



# **Submission on the Education and Training Bill**

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## 1. Introduction

IHC supports the intent of the Education and Training Bill to establish and regulate an education system that provides New Zealanders with life-long learning opportunities so they engage fully with society.

The General Policy Statement<sup>1</sup> states that “the Bill creates a new Act which is simpler, more modern and less prescriptive than the current legislation. It also implements policy changes that have resulted from the education work programme and undertakes the amendments required to support the Government’s response to the Tomorrow’s Schools Review Independent Taskforce”.

IHC has engaged with the entire education reform process and encouraged others to do so as we see the reform process as an unprecedented opportunity for the education rights of disabled students to be recognised and responded to in an education system where “every learner matters and matters equally” (UNESCO 2015).

Our 70 year history in advocating for the rights of children with intellectual disability to access education is well documented as are the difficulties faced by disabled students and their parents when attempting to secure learning opportunities at local primary and secondary schools (Grant and Matthews, 2015).

IHC’s position on inclusive education has developed over time and is strongly influenced by the voices of families and disabled people<sup>2</sup>, our engagement with the education sector and research evidence.

A significant body of evidence was collected for IHC’s legal action (a claim lodged under Part 1 A of the Human Rights Act) in 2008 and 2014.

IHC has carried out surveys in 2014, 2017 and 2019 and collected hundreds of responses from families and educational professionals each time.

There is no question that people want to have a say on how disabled students experience education and see IHC as a credible organisation to represent their interests and concerns.

IHC’s submission to the Education and Training Bill has a restricted focus on the extent to which the new Act protects and strengthens the rights of disabled students to have equitable access to and outcomes from education.

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<sup>1</sup> <http://disclosure.legislation.govt.nz/bill/government/2019/193/>

<sup>2</sup> IHC uses language derived from the social model of disability that acknowledges that people are disabled by a society that takes no account of people who have impairments and excludes them.

“Laws are created to protect that which is important and so society tends to legislate for what it values”<sup>3</sup>. IHC has this week released summary results from the 2019 survey (carried out during late November). The survey results (attached in Appendix 3) demonstrate a lack of valuing of disabled students as learners in the education system and echo the finding of the Tomorrow’s Schools Review Independent Taskforce that students with disability and learning support needs have been poorly served by the devolved delivery model.

Other appendices attached to IHC’s submission aim to assist the Select Committee’s understanding of IHC’s position on the Bill and how it links to IHC’s Human Rights Act complaint.

## **2. About IHC**

IHC advocates for the rights, inclusion and welfare of all people with intellectual disabilities and supports them to live satisfying lives in the community.

IHC was founded in 1949 by a group of parents who wanted equal treatment from the education, health and social service systems for their children with intellectual disability. Today IHC is still striving for these same outcomes and is committed to advocating for the rights, welfare and inclusion of all people with an intellectual disability throughout their lives.

IHC’s 70 year history has been characterised by unwavering advocacy about the rights of children with intellectual disabilities to access education. Many families felt that after the enactment of the 1989 Education Act, which gave disabled children equal rights to enrol at their local school, the difficulties would end. Sadly, despite legislative and policy enablers, disabled children have continued to experience significant difficulties with enrolment, access to the curriculum and participation in school life.

## **3. Cross cutting Issues**

### **3.1 Disabled children’s rights to education**

People with disabilities are full rights holders and are entitled to claim and realise, on an equal basis with others, all civil, political, social, economic and cultural rights, including the right to education.

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<sup>3</sup> Challenging the Barriers: Ensuring Access to Education for Children with Special Education needs Youth Law. 2016

To this end Article 24 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) affirms the right to education, without discrimination, and based on equal opportunity<sup>4</sup>

New Zealand's obligations under Article 24 of the UNCRPD in respect of disabled students' rights at school include;

- The right to access an inclusive, quality education on an equal basis with others [Art 24(2)(b)].
- Reasonable accommodation of the student's requirements [Art 24(2)(c)].
- The right of students to receive support within the general education system, and that such support measures are effective, individualised, and provided an environment that maximises academic and social development, and consistent with the goal of full inclusion [Arts 24(2)(d) and (e)].

