

Submission on Education and Training Amendment Bill 2024

This submission is from the Secondary Principals' Council of Aotearoa (SPC). SPC represents secondary and area school principals who are members of PPTA Te Wehengarua. There are representatives for each region, plus for Māori, women, and Area School principals. The Council chairperson is Kate Gainsford, Principal of Aotea College.

The independent voice of SPC reflects the leadership role principals play in the education system – and provides a crucial perspective that is sought by educational bodies, policy makers and the media.

Recommendations

The Secondary Principals' Council of Aotearoa recommends:

Recommendation 1. That this Bill should be withdrawn.

Recommendation 2. That Charter schools should comply with the Crown's obligations to give effect to Te Tiriti o Waitangi, under section 127 s1 (d) of the Education and Training Act 2020.

Recommendation 3. That principals in ALL schools, inclusive of charter schools, and are leaders of learning and required to hold a full practising certificate (category one or two) and have functions of both management and responsibility for leadership of teaching and learning.

Recommendation 4. That Charter schools be required to teach the NZ Curriculum.

Recommendation 5. That the ability to appoint a LAT in a charter school should be on an annual basis and no new category of Limited Authority to Teach (LAT) is created.

Recommendation 6. That Charter schools are transparent and subject to the Official Information Act.

Recommendation 7: That this Bill is sent back to the drafting process to allow appropriate consultation with all affected stakeholders and the education profession.

Recommendation 8: That provisions in the Bill limiting unions initiating bargaining for multi-employer collective agreements are removed.

Recommendation 9: That the public education system is fully funded to meet the needs of all learners, inclusive of those with high support needs.

Recommendation 10: That existing state schools can only enter the application process for a charter school if fully supported by the majority of staff and of whānau.

Submission

The Secondary Principals' Council (SPC) asks that the select committee consider our recommendations and the grounds for our opposition to the establishment of charter schools.

In the event that the Education and Training Amendment Bill is not withdrawn we make a number of recommendations on the establishment of charter schools.

Public education

SPC calls for the withdrawal of this Bill. SPC is an unwavering champion of public education in Aotearoa New Zealand and is unequivocally against the reintroduction of charter schools.

Public education is the foundation of a just and connected Aotearoa New Zealand. In an increasingly diverse society, our schools and classrooms are one of the few places where communities really do come together.

SPC supports public education that meets the needs of our rangatahi. There should be no barrier to a quality, public education, and we support a flexible, well-resourced, and innovative system.

As principals, we have firsthand experience of the underfunding of our education system, a situation that has been going on for too long. We believe that the \$153 million set aside for charter schools, plus the unquantified millions more if charter schools are established, would be better spent supporting quality public education in Aotearoa.

This policy is taking money from what should be far more urgent local community and national interest priority areas. There appear to be few safeguards regarding how this money is to be spent and is in our view a poor investment of taxpayer funds.

The opportunity for schools and kura to be designated 'special character' provides further innovation within a system that is already very highly devolved. Special character designation still allows effective oversight of the expenditure of state funding and checks to ensure ākonga receive a high-quality education. SPC includes many principals of special character and state-integrated schools who are thriving within the state system.

Under the Tomorrow's Schools model, competition between schools was intended to improve access to good quality schools through parents exercising choice. There is no evidence that such competition or exercise of choice has improved overall school performance or learner outcomes. What it has done is made it harder to share good practice across schools and has led to spending on things other than teaching and learning, such as marketing.

We consider it undesirable and unnecessary to further fragment the public education system, with the introduction of Charter Schools. This policy which creates another separate system of education will contribute to weakening the overall quality and cohesion of public education.

Currently our state schools are financially strained, and the removal of resources from state schools to publicly funded charter schools will contribute to further widening of funding disparities. This will not deliver quality education for all.

We support considered, resourced, well implemented, evidence-based change which improves the outcomes for students in the public education system. All of our public schools should be safe and well-resourced, with a full contingent of teaching staff, support staff and facilities.

Recommendation 1: That this Bill is withdrawn

Te Tiriti relationship

SPC supports the growth of a culturally responsive secondary education system that promotes and enhances Māori success as Māori. Schools should be places where ākonga Māori and their whānau feel a sense of belonging and connection.

We support the requirement in the Education and Training Act 2020 that one of a board's primary objectives in governing a school is to ensure that the school gives effect to Te Tiriti o Waitangi. We consider that the absence of a specific Te Tiriti provision in the Bill is unacceptable and is a breach of the Crown's obligations under Te Tiriti o Waitangi.

