

SPEECH to RESOURCE TEACHER LEARNING and BEHAVIOUR SERVICE NATIONAL FORUM

DATE: Wednesday, 21 August 2019, 9am – 10am, MOE, Wellington

SUBJECT: Rights of all children and young people to a quality education

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E ngā mana, e ngā reo, raurangatira mā

Tena koutou katoa

Ko Paula Tesoriero ahau

Ko au te Kaihautu Tika Hau

Atanga mō te Kāhui Tika Tangata ki Aotearoa Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Mauri tangata, Mauri ora

Thank you for inviting me to speak to your national forum today. I acknowledge your roles as employers and managers of the specialist resource teachers deployed nationally.

I will talk about the need to remove barriers for people with disabilities, in particular, the rights of all children and young people to a quality education.

As Disability Rights Commissioner, my vision for Aotearoa New Zealand is the same as that in the United Nations Disabilities Convention - it is one where disabled people's human rights are enjoyed every day. Where everyone has choice and control in their own lives on an equal basis to others, and that disability becomes a positive identity that we value and embrace as a nation.

The stats paint a grim picture of the state of nation for disabled New Zealanders. According to the Household Labour Force Survey for the June 2018 quarter:

- 43% of young people are not in NEETS (4x that of non-disabled)**
- Of the disabled young people not earning or learning, almost 85% were not in the labour force.**
- disabled people are three times less likely to be in work. (22.3% for disabled people versus 70% for non-disabled.)**
- twice as likely to be unemployed. (10.6% versus 4.3% for non-disabled)**
- receiving about half the income of non-disabled people (Median weekly income for disabled people was \$358 vs \$712)**
- Violence and abuse rates are also higher**
- disabled people continue to experience negative disparities across a range of other key socio-economic indicators**

Engagement with education is one of the most critical protective factors and indicators of a life course and can really shift the dial on the outcomes experienced by disabled people.

Available data and anecdotal evidence show that the New Zealand education system is not nearly as inclusive of or responsive to the needs of disabled learners as it needs to be. Disabled learners are being bullied, suspended and excluded, and getting poor educational outcomes at significantly higher rates than non-disabled learners.

Complaints received by the Commission, and other organisations supporting disabled children and their families / whānau, provide clear evidence that many disabled students experience discrimination in the school system.

While I know that the resource teachers you manage are inclusive in their approaches, there's still a strong narrative about disability being a deficit and something to be overcome, and that disabled children are a problem in the classroom. All children in New Zealand bring diverse backgrounds and needs to their education and all of them deserve to have those differences acknowledged meaningfully.

Inclusion is more than making sure everyone can participate; it is about all children having a sense of belonging. This relies on the attitudes of leaders such as yourselves, in the school community and classroom. Schools that are inclusive, welcoming and understand their obligations are just as critical as having enough services and supports.

Learning that benefits all students not just some, produces better outcomes for all.

As the World Bank has urged, we need to move from a compensatory model based on individual learning support to one of building system competence.

Multiple reviews and reports have shown that the education system is not working for disabled students. Significant outstanding issues for the system include under-resourcing, a lack of good accountability mechanisms, lack of data and options and a lack of training and support for teachers.

We've known this for a long while, New Zealand just has not addressed these issues meaningfully and comprehensively.

All this results in low aspirations, as well as discrimination or an underlying expectation that disabled students should be segregated or siloed. Many children and their families have experience of the frustration of just wanting to access a quality education and having to fight for inclusion. This is just not good enough. Families and students have had enough.

That the education system has not serviced disabled children well in our history has been highlighted in the narrative of the current education reforms. In its recent report *Our Schooling Futures: Stronger Together Whiria Nga Tuatinitini*, the Tomorrow's Schools Independent Taskforce notes that too many children are unable to access their rights to education on an equal basis with others.

This is particularly so for children from disadvantaged homes, who are Māori, Pacific, refugees and new migrants, or who are disabled or have additional learning needs.

The failure to provide tailored and sufficient educational support for children and young people with learning needs can result in lifelong disadvantage, including barriers to entering the workforce and obtaining well paid work and disproportionately high rates of contact with the criminal justice system and incarceration.