Compliance with Article 24 requires a legislative commitment. In the General Comment on the Right to Inclusive Education under Article 24, the UNCRPD Committee states that:

“The right to inclusive education encompasses a transformation in culture, policy and practice in all formal and informal educational environments to accommodate the differing requirements and identities of individual students, together with a commitment to remove the barriers that impede that possibility... It requires an in-depth transformation of education systems in legislation, policy, and the mechanisms for financing, administration, design, delivery and monitoring of education” (Article 24 UNCRPD General Comment).

The United Nations Committee on the Rights of Disabled Persons has recommended that the New Zealand government ensure compliance with the UNCRPD by making explicit the right to inclusive education and reasonable accommodation in the Education Act.

IHC recommends that in accordance with New Zealand's treaty obligations that an explicit reference is included within new education legislation to New Zealand's international human rights commitments. This would reflect the approach taken in the Children, Young Persons and their Families (Oranga Tamariki) Legislation Act 2017, which provides (as part of its s 5 principles) that:

“the child's or young person's rights (including those rights set out in United Nations Convention on the Rights of the Child and the United

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<sup>4</sup> Emily Cukaleveski&Catia Malaquias (2019): A CPRD analysis of NSW's policy on the education of students with disabilities-a retrogressive measure that must be halted,Australian Journal of Human Rights,DOI:[10.1080/1323238x.2019.1609720](https://doi.org/10.1080/1323238x.2019.1609720)

Nations Convention on the Rights of Persons with Disabilities) must be respected and upheld.”

The recent amendment of the Oranga Tamariki Act 1989 is an example of a public sector agency seeking to affirm a commitment to human rights. Section 5 (1)(b)(i) of that Act requires that “the child’s or young person’s rights (including those rights set out in UNCROC and the United Nations Convention on the Rights of Persons with Disabilities) must be respected and upheld.”

IHC notes with concern the statement in the (Impact Summary Statement, Strengthening the Right to Education, 3.2, page 8) that “It is not intended to make us fully compliant with our international obligations”.

### **3.2 Enforcement of Rights/Accountability**

In its 2014 review of New Zealand, the UNCRPD Committee concurred with the Independent Monitoring Mechanism’s recommendation that Government establish an enforceable right to inclusive education within legislation.

Although IHC understands the intent to strengthen the right to education by making the right to attend school explicit, IHC does not support this approach as we are not confident that a legislative right alone will resolve the longstanding problems associated with disabled children and young people being able to have their human rights to education recognised and realised.

Legislation alone cannot guarantee the right to education in New Zealand given the devolved nature of education delivery and the current disconnected systems and structures.

We believe that the human right<sup>5</sup> to education will be strengthened by sustained policy and administrative actions to ensure education systems and structures are accountable and effectively respond to the rights found within s.3 and s.8 of the Education Act and to ensure that those existing rights are able to be enforced.

IHC believes that existing rights within the legislation and any “new” rights will continue to be “hollow” rights when the context in which those rights are recognised and realised lacks confidence, capacity, resources and, in some instances, willingness to do so.

Enforcement of legislative rights to education has been problematic under the Tomorrow’s Schools model of education delivery as there is very little oversight of the actions that individual schools take.

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<sup>5</sup> General Comment No 13: The right to education (article 13) 1999 (adopted by the Committee of Social & Cultural Rights at the Twenty First Session, E/C.12/1999/10/8 December) Retrieved from <https://www.right-to-education.org/resource/cescr-general-comment-13-right-education-article-13>

IHC is encouraged that the new Act creates more accountability for school Boards of Trustees by requiring them to meet objectives relating to inclusion, student rights, diverse learners and Te Tiriti o Waitangi.

The proposal to establish Dispute Resolution Panels where alleged breaches of rights can be considered and binding decisions made, is a positive step but there are problems with the provisions in the Bill. In addition, IHC asserts that proposal fails to meet the test of impartiality and the need for the issuing of legal orders and direction critical to enforcement of education rights.

### **3.3 Access to Justice**

Government action to establish an independent Education Review Tribunal is required with urgency. Children and young people are the only group of New Zealand citizens unable to access an independent body to review decisions made about them and their education. For many disabled students, equitable access to education is unequivocally linked to access to justice and wellbeing.

