



NEW ZEALAND COUNCIL FOR EDUCATIONAL RESEARCH

TE RŪNANGA O AOTEAROA MŌ TE RANGAHAU I TE MĀTAURANGA

## *Submission to the Review of Special Education 2010*

*Cathy Wylie, Chief Researcher, NZCER*

1. I am making a submission to this Review of Special Education 2010 because I hope I can contribute something useful to this important work. This submission draws on the understanding of the complexity involved in meeting the wide range of special needs that students have in being able to participate in education and gain from it that I developed in my review of the Special Education 2000 policy.<sup>1</sup> That earlier review also made clear to me the need for policy which balances a number of core principles if we are to better provide for the development of students with special needs. This submission also draws on my expertise as an educational researcher who has an understanding of the impact of different policy levers in relation to the improvement of educational outcomes, such as ways of approaching accountability and offering choice, and ways of organising educational delivery, such as self-managing schools, clusters of schools, and school districts or regions.<sup>2</sup>
2. In preparation for this submission, to get some idea of how well current policy is working, and therefore what kind and size of changes might be needed, I have read the OAG 2009 performance audit report on the Ministry of Education's management of support for students with special needs, ERO's report on the RTLB clusters, the NZIER report on special needs funding, Cognition Institute's survey of special education resourcing, and a research paper on family choice of school for students with special needs.<sup>3</sup> I have also looked at recent information from the Ombudsman and the Human Rights Commission.<sup>4</sup> I have read recent reports on effective practices and systems for students with special needs produced by OFSTED,<sup>5</sup> and a report on the Florida voucher system for students with special needs, and a critique of that report.<sup>6</sup>
3. The challenge of the current economic environment means that any changes that arise from the 2010 review need to occur within the existing budget for special education. That means to me that any changes that are proposed need to be well-justified in terms of:
  - the evidence that they will improve quality of services for students with special needs;
  - the evidence that they will improve access to educational services;
  - the evidence that they are efficient ways to allocate and provide;
  - the evidence that they will contribute to sustainability and further development of quality and accessibility; and

- modelling before making any final decisions, in order to ensure that benefits of change are likely to be widely shared and sustainable.

While I think our current level of resourcing for special needs is not sufficient to meet all needs well, I have confined myself to comments focused on making more of existing resourcing.

4. While there is no single most important change that would improve outcomes for children and people with special education needs (question 10), there is one common thread running through reforms to education which have resulted in improved outcomes: core attention to strengthening and supporting the capability of teachers and others who work with students. In this context, strengthening capability also lifts confidence that schools can provide for students with special needs, which widens the acceptance of shared responsibility for them, and thus provides parents with a greater genuine choice of school.
5. This emphasis on lifting capability is evident in the existing special education policy in New Zealand. This policy is also supported by the wider policy emphasis on better equipping all teachers to work with diverse students. There is certainly scope however for more consistent processes for developing evidence about how to work best with different needs, including the most efficient allocation of resources; and for sharing that evidence so that it is more widely used. Good systems that ensure people work together rather than compete are also essential for such sharing. It is important that special education policy provides levers and incentives for greater consistency (which does not mean uniformity in the actual work with individual students), and greater collective knowledge building.
6. The present system (Option A in section 3), with some development, gives a much sounder ground for sharing and developing expertise than the fragmentation of expertise that would be likely in options C and D. ERO's recent review of the RTLB clusters is instructive here: it finds too much inconsistency, including in allocation of resources and access to specialists, and recommends larger units. In addition, while the Review of Special Education 2010 appears to be focused mainly on very high and high needs students, any change made here would impact on the provision for students with moderate needs. We need more consistency in our provision for all students with special needs, not less, if we are to be able to improve the quality of their education within existing resource levels.
7. There are further difficulties with Options B, C and D, in that they would each narrow the choices currently available. For example, Option C not only closes off the option of special schools, but with a growing emphasis on special units, may make it harder for individual students to access their local school, if responsibility for students with special needs comes to be seen as limited to those schools with units. This would undo much of the work that has gone on over the last 20 years to ensure that students with special needs are accepted in their local school, are happy there, and develop well.
8. I am puzzled by section 3. This notes the current mix of schooling options currently available to students with special needs, notes the dissatisfaction of some with the section 9 approval currently needed to access special schools,

and then presents some options which are about the provision of specialist teacher services as much as they are about enrolment. No evidence is provided about how options C or D would improve the supply or capability of specialist teacher and specialist services. There is perhaps an implicit assumption that special schools currently have this expertise, but I think that assumption needs to be tested. For example, the expertise may be limited to particular kinds of need, or it may be limited to what works in a special school or unit setting.