Our principal members work hard to ensure schools' plans, policies and curricula reflect local tikanga Māori, mātauranga Māori and te ao Māori, and take reasonable steps to make instruction in tikanga Māori and te reo Māori available. We do this because we know that our Māori students (25% of the 2023 population)¹ need to see themselves reflected in the education they are receiving.

As a recent New Zealand Council for Educational Research (NZCER) report found "Māori cultural identity, reinforced by positive whānau beliefs and attitudes, is a powerful and protective dimension of identity for tamariki. A strong sense of identity contributes to tamariki Māori being successful at school. It assures tamariki that they belong, they are valued, and should be proud of who they are and where they come from."²

Recommendation 2: That Charter schools should comply with the Crown's obligations to give effect to Te Tiriti o Waitangi, under section 127 s1 (d) of the Education and Training Act 2020.

Principal leadership

School leadership opportunities and responsibilities are wide ranging and complex, and our system of self-management allows principals to respond in ways that are appropriate to the needs and circumstances of their own schools. A school principal/tumuaki is the kaitiaki (guardian) of those things the school community believes are important.

SPC considers that principals in all schools, inclusive of charter schools, are leaders of learning and need to hold a full practising certificate (category one or two) and have functions of both management and responsibility for leadership of teaching and learning. Certification shows that

¹ <https://www.educationcounts.govt.nz/statistics/school-rolls>

² <https://www.nzcer.org.nz/research/publications/poipoia-nga-tamariki>

the principal can meet the standards required for the teaching profession and adhere to the Code of Professional Responsibility.³

The principal is the senior educationist in their school community, and it falls to them to articulate and lead pedagogical change. The Leadership Best Evidence Synthesis⁴ found that pedagogically focussed leadership has a substantial impact on student outcomes – for instance, the impact of pedagogical leadership was found to be nearly four times that of transformational leadership. Research indicates that principals who are pedagogical leaders have a moderate-to-large impact on student outcomes (Nelson & Sassi, 2005).⁵

A 2023 Education Review Office (ERO) report on preparing and supporting new principals⁶ found that prior experience in a school leadership role is the best pathway to principalship.

The processes of registration and certification provide an important protection in relation to both the quality of teaching and safety of children and young people. The Bill currently has no requirements for a person appointed to be the chief executive of a charter school to be a fit and proper person to be working with children and young people.

Recommendation 3: That principals in all schools, inclusive of charter schools, are leaders of learning and are required to hold a full practising certificate (category one or two) and have functions of both management and responsibility for leadership of teaching and learning.

The NZ Curriculum

The Secondary Principals' Association (SPC) is supportive of the goals of the curriculum refresh and the NCEA change programme. The changes, once they are implemented are going to result in a more inclusive curriculum, a better qualification, and enhanced experience for students and teachers.

The deliberate attention to Te Tiriti o Waitangi across both work programmes was overdue and many schools have been part of the pilots of the new NCEA standards and are now starting to see the benefits as the changes start to take effect. It is important that the changes are continued and the support to the whole sector is strengthened.

Minister of Education Erica Stanford states the importance provided by the curriculum as a strong national foundation of progression-based teaching and learning of core content. Further, she claims that a knowledge-rich national curriculum will support consistency and allow teachers to focus on designing creative and engaging teaching and learning activities that can bring the curriculum to further life through rich local, national, and global contexts.⁷

³ <https://teachingcouncil.nz/assets/Files/Code-and-Standards/Code-of-Professional-Responsibility-English-one-page.pdf>

⁴ [Key-leadership-documents/School-leadership-best-evidence-synthesis](#)

⁵ Nelson, B.S. & Sassi, A. (2005). *The Effective Principal: Instructional leadership for high quality learning*. Columbia: Teachers College Press.

⁶ https://ero.govt.nz/our-research/category/preparing-and-supporting-new-principals?fbclid=IwAR0SqVWkfmPsm7FtRKOeBM_vkQ8iFDOs_-GRUQsELpcmwABp7wqbLV_Nmc4

⁷ [21-Establishing-a-knowledge-rich-curriculum_Redacted.pdf \(education.govt.nz\)](#)

The Minister of Education has been clear of her priority for consistency of practice in schools which she considers is the best way to raise achievement. There is a significant contradiction in Charter Schools not having to abide by the current practice espoused by the Minister, inclusive of structured literacy, phones ‘away for the day’ and being able to follow its own curriculum.