The lobby to establish such a Tribunal has strong civil society support that is now decades old.

IHC's complaint under Part 1A of the Human Rights Act<sup>6</sup> alleging that disabled students experience discrimination at school is still to be heard by the Human Rights Review Tribunal. A pre-trial hearing was held in 2015 and some five years later the substantive issues of the complaint are still to be heard.

The students and their families who gave evidence to IHC have waited too long for their human rights to protection from unlawful discrimination to be considered by the Human Rights Review Tribunal. Justice delayed is justice denied for this vulnerable group of New Zealanders.

IHC intends to lodge a complaint with the United Nations Committee on the Rights of Persons with Disability under the Optional Protocol.

Families continue to report to IHC frustration and despair about the lack of processes or mechanisms that can investigate breaches of rights or enforce their children's education rights.

## **4. IHC's overall response**

### **4.1 Early Childhood Education**

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<sup>6</sup> Second amended Statement of Claim dated 18 August 2014. IHCvAttorney General, in the Human Rights Review Tribunal HRRT024/2012

IHC supports the additional requirements for new Early Childhood centres.

We support the requirement of police vetting for all members of a household where licensed home-based Early Childhood Education is being provided.

To ensure the maximum protection from harm is afforded to all children in these settings IHC opposes the schedule 4 clause 5 (10(b) which creates an exception and recommends that this be removed.

To this end also IHC supports the addition of clauses 589, 590 and 591 that give the Education Review Office powers to with “reasonable notice” visit home-based Early Childhood Education services to ensure consistency and quality of early childhood education services and to protect young children.

## **4.2 Primary and Secondary Education**

### **Right to attend Full time**

IHC has argued in the previous sections of this submission that the new Act be strengthened to provide for disabled students’ rights to inclusive education and reasonable accommodation. We believe that without these provisions the right to attend will be a “hollow” right with no legislative clarity about how that right is to be recognised, responded to or realised. We recommend that definitions for these terms are attached to the legislation by schedule to ensure consistency of interpretation and to clarify the obligations on schools as legal entities with obligations in respect of UNCRPD.

IHC further recommends that resourcing policies and accountability frameworks are developed to ensure implementation of the new legislative rights.

As noted with concern previously there is no intention that this Bill improves New Zealand’s compliance with UNCRPD. Given the many years of disadvantage and discrimination experienced by disabled students and the budget stresses placed on schools to meet the needs of disabled students it is unconscionable that the needs, rights and interests of disabled children are so poorly provided for in this Bill.

*IHC recommends that Clause 32 be amended to provide for inclusive education and reasonable accommodation and that definitions of these terms and guidance for schools are provided in a schedule attached to the new legislation.*

## **4.3 Disputes Resolution Panel**

As stated previously IHC fully supports establishing enforceable rights to education for disabled students. The proposals for establishing Dispute Resolution Panels fall short of what is required for disabled students and their families to enjoy an enforceable right to education. IHC is also of the view that the proposal as outlined in the Bill and within the explanatory information (Ministry of Education, 2019a, p.4) contain a number of risks for disabled students and their families and do not adequately recognise or address the power imbalance felt and experienced by disabled people and their families in their relationships with schools.

From IHC's experience with, and knowledge of, the many disputes that evolve between disabled students, their families and schools, we suggest that most disputes link back to a lack of understanding and/or implementation of education law and policy.

IHC is concerned that the current proposals will result in further misinterpretation of law and policy while also having the potential to mediate away disabled students' education and human rights.

IHC agrees with CCS Disability Action that the grounds for dispute given in the Ministry explanatory information are areas where the law is, or will be, if the law is passed, clear, for example the right to enrol and attend and the right to a safe learning environment. It is concerning that it is intended to hear these complaints or disputes when what is required is for the Ministry to intervene and provide advice on the legal and policy requirements schools must operate under. The Ministry notes that it is effectively using a wider range of interventions in schools to resolve disputes between schools and families.