9. There is also no evidence that shifting funding to schools to buy specialist services would mean that the amount per school would be enough to get what was needed. The material on pages 30-31 suggests otherwise; and it was certainly the experience in England that shifting money for specialist services to schools did not give the schools that needed specialist advice the ability to afford it when needed, or to choose their specialists wisely (OFSTED 2005, p. 5).
10. The end of section 3 then jumps to a suggestion that specialist services could be delivered by private providers contracted by fundholders and schools. The supply of expertise is one of the key issues in special education. It is not something that can be taken for granted. To ensure adequate supply needs a central strategic approach, and the ability to place expertise where it is needed. It would be very difficult to ensure that such expertise would be available across the country, and accessible in a fair manner if provision was left to private providers.
11. Accountability would also become more complex, with more of the limited special education resources needing to be spent to try to ensure fair allocations of resources. There would be limited ways to promote the sharing of good practice, and the competition between private providers for contracts with fundholders and schools would also diminish the opportunities for collective knowledge building, and thus the efficiency of the system as a whole. One option to mitigate some of these costs for the development of the system as a whole would be if private providers were contracted at a higher level than fundholders and individual schools, i.e. at the district level included as one of the options in the chart on p. 28 on decisionmaking. Any contract with a private provider working with a district would need to include their involvement in collective knowledge building.
12. I am also puzzled by some of the material in section 6, on allocating funding and resources for students. The chart on p. 25 contains some misleading information that may raise parental expectations higher than the government can meet. Individualised funding is not necessarily fairer than population-based funding. It does not ensure that students are treated equally, since the quality of their experience is dependent on whether their provider has the relevant expertise and time. The OFSTED report comparing provision for students with special needs in special and mainstream schools in England also found that “A statement of SEN (special educational needs) usually generated additional resources, but even if this guaranteed the quantity of provision, it did nothing to determine the quality of provision or outcomes for the pupil in any type of setting.” (OFSTED 2006, p.4). This study found that “key factors for good progress were: the involvement of a specialist teacher; good assessment; work tailored to challenge pupils sufficiently; and commitment

from school leaders to ensure good progress or all pupils”; and that pupils were just as likely to make good progress in mainstream schools as in special schools.

13. We do not have a system that funds each student with a customised amount – it would be, as the NZIER report notes, complex and expensive to operate. The ORRS allocation is an average: many students will in practice get less than this average, and others will get more. One of the big questions around a fair allocation of ORRS funding is whether students are in fundholding pools that have a good balance of “overs” and “unders”, so allowing differences in individual needs to be fairly catered for. The ORRS categories are reasonably broad; within them, individual needs will be different. The discussion document picks up recommendations from the OAG report on improving verification processes and getting greater consistency in actual allocation of resources at the individual and school level. These changes are needed. I do note, however, that there is a much lower decline rate of verifications now than when I undertook the review of special education in 2000, suggesting that improvements made to the application process may have had some effect. But, as then, any system that allocates resources on set criteria is going to seem unfair to those who are on the margins.
14. I agree with the strengths noted in relation to the regional or district level in relation to other options of those who could hold funds, make allocation decisions, or provide services – including bringing together the allocation of teacher time for ORRS students into a specialist service. It would be important for central government to ensure consistency of processes (as the OAG recommended in its report on the ORRS allocation of resources). One of the benefits of New Zealand being a small country is that such consistency is achievable, if the policy levers all support it.
15. In the options table, the heading groups the region/district body or school cluster. However, school clusters have not proven themselves able to operate RTLB services well, and the same difficulties found in the provision of support for students with moderate special needs would be magnified here in relation to support for students with very high or high special needs.
16. It is difficult to see how non-government or private organisations, families-whānau, or other groups could provide effective education for students with special needs, given the issues canvassed above: the need for sufficient pooling of funding and expertise to ensure that different needs can be well catered for; and the need for systemic consistency and ways of sharing and building knowledge.
17. Add to this the great difficulty of ensuring accountability in an area where outcomes are hard to measure, and change over time often comes in very small increments, and may not always be sustained, when relations with providers are through contracts rather than through ongoing work together. To go down this route without convincing evidence seems unwise, particularly given the imperative to make the most efficient and effective use of public funds. There are some voucher schemes in the United States that give funding for students to transfer to private schools if parents feel the public school system is not meeting their child’s needs; parents need to (be able to) top up the amount

allocated if the private school costs more. The longest running scheme is the McKay scheme in Florida, which is used by around 7 percent of students with special needs. There appears to be no research on the comparative effectiveness of this provision; there has been one study of comparative costs for government that argues that this costs less; but the methods used in this study are questionable. In New Zealand too, it is likely that extending fundholding or provision beyond the existing system would lead to new fundholders and providers seeking establishment and ongoing capital funding on the basis that they would need to be able to compete fairly with existing providers.