The ongoing education reforms provide a critical opportunity to get things right for all children and are a perfect vehicle to consider these issues.

Since New Zealand ratified the Disability Convention in 2008, the Ministry of Education has taken steps to reflect the right to inclusive education in policies and initiatives.

The Ministry has referred to the Convention as placing a binding obligation upon New Zealand to provide an inclusive education system, an obligation that is reinforced by the New Zealand Disability Strategy and supported by the New Zealand Curriculum.

However, the Education Act 1989 has not been amended to include an enforceable right to inclusive education nor are inclusive education principles set out in education legislation.

Inclusive education will be a key issue discussed in the context of New Zealand's upcoming Second Periodic Review by the United Nations against the Convention in 2020.

The current proposal to strengthen the right to education within new education legislation as part of the educational reforms provides an important opportunity to update the Education Act 1989 so that it explicitly recognises and affirms the right to an inclusive education.

I am very encouraged that the Government has expressed a commitment to:

***“...champion a high quality inclusive public education system...”
and “...an education system that is inclusive where disabled students and other students with learning support needs are welcomed and where their achievement, progress, wellbeing and participation is valued and supported.”***

These reforms led by the Ministry of Education include a national conversation on a 30-year-vision for education in Aotearoa New Zealand, the finalising of the Disability and Learning Support Action plan, the first review of the Tomorrow's School policy in 30 years, a review of NCEA and vocational training and more recently consultation on strengthening the right to education.

Last month I welcomed the release of the Learning Support Action Plan 2019 – 2025 and new investment as a step in responding to the diverse needs of disabled young people.

The action plan is positive in that it promotes breaking down silos, collaboration and providing more resources and flexible supports. It also references the Disability Strategy and the Government's obligations under the Disability Convention.

While there's recognition of all the work that advocates for disabled people such as the Human Rights Commission and IHC have done over the years, the success of the plan will rely on the meaningful involvement of disabled people in its implementation.

I have to say though I'm very disappointed at the reason in the report for removing "disability" from its title.

The views of a small group of parents that see disability as a deficit speaks to a broader social problem about attitudes towards disabled people. That this view was favoured over that of disabled people who use it as an expression of identity - if not pride - is highly problematic. This is one of the reasons why we need a national conversation about attitudes towards disability.

I look forward to the Government investing in addressing the range of significant systemic issues I referred to earlier, also noted in the action plan, that have led to the education system not being inclusive, - workforce capacity and confidence, lack of services, a serious lack of data about educational outcomes and the low aspirations of others.

We need to redesign the system from the bottom up to make it inclusive of all learners.

New Zealand must make the most of these reforms and talk about how we create an education system to ensure that they are fit for purpose for all children.

We need to create an inclusive education system where every child is embraced in their school of choice and where choice can be genuinely exercised requires massive change at the cultural, policy and practice level- across every aspect of our system.

Inclusive education does not mean the coexistence of one programme for a student with learning support needs and another for the other students.

Rather, it implies changing the programme and teaching approaches for all students in a class. Inclusive education also requires close collaboration between regular class teachers and a range of other people, including specialist teachers, teaching assistants, therapists and parents.

The incentives in the system do not provide for genuine choice for all students. Being made to feel unwelcome or lacking confidence that mainstream settings have the capabilities and both human and financial resources to meet their child's learning needs can lead parents to enrol their child in special schools or units by default.

In order to enable genuine choice, avoid undue concentration of services and ensure equality of access, obligations upon individual schools to build inclusive capacity must, therefore, be system wide and non-transferable.

I really hope that the reforms underway shift the system level issues. This is a critical time for our education system and the impact our system will have on future generations.

Our classrooms are a place to create the change we need in NZ. It is in early childhood that attitudes towards diversity are formed. And we all have a responsibility to shape these attitudes.

The school culture is driven by your leadership, attitudes and decision-making. Lead to be inclusive and work in partnership with parents and children.

Thank you, I am happy to take your questions.