they would like to see going forward. They are likely to refer to the development of the Disability Action Plan (DAP) 2019-2022, the education section of which the Ministry is currently developing. As part of this, we have sought input from the DPO Coalition on the proposed actions, and are in the process of briefing the relevant Ministry workflow leads on these. Following this, we will seek your joint agreement to the actions.

5. You have been asked to provide a report back to Minister Sepuloni’s office on what actions the Ministry is taking to further advance the right of disabled people to education, to be shared with the IMM in advance of the meeting. This report is set out in Annex 1.

Next steps

6. As requested by your office, we will send a briefing outlining possible talking points by 20 June.

Annexes

Annex 1: Actions the Ministry is taking to advance the right of disabled people to education
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1. We are continuing to take a number of actions to fulfil the Government’s commitment of ensuring that all disabled people have access to high quality education that enables them to be present, participate and engage, and progress and achieve in education from early childhood to tertiary. These include:
   a. developing potential actions for the education section of the Disability Action Plan 2019-2022;
   b. engaging with disabled people and their whānau to inform initiatives across the Education Work Programme;
   c. improving future engagement and partnership with disabled people and their representative organisations;
   d. consulting on a legislative proposal to strengthen the provisions that give children and young people a right to education;
   e. initiatives funded through Budget 2019;
   f. finalising the Learning Support Action Plan; and
   g. continuing to develop the Learning Support Co-ordinator role.

Developing potential actions for the education section of the Disability Action Plan (DAP) 2019-2022

2. The new DAP will be the primary vehicle to progress work programmes and actions against the eight outcomes of the New Zealand Disability Strategy, including education, over the next three years. It will also include existing incomplete actions in the current Disability Action Plan 2014-2018. The Minister for Disability Issues expects to bring the DAP to Cabinet later this year.

3. The Ministry is working to develop the actions for the education section of the DAP.

Engagement with disabled people and their whānau to inform the Education Work Programme

4. The Ministry has engaged with disabled people and their whānau to inform items in the Education Work Programme. This has included working with the coalition of Disabled People’s Organisations (DPO Coalition) to brief them on how the results of engagement is flowing through into our advice and to test that advice, including on proposals for legislative change and on a toolkit the Ministry has developed for engaging with disabled people and their whānau.

5. A few additional examples of how we have engaged with disabled people and their whānau across the work programme, and how their views have, or will inform, subsequent policy advice are set out below.

NCEA Review

6. The engagement phase of the NCEA Review ran from 27 May to 19 October 2018. Through targeted engagement activities (focus groups, interviews, workshops & hui), we engaged with people who are not always heard and or well-served by the education system. This included several focus groups with young people with disabilities and/or
learning support needs, a focus group with organisations providing learning support, and a meeting with parents of children with disabilities and or learning support needs.

7. Members of these groups were also invited to attend two co-design workshops held in July and December 2018. We asked them to share their unique experiences of NCEA, reflect on the feedback provided during engagement, and to help us explore potential ways to strengthen the qualification. Attendees included young people from People First (a DPO) and the Halberg Disability Sport Foundation Youth Council.

8. During these engagement processes, we heard that some learners with disabilities were not getting the support they need to succeed in assessment; for example, some standards are difficult to complete for students with a physical disability. Others felt that access to Special Assessment Conditions (SAC) is often inequitable and unnecessarily difficult. A strong theme in their feedback was the need for an inclusive mind-set using Universal Design for Learning (UDL) principles when designing assessments. They challenged why assessment needs to be modified to accommodate their needs rather than simply being accessible by design.

9. This feedback informed the policy proposals we provided and subsequently, the recently announced NCEA change package. For example, there are a number of changes designed to make NCEA more accessible to students with disabilities and learning support needs. Key changes include:

a. ending NCEA fees;

b. designing achievement standards and associated resources to be accessible and inclusive so that students with disabilities and learning support needs have an equal opportunity to achieve;

c. making existing SAC (such as large text papers) accessible to everyone where possible; and

d. simplifying the application and evaluation processes for SAC.

