

Where to go for help

There are a number of organisations that may be able to give you extra support.

- **Auckland Disability Law** helps people with disabilities access legal services: www.aucklanddisabilitylaw.org.nz
- **Autism New Zealand:** www.autismnz.org.nz
- **Blind Foundation:** www.blindfoundation.org.nz
- **CCS Disability Action** provides practical support for people with disabilities: www.ccsdisabilityaction.org.nz
- **Health & Disability Commissioner** for complaints about treatment of people with disabilities: www.hdc.org.nz
- **Human Rights Commission** for complaints about discrimination: www.hrc.co.nz
- **IHC** provides support for people with intellectual disabilities: www.ihc.org.nz
- **National Foundation for the Deaf:** www.nfd.org.nz
- **New Zealand Down Syndrome Association:** www.nzdsa.org.nz
- **SPELD** help those with Specific Learning Disabilities such as Dyslexia and ADHD: www.speld.org.nz
- **Strengthening Families** can help in meetings about your child with the school or specialists: www.strengtheningfamilies.govt.nz
- **YouthLaw** provides free legal advice for young people under the age of 25. We have a focus on education law, and have experience in dealing with special education matters: www.youthlaw.co.nz



YouthLaw
Tino Rangatiratanga Taitamariki

YouthLaw provides free legal help for young people under the age of 25. We have expertise in the area of education law, and can give advice on special education. If you know a young person who needs assistance, please get in touch with us.

Visit our website:
www.youthlaw.co.nz

Contact YouthLaw for further free help or advice:

Free phone: 0800 UTHLAW
(0800 884 529)

Email: info@youthlaw.co.nz



YouthLaw
Tino Rangatiratanga Taitamariki

Special Education

The Rights of Young People
with Special Education
Needs

*A guide for parents and
supporters of young people*



The right to education

All New Zealand citizens and residents between the ages of 5 and 19 have the right to a free education. This does not change if your child happens to have special education needs. A school cannot remove from school or refuse to enrol a student for this reason alone.

Students with special education needs have the same right to be in school full-time as any other student. They should receive an equal and comparable education to other students without special education needs. Whilst there are some special classes, units or schools, most students should be included in mainstream education.

Who is eligible for special education support?

A student can be classified as having special education needs if they need different kinds of help than the majority of students to learn in the classroom. This might be because of physical difficulties, such as moving, seeing or hearing. It might also be because of behaviour problems, difficulty learning as quickly as other children, or trouble communicating in their first language.

Those with special education needs are classified as having either moderate, high or very high needs. This is based on how much help they need to engage in class along with their peers.

The support available

Every school is given funding from the government to spend on students with special education needs. Different schools choose to spend this money in different ways. If your child has been classified as having moderate needs, it is expected that the school will cover their needs from this funding.



In some cases different teaching strategies may be needed to help your child learn. In this case, it may help to make an Individual Education Plan (IEP). This involves you (the parent), any support people you want present, your child's teacher, and others involved in your child's education (like specialists). Everyone comes together at regular IEP meetings to discuss the best approach to your child's education. IEPs are not automatic for all students with special education needs. The decision to develop an IEP is made by the school in collaboration with the child's parents. If you think that an IEP might help your child, you can discuss this with their school.

If your child has been classified as having high or very high needs, they may be able to get extra individual funding from the government. This might be through the Ongoing Resource Schemes (ORS) or other individualised services. This funding is for the specific student to help with their learning. It can cover things like support from specialists or teacher aides, or money to cover small items that your child requires for their special education. You will need to work together with your child's school to apply for this.

What if I don't think my child is getting adequate support?

If you don't think that the school is doing enough to help your child learn, you should start by talking to your child's teacher, form teacher or dean.

It may be helpful to ask for an IEP to be developed, if your child does not have one. If they do already have an IEP, it could be a good time to review it.

You can also talk to the school about whether your child might be eligible for ORS or other government funding. If you have been turned down for this, you can ask in writing for a review of the decision. If this is unsuccessful, you can write to the Secretary of Education to appeal the decision. You have 30 days after being declined funding to tell the Ministry of Education that you want to appeal.

Discrimination



It is against the law for a school to treat a student differently because of their disability in a way that causes disadvantage to them. The school should take all reasonable steps to help your child get the same benefit from their education as their peers.

If the school is not doing enough to take your child's disability into account and provide them with support, this could be a kind of discrimination.

School discipline

The most serious form of school discipline is removing a student from the school. This can be for a fixed period of time or permanently. Schools can do this for one of three reasons:

- Gross misconduct that is a harmful or dangerous example to other students;
- Continual disobedience that is a harmful or dangerous example to other students;
- A student is likely to be seriously harmed if the student is not removed.

(See YouthLaw's pamphlet on 'School Disciplinary Procedures' for more detail).

The behaviour must be real misbehavior, not just a consequence of failing to provide enough support for the student's special education needs.

In deciding whether to remove a student from school, the school must consider the student's individual circumstances. The school has to think about a child's special education needs when deciding what is the appropriate response to their behaviour. This includes considering whether the student needs more support.