*IHC recommends that the Ministry of Education to exercise and broaden their powers of intervention in schools so that the law is upheld.*

A further problem in the Bill is that, as previously stated, the dispute between schools, disabled students and parents may originate from flawed and misunderstood policies or policies that have not been fully implemented. For example, a school may place conditions on enrolment of a disabled child because the learning support resourcing framework is inadequate for them to meet the child's needs for the school day or week. For this reason, it is critical that the Ministry becomes a party in the dispute to ensure that policies are implemented properly, and they are aware of the barriers to implementation.

*IHC endorses the following recommendations made within the submission lodged by CCS Disability Action*

- 1. Section 207 does not strictly require applications to be made in writing.*
- 2. Section 209 and 210 states that the panel may make recommendations and/or determinations about the Ministry of*

*Education's decisions, services, support or resources, including any lack of action or decision by the Ministry of Education.*

3. *Section 211 states that if the dispute involves decisions, services, support or resources made or provided by the Ministry of Education, the Ministry of Education must participate in the dispute resolution process undertaken by the panel, including any meetings convened by a mediator or by the panel.*
4. *Section 212 prohibits settlements that breach other Acts of Parliament, including other sections of the Education Act.*
5. *Section 212 states that settlements are not binding for students and families.*
6. *Section 212 makes settlements potentially binding for the Ministry of Education, if the Ministry of Education signs the settlement.*

#### **4.4 Updating the Physical Restraint Framework**

Under the current Education Act (1989) teachers and authorised staff members can physically restrain a student if they reasonably believe that someone's safety is at serious and imminent risk. The physical restraint must be reasonable and proportional to the circumstances.

The new Education and Training Bill seeks to widen the permissible use of force in schools. The new Bill would allow teachers and authorised staff to use force (which is not defined in the Bill and will not be covered by any rules until up to six months after the Bill receiving Royal Assent).

Teachers and staff will be able to use force not just to prevent significant harm to health or safety of someone, but also to prevent significant emotional distress suffered by the student or person. Education Minister Chris Hipkins had an example of when this provision could be used:

*"If a student has just completed their work - something they've worked for weeks on - and then another student decides that they're going to smash that work up then actually under the rules as they stand now a teacher could not intervene to stop that from happening,"*

The use of force to prevent damage to inanimate objects is unacceptable. Widening the use of force in schools is also backwards and out of line with the direction of law and government policy.

Allowing teachers to use force in schools will not protect them from being confused about when to use restraint or touch children. Stories of teachers who are too fearful to give a child a hug show that teachers currently do not understand the rules about restraint and force.

How will these teachers become any less confused with new rules about force? Widening the legal use of restraint and force in schools will not make hugs more likely.

Another issue is the administrative burden of reporting acts of restraint. However, reporting on the use of restraint is not changed by the Bill and those burdens remain.

Current reporting indicates that physical restraint is used predominately with disabled students, the majority of restraint practices occurring in special schools. It is clear that disabled children will be adversely impacted by this proposed law change and as such IHC strongly opposes the move to do so. We suggest that the problems articulated by the teaching profession about the current physical restraint framework could be addressed by developing better guidance to enhance understanding about the current 139AC.

Recent UK research (February 2020) emphasises that alternate approaches are not only more effective in responding to challenging behaviour but lead to better outcomes for children and school personnel. The research recommends the need to strengthen the law to prohibit force against children, invest in prevention and strengthen safeguarding<sup>7</sup>

The research was carried out due to significant concerns regarding the use of restrictive interventions on children and young people with disabilities, and the ongoing gap in knowledge and data collection on restrictive interventions taking place in schools. Overall, case studies were completed by family carers for 720 children and young people across the UK who had experienced restrictive intervention. The children had a range of needs, covering developmental, educational, physical, and mental health needs, the most reported being autism (61%) and speech, language and communication needs (51%). Restrictive interventions most commonly started whilst the child was primary school age (5-11 years). Notably, at school most children (87.6%) had experienced restraint and over half (60.7%) had experienced seclusion. Concerningly, most families (86.5%) reported that their child had been physically injured during a restrictive intervention.