Recommendation 4: That charter schools be required to teach the NZ Curriculum.

Limited Authority to Teach

SPC believes that all students have the right to be taught by fully qualified teachers and that schools should be staffed by registered teachers with current practising certificates.

Recent research by the Secondary Principals' Council⁸ indicated that secondary schools were under-staffed by an average of five full-time teachers in terms of meeting both the mandatory requirements in curriculum, pastoral care and administration and community expectations which have become core parts of school life (such as extracurricular activity).

With teacher supply at a critical level and the number of people choosing secondary teaching decreasing each year, it is no surprise that there has been an increase in the need for LATs. State schools are permitted to employ persons with Limited Authority to Teach (LAT) (i.e. unqualified teachers) only when either:

- they have specialist skills which requires high level expertise in a specific subject area; or
- they would be in positions that should be filled by a registered teacher, but no suitably qualified teachers are available.

As principals, SPC members have considerable experience in staffing schools, which unfortunately is becoming increasingly difficult. However, we know that schools should be routinely staffed by qualified professional teachers and that the ratio of LATs as part of this should be low. Tensions arise for those trying to complete a teacher education course while also being employed on a Limited Authority to Teach basis. Principals know the additional burden placed on qualified, registered and certificated teachers who are having to support and supervise those who are unqualified.

Further, teachers with practising certificates are subject to both the disciplinary and competency processes of the Teaching Council, which SPC supports - LATs however are not subject to these processes.³² We know that untrained and unregistered teachers can find themselves in a disciplinary process. The Teaching Council oversight of competency is a mechanism for ensuring the safety of students.

We believe the current regulations should apply to Charter Schools and that:

1. Appointments to LAT positions are made, as per the Teaching Council requirement, up to three years in the first instance but only on a renewable annual basis thereafter.

⁸ <https://www.ppta.org.nz/past-events/the-staffing-summit/>

2. Appointment to LAT positions is not permanent, in any school inclusive of Charter Schools.
3. No new category of Limited Authority to Teach (LAT) is created.

There is a very clear need for a workforce strategy to address the ongoing and future needs of the teaching workforce. Decreasingly attractive work-life balance, alongside falling relative wages, are major contributors to the teacher supply problems. Staffing schools, inclusive of charter schools with LATs is not the answer.

Recommendation 5: That the ability to appoint to a Limited Authority to Teach (LAT) position in a charter school should be on an annual basis and no new category of LAT should be created.

Transparency and community voice

Currently school boards are subject to the Official Information Act, which enables accountability for the use of public funds and care of children. SPC supports this accountability and does not understand the rationale for Charter Schools not to be subject to this also. We consider that Charter Schools should be subject to the Official Information Act.

We note that survivors of abuse in state care have expressed their concerns about the limited transparency of charter schools, and the lack of requirement to employ certificated teachers, or have a certificated teacher as the chief executive.⁹ Creating a transparent, open, professional environment where the safety of students is paramount is essential for any school.

SPC is concerned that this Bill would remove any statutory requirement for the governing body of the charter school to include parents, students or staff members from the school community itself. As current principals we can attest to the importance of working with the School Board as well as the parents, students and staff members of our school community.

In fact, SPC believes that the public has a right to know all information pertaining to Charter schools' applications, both successful and unsuccessful. We consider that the performance indicators should be publicly available information as well as informative annual reports to parents.

Recommendation 6: That charter schools are subject to the Official Information Act.

Working with the profession

The proposed Bill to re-introduce the charter school model, purports to be a way to address the falling student achievement levels in New Zealand. However, the OECD shows that school types generally make little difference to the achievement of learners.¹⁰ Indeed, the Regulatory Impact Statement: Developing and Implementing a New Zealand Model of Charter School¹¹ itself notes that "there is little evidence to suggest long-term improvement in education achievement" through the introduction of charter schools¹² and the Close Out Report: Priority Learners, 2019,

⁹ <https://www.nzherald.co.nz/nz/man-abused-in-care-at-marylands-school-dies-before-justice-served>

¹⁰ <https://www.oecd.org/en/publications/how-do-public-and-private-schools-differ-in-oecd-countries>

¹¹ https://disclosure.legislation.govt.nz/assets/disclosures/bill_government_2024_66.pdf