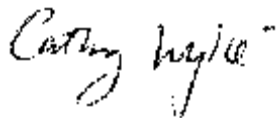
18. The research literature relating to the provision of school choice and the use of vouchers is also relevant to considerations of the benefits and costs of extending the range of fundholders. Advocates of school choice and vouchers report some gains, but rarely across the board, and often of a relatively small size. These studies carry more weight among advocates than they do among researchers.<sup>7</sup> Extensive research in the United States has shown that the overall quality of charter schools and private schools is no better than the overall quality of public schools.<sup>8</sup> Nor have they served as the engines of innovation that some expected.<sup>9</sup> Hattie's recent meta-analysis of the factors that have most impact on student learning point to the quality of teaching, with structural factors such as the kind of school (e.g. charter or religious) far behind.<sup>10</sup> And the provision of choice often clashes with the need to be efficient with public funds, since systems that aim to provide a range of options are inherently more expensive than others, and have raised equity issues.<sup>11</sup> It is even more difficult in New Zealand than in other countries to provide a wide range of choices well, because our small population is not all contained in dense urban areas.
19. The Cognition Institute's survey of special education resourcing found that most parents were happy with the progress their child was making; two-thirds had worked with their child's school to develop a programme of support, and just over half were closely involved with the school in monitoring and adjusting this programme. That suggests both a reasonable level of confidence in the current system, and that there are good systems to involve parents in decisionmaking in many schools.
20. At the same time, there are still too many parents of students with special needs who have difficulty working with their child's school – or accessing a school. We still have a difficulty in ensuring that all the parents of special needs children who want to access a local school, can. This preference for a local school seems to occur among the majority of parents. Any development of our system should aim at making this option more possible. It may be easier to work with reluctant schools if schools remained self-managing, but accountable to district Ministry of Education staff who would be placed in a better position to work with them formatively to increase their capability to accept and cater for students with special needs, than Ministry of Education staff are currently. This would include working with individual principals and schools; but also providing focused professional development, including pragmatic advice on working with parents. This kind of accountability, taking place through relationships over time and clear processes focused on continual

learning, such as indicated in the next paragraph, is more likely to have positive effects long-term than contractual forms of accountability.

21. The discussion paper talks of the costs of different forms of information collecting and use, and makes the point that information should be collected and analysed if it will improve provision and policy. I think it is important that educational providers and fundholders do gather consistent information on their provision for students with special needs and how students with special needs develop, so that we can build collective knowledge. If we do not build collective knowledge, we will not be able to make more of the limited funding for special education. In education generally, and in education research, there is a real focus on the value of decisionmaking that uses data intelligently, and on the use of action inquiry to decide what changes in practice are needed, and evaluates the effect of those changes. We have very robust evidence that such approaches do improve teaching and learning – and are rewarding for the profession. I would like to see more systematic approaches to the development and use of collective knowledge in the provision for students with special needs.
  
22. There was little mention of ICT in the discussion document. While increased ICT use can increase expenditure, it is much more feasible and far more affordable now to provide web-based resources, expertise, and ways to work together. For example, strategic use of ICT mechanisms such as skype and the sharing of videos of students in their class settings could also reduce specialist time spent on travel, allowing a greater number of students, teachers and teacher aides to benefit from their expertise.

I am happy to be identified as the author of this submission.

I would like to present this submission orally, in Wellington.

A handwritten signature in black ink that reads "Cathy Wylie". The signature is written in a cursive, slightly slanted style.

[Cathy.wylie@nzcer.org.nz](mailto:Cathy.wylie@nzcer.org.nz)

(04) 802 1444.