These findings indicate several potential issues around restrictive interventions in schools for children with a range of developmental,

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<sup>7</sup><https://www.challengingbehaviour.org.uk/learning-disability-assets/rireportfinal.pdf>

educational, physical, and mental health needs, which need to be explored through more robust data. Key issues include that restrictive interventions:

1. can have serious negative impacts on children;
2. appear to be used in most of the school settings represented by participants on multiple occasions;
3. appear to be used for inappropriate reasons, rather than in extreme instances to protect the child from harming themselves or others
4. practices in some schools may not adhere to guidance and some unlawful, abusive practices are suggested;
5. parents are not always informed about restrictive interventions;
6. recording in schools may be infrequent and/or inadequate;
7. training may not always result in better practice; and
8. use of restrictive intervention in schools is likely to be widespread across the UK.

IHC strongly opposes the Bill's intent to change the wording from the use of physical restraint to physical force. We regard this as a retrogressive step in ensuring the safety and wellbeing of children in all areas of their life.

We submit that the term “physical force” be replaced by the original terms “physical restraint” and “physically restrain”.

Legislation to provide for the use of physical force on children and young people in a school setting is not only out of step with the current direction of domestic law and policy it is inconsistent with New Zealand's obligations under the United Nations Convention on the Rights of the Child (UNCROC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The government's Child and Youth Wellbeing Strategy seeks to make New Zealand the best place in the world for children and young people, but how can it do this by allowing force to be used against them at school?

The Strategy aims to ensure children feel loved, safe and nurtured, to be happy and healthy, and to be accepted, respected and connected. These do not fit alongside allowing force to be used against children and young people in schools.

New practice standards for Oranga Tamariki include a whole section on wellbeing. This section understands the importance of children and young people feeling loved, safe and nurtured. It mirrors many of the things mentioned in the Child and Youth Wellbeing Strategy.

The New Family Violence Act 2018, makes provision for children's safety and their access to programmes that respond to trauma and the work of the

Joint Venture on Family Violence and Sexual Violence recognises the serious adverse impact on children witnessing violence.

*IHC recommends that the current wording of section 139(1)(a) be used in place of clause 95 subclause(a).*

*IHC supports clauses 96 and 97 requiring the physical restraint guidelines to include “other examples of best practice in behaviour management”.*

#### **4.5 New Board of Trustee objectives**

IHC welcomes and strongly supports the widening of objectives that Boards of Trustees are expected to meet and suggest that with active monitoring by the Ministry of Education that the objectives represent a critical accountability mechanism for school and system performance.

The new objectives in relation to giving effect to Te Tiriti o Waitangi, ensuring the physical and emotional safety of all students and staff, giving effect to relevant student rights set out in other parts of the Education Act, the Bill of Rights Act 1990 and the Human Rights Act 1993 and taking steps to eliminate racism, stigma, bullying and discrimination and ensuring the school is inclusive of and caters for students with differing needs, are well overdue and represent a significant underpinning for the thirty year vision for a quality inclusive public education system.

*IHC recommends that appropriate, mandatory and ongoing training is provided and guidelines developed for Boards of Trustees to ensure the Objectives as outlined above are realised. We further recommend that the Ministry of Education actively monitors, rather than relying on a complaints measure, Boards of Trustees meeting objectives*

#### **4.6 Board of Trustees Code of Conduct**

IHC strongly supports the establishment of a Code of Conduct for Board of Trustees members. We suggest that disabled people and their families are consulted on how the Code of Conduct reflects obligations under UNCRPD.

#### **4.7 Enrolment Schemes**

Appendix 3 - IHC Education Survey Results 2019 indicate that nearly a third of disabled children are refused enrolment or have conditions placed on their enrolment. Currently schools make decisions about who is welcomed or not according to their Enrolment Scheme. This arrangement has a lead to some schools absolving their responsibilities to welcome all children and the other

schools becoming “magnet schools” with subsequent pressures to resource the large numbers of students with learning support needs

IHC strongly supports the changes outlined in the Bill to move the responsibility of enrolment schemes to the Ministry of Education and hopes that this change will ensure that every disabled child is welcomed at the local school.

#### **4.8 Renaming special schools**

IHC supports the Minister’s proposal to transfer the legislative provisions currently contained in the Education Act 1964 for establishing and disestablishing special schools into the new legislation.

We also support the minor changes to remove references to some clinics and classes that are no longer used.