Curriculum, Progress, and Achievement

10. Both the Curriculum, Progress, and Achievement Ministerial Advisory Group (MAG) and the Curriculum, Progress and Achievement Reference Group (Reference Group) include representation from the disability and learning support sector including from two special schools, the Van Asch Deaf Education Centre and the Blind and Low Vision Education Network (BLENZ).

11. The MAG and the Reference Group have led engagement to gather feedback on the MAG’s emerging ideas for strengthening the focus on curriculum, progress and achievement. This has included engagement aimed at specifically reaching those with disability and learning support perspectives, including for example, meetings with the Education For All inclusive education group, the New Zealand Sign Language Advisory Board, and the Special Education Principals Association of New Zealand (SEPANZ).

12. The MAG is in the process of finalising a report setting out its recommended approaches to strengthening curriculum, progress, and achievement based on this feedback. This will be released publicly in due course.

Statement of National Education and Learning Priorities

13. The Ministry is continuing to develop a new Statement of National Education and Learning Priorities (NELP). The NELP will set out the government’s educational priorities across the early childhood and schooling sectors.
14. We are currently working on developing draft priorities and expect these to be finalised over the next few months. The priorities will then go out for public consultation, with the final priorities expected to be made available by early 2020. The draft priorities have been informed by input from groups of learners and their whānau who may be underrepresented in traditional engagement processes. This has included disabled learners people and their whānau.

15. Experiences learners shared included the importance of getting basic needs met at school (e.g. adequate, appropriate toilet facilities), having their identity, culture and language (including New Zealand Sign Language) recognised and valued, and having their preferred way of learning provided for.

**Future engagement and partnership with disabled people and their representative organisations**

16. The Ministry recognises the need to continue to partner with disabled people within different parts of the work programme as each area progresses and new groups are formed. In addition, we have proposed to the DPO Coalition that the Ministry establish a formal forward schedule of briefings and discussions across the education work programme.

**Consulting on a legislative proposal to strengthen the provisions that give children and young people a right to education**

17. The Ministry is seeking the public’s views on three proposals for future legislative change. This includes a proposal to strengthen the right to education in legislation by explicitly including the right to attendance (in addition to the right to a free education and enrolment currently provided for in the legislation).

18. We know that there have been situations where the lack of an explicit right to attendance in education legislation has seen disabled students’ access to education restricted. To address this, this proposal would expand the right to education to ensure that disabled students are accessing the education that they are entitled to.

19. Ministry officials recently met with the DPO Coalition to talk to them about the proposals and how they may affect disabled students. Submissions close on 14 June.

**Initiatives funded through Budget 2019**

20. The 2019 Wellbeing Budget has the largest Vote Education new operating spending in 10 years, including $336 million in new operating funding for learning support over 5 years. This is an increase of more than $50 million on the learning support operational funding provided in Budget 2018, which more than tripled the operational spending in the previous budget.

21. The $336 million figure includes funding for 600 Learning Support Coordinators to support schools to better identify and respond to the learning support needs of children and young people. It also includes funding to alleviate cost and demand pressures for a range of interventions supporting disabled children and young people, including increasing access to assistive technology, early intervention, and maintaining access to education for deaf and hard of hearing children.

22. In addition, disabled young people will benefit from the removal of NCEA fees, and disabled children in decile 1-7 schools could benefit from funding to replace parental donations.
Learning Support Action Plan

23. The briefing in November set out the proposed priority areas of the draft Learning Support Action Plan (the Action Plan), the consultation we undertook with disability groups on the draft, and a high-level overview of the feedback we received.

24. A finalised version of the Action Plan taking account of this feedback, including confirmed priority areas, actions, and timeframes, has since been approved by Cabinet and is due to be released within the next few months.

Learning Support Co-ordinator Role

25. Since the announcement of funding for the first tranche of Learning Support Coordinators on 4 November 2018, the Ministry has been working to further specify the role and how it will operate.

26. We have tested a draft role description with education sector groups and are in the process of finalising this. Announcements regarding the role and how the first tranche will be allocated will be made in the coming months.

Conclusion

27. In summary, there is a range of work underway to progress the right of disabled people to education. The Ministry of Education is committed to continuing to involve the DPO Coalition and Disability Rights Commissioner, as well as other disability and education sector groups, in this work in a meaningful and systematic way.