---

## References

- <sup>1</sup> Wylie, C. (2000). *Picking Up the Pieces. Review of Special Education 2000*. Wellington: Ministry of Education. [www.educationcounts.govt.nz/\\_data/assets/pdf\\_file/0018/15336/10605-wylie-review---download.pdf](http://www.educationcounts.govt.nz/_data/assets/pdf_file/0018/15336/10605-wylie-review---download.pdf).
- <sup>2</sup> Wylie, C. (2009). What can we learn from the last twenty years? Why *Tomorrow's Schools* could not achieve key purposes, and how we could do things differently with self-managing schools. 2009 Herbison lecture for the NZARE conference. Available on [www.nzare.org.nz](http://www.nzare.org.nz).
- Wylie, C. (2009). Getting more from school self-management. In *Tomorrow's schools 20 years on...* (ed. John Langley). Cognition Institute.
- Wylie, C., with Cameron, M., Twist, J., McDowell, S., & Fisher, J. (2009). Conditions for school innovation and transformation. Paper given at 22nd ICSEI, Vancouver, January. <http://www.icsei2009.org/presentations/Wylie/Wylie.pdf>.
- Wylie, C. (2007) *School governance in New Zealand: how is it working?* Wellington: New Zealand Council for Educational Research
- Wylie, C. (2007). *What can New Zealand learn from Edmonton?* Wellington: New Zealand Council for Educational Research
- Wylie, C. (2006). What is the reality of school competition? [http://www.ncspe.org/publications\\_files/OP126.pdf](http://www.ncspe.org/publications_files/OP126.pdf)
- Wylie, C., & King, J. (2004). *How do effective schools manage their finances?* Wellington, New Zealand Council for Educational Research.
- Wylie, C. (1999). *Ten years on: how schools view educational reform*. Wellington: New Zealand Council for Educational Research.
- Wylie, C. (1998). *Can vouchers deliver better education? A review of the literature, with special reference to New Zealand*. Wellington: New Zealand Council for Educational Research.
- <sup>3</sup> Cognition Consulting (2009). *Survey of special education resourcing*. Report for the Ministry of Education.
- Education Review Office (2009). *Resource Teachers: Learning and Behaviour: an Evaluation of Cluster Management*. Wellington: author. Available on [www.ero.govt.nz](http://www.ero.govt.nz).
- Morton, M. & McMenamin, T. (2009). *Families choices: Choosing Schools*. Available on [ccsdisabilityaction.org.nz](http://ccsdisabilityaction.org.nz).
- New Zealand Institute of Economic Research (2009). *Special education resourcing framework*. Report for the Ministry of Education.
- Office of the Auditor-General (2009). *Ministry of Education: Managing support for students with high special educational needs*. Wellington: Author. Available on [www.oag.govt.nz](http://www.oag.govt.nz).
- <sup>4</sup> Human Rights Commission (2009). *Disabled children's right to education*. Available on [www.hrc.govt.nz](http://www.hrc.govt.nz).

---

Office of the Ombudsmen (2009). Ombudsmen Annual report for the year ended 30 June 2009. Wellington: Author. [www.ombudsmen.parliament.nz](http://www.ombudsmen.parliament.nz).

<sup>5</sup> OFSTED (2005). *Inclusion: the impact of LEA support and outreach services*. London: Author. Available on [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

OFSTED (2006). *Inclusion: does it matter where pupils are taught?* London: Author. Available on [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

<sup>6</sup> Greene, J. P. & Winters, M. (2008). The Effect of Special Education Vouchers on Public School Achievement: Evidence from Florida's McKay Scholarship Program. Manhattan Institute for Policy Research. Available on [www.manhattan-institute.org](http://www.manhattan-institute.org).

Yun, J. T. (2008). Review of "The Effect of Special Education Vouchers on Public School Achievement: Evidence from Florida's McKay Scholarship Program." Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. [www.epicpolicy.org](http://www.epicpolicy.org)

<sup>7</sup> Lubienski, C., Weitzel, P., & Lubienski, S.T. (2009). Is there a "consensus" on school choice and achievement? Advocacy research and the emerging political economy of knowledge production. *Educational Policy* 23 (1), 161-193.

<sup>8</sup> Center for Research on Education Outcomes (CREDO) (2009). *Multiple Choice: Charter School Performance in 16 states*. Palo Alto: CREDO, Stanford University.

Miron, F., Evergreen, S., & Urschel, J. (2008). *The impact of school choice reforms on student achievement*. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. [www.epicpolicy.org](http://www.epicpolicy.org).

<sup>9</sup> Lubienski, C. (2009). Do quasi-markets foster innovation in education? A comparative perspective. OECD Education working paper No. 25. [www.oecd.org](http://www.oecd.org).

<sup>10</sup> Hattie, J. (2009). *Visible learning. A synthesis of over 800 meta-analyses relating to achievement*. Oxford: Routledge.

<sup>11</sup> Hill, P. T. (2005). Doing school choice right. *American Journal of Education*. 111 (2), 141-150.

Wylie, C. (1998). *Can vouchers deliver better education? A review of the literature, with special reference to New Zealand*. Wellington: New Zealand Council for Educational Research.