IHC acknowledges the changed role of special schools as providing advice and resources to assist local schools to meet the learning, behavioural and social needs of disabled students in mainstream settings. We therefore suggest that the term resource school be used. A specialist school sends a strong signal that “some” students do not belong or are not able to learn alongside their non-disabled peers at the local school. Many disabled students require expert teacher knowledge and skills for them to achieve.

However, we strongly oppose the proposed name change to specialist schools and see this as retrogressive in respect of contemporary understandings of inclusive education and the social model of disability.

IHC asserts that

“A review of language is necessary, given that terms such as ‘special’, ‘specialist’, ‘additional needs’, ‘challenges’ (both within children and that children cause for schools), default to a deficit/ adjunct/add-on mentality in relation to disabled students, which obscures recognition of and undermines students’ rights. The label ‘special education’ fails to recognise the influence of ecological and social contexts on children’s learning and social experiences at school and gives people permission to use discriminatory practices” (Smith, 2013). “Critiquing and contesting entrenched ‘special needs-ism’ is essential if we are to achieve a genuinely inclusive education system for ALL students” (Rutherford, 2016). “Replacing ‘special educational needs’ with ‘educational rights’ means that all students are valued and their identities are upheld” (MacArthur & Rutherford, 2016; Runswick-Cole & Hodge, 2009; Slee, 2018) (p.8).

*IHC recommends that:*

*Disabled people are consulted about the proposed name change as required by UNCRPD (4.3).*

*The new name for special schools in the legislation is a Resource School.*

## 5. Conclusion

Thank you for the opportunity to consider the proposals for legislative change.

We welcome an opportunity to make an oral submission.

## 6. References

Cabinet paper: Education and Training Bill-public consultation on second tranche of policy proposals retrieved from <https://www.education.govt.nz/assets/Documents/Ministry/Information-releases/2019-releases/P-34-E-and-T-Bill-Public-Consultation-on-2nd-Tranche.pdf>

Emily Cukaleveski&Catia Malaquias (2019): A CPRD analysis of NSW's policy on the education of students with disabilities-a retrogressive measure that must be halted, Australian Journal of Human Rights,DOI:[10.1080/1323238x.2019.1609720](https://doi.org/10.1080/1323238x.2019.1609720)

Grant, T., & Matthews, D. (2015). New Zealand failing in educating those with disabilities. *The Dominion Post*. Retrieved from <https://www.stuff.co.nz/national/education/71212213/null>

*IHC New Zealand v Attorney General* (2012) HRRT (Second Amended Statement of Claim, 18 August 2014)

Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities. (2016).

*Article 24: The Right to an Inclusive Education E Koekoe Ana te Tūi Implementation Report.*

Retrieved from [www.ombudsman.parliament.nz/.../imm\\_interim\\_implementation\\_report\\_word\\_final](http://www.ombudsman.parliament.nz/.../imm_interim_implementation_report_word_final)

Lundy, L. (2007). 'Voice' is not enough.: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33 (6), 927-942.

Ministry of Education. (2019a). Impact Summary: Strengthening the right to education by confirming the right to attendance. Ministry of Education.

Ministry of Education. (2019b). Regulatory Impact Assessment: Establishing dispute resolution panels. Ministry of Education.

Ministry of Education. (2019c). Impact Summary: improving the workability of the physical restraint legislative framework. Ministry of Education.

Moran, P. (2014). No Learner Left Behind: Is New Zealand meeting its obligations under Article 24 of the United Nations Convention on the Rights of Persons with Disabilities? *Public Interest Law Journal of New Zealand*, 1-42. Retrieved from <http://www.nzlii.org/nz/journals/NZPubIntLawJl/2014/1.pdf>

Office for Disability Issues. (2019). *Key facts about disability in New Zealand*. Retrieved from <https://www.odi.govt.nz/home/about-disability/key-facts-about-disability-in-new-zealand/>

“Our Schooling Futures: Stronger Together” Whiria Nga Kura Tuatinitini Report by the Tomorrow’s Schools Independent taskforce  
<https://conversation.education.govt.nz/assets/TSR/Tomorrows-Schools-Review-Report-13Dec2018.PDF>

Runswick-Cole, K., & Hodge, N. (2009). Needs or rights? A challenge to the discourse of special education. *British Journal of Special Education*, 36(4), 198–203.