¹² <https://www.educationcounts.govt.nz/topics/bes/resources/spotlight-on/spotlight-on-leadership>

noted that there is no evidence to say that priority learners were served well by charter schools.¹³

For change to be successful in the education sector it needs to be backed by strong research and developed and implemented alongside teachers. This Bill is not an example of working with the profession. The consultation has been rushed, timeframes short, its first reading under urgency, and public consultation has been fast-tracked. In fact, the Ministry of Education's *Departmental Disclosure Statement* (DSS) reports that routine external consultation has not taken place.¹⁴

SPC considers the re-introduction of charter schools to be controversial and socially divisive. SPC believes that more time should be taken to ensure voices are heard and concerns addressed. This process to date is an incomplete version of democratic processes.

SPC is a professional voice of principals with strong connections to the teaching workforce which makes us uniquely placed to work with government and its agencies on education sector initiatives.

Recommendation 7: That this Bill is sent back to the drafting process to allow appropriate consultation with all affected stakeholders and the education profession.

Industrial relationships

Education relies on the skills and values of its people. The key to success is recruitment and retention. Parents expect quality staff and consistency of staffing. However, as application rates for teaching jobs continue to drop, this has significant implications for the workload of school leaders and for the ability of schools to respond to the educational needs of ākonga.

As active union members and school leaders SPC members are aware of the tensions involved in collective negotiations. We do however, support teachers' and principals' right to collective bargaining.

Working conditions are substantially associated with teacher job satisfaction which in turn is highly correlated with teacher morale.¹⁵ Positive teacher morale and working conditions influence the classroom. A teacher's working conditions are indeed a student's learning conditions. SPC supports these being the best they can be.

Research highlights that union strength impacts teacher pay¹⁶ and through collective bargaining there is advocacy for more than individual economic security.¹⁷ Union members tend to be more engaged in civic involvement and fight to secure vital public resources to adequately fund public schools. The National Education Association (NEA) is the largest labour union in the United States. It represents public school teachers and other support personnel, faculty and staffers at colleges and universities, retired educators, and college students preparing to become

¹³ [Responses-to-Official-Information-Act-requests/1318905-Appendix-A_Redacted_Part1.pdf](#)

¹⁴ https://disclosure.legislation.govt.nz/assets/disclosures/bill_government_2024_66.pdf

¹⁵ [Research/collective-bargaining-a-critical-tool-to-improve-school-staffing-pay-and-morale/](#)

¹⁶ [Research/collective-bargaining-a-critical-tool-to-improve-school-staffing-pay-and-morale/](#)

¹⁷ <https://www.nea.org/resource-library/whitepaper-benefits-collective-bargaining-public-education>

teachers. The NEA suggests collective bargaining is good public policy – considering agreement on salary, benefits, and working conditions benefits everyone involved in teaching and learning.¹⁸

SPC acknowledges that periodic tensions arise in the process of future collective agreement negotiations. The Independent Arbitration Panel (2023) provided guidance to PPTA Te Wehengarua, the Ministry of Education and the government on alternative approaches for negotiations. We believe that these approaches offer an opportunity for constructive and purposeful engagement and look forward to seeing these progress as a matter of priority.

Recommendation 8: That provisions in the Bill limiting unions initiating bargaining for multi-employer collective agreements are removed.

Learners with high support needs

SPC wants to see well-resourced learning support in all schools for learners with high needs. The multi-teacher model of secondary education makes inclusion challenging and complex. We need adequate funding, resources and time allowances to enable schools to provide flexible, mana-enhancing options in meeting increased need.

SPC does not agree that the \$153 million put aside for the re-introduction of the charter school is appropriate use of taxpayer money. Rather, we call for that money to be used for the complete roll-out of learning support coordinators (LSCs) so that all secondary schools have at least one. This would remove the current inequity of fewer than half of schools and students being able to access this resource.

SPC is committed to improvements in outcomes for Māori students with highest needs. The disproportionately high number of Māori being labelled with ‘behaviour’ problems and the data on exclusions for Māori learners reinforce the view that the system does not provide appropriately for Māori. The effects of colonisation and racism can be seen in additional [high] need data that have not improved for Māori over the last several decades. We want to see effective, culturally responsive, professional development available for all teachers.

SPC firmly believes that workload is currently a barrier to providing best support for learners with highest needs. More staffing and more manageable workloads will enable teachers and principals to do their work in a sustainable way.

The education system is stretched, and resourcing should not be spent on “ensuring charter schools have access to the same level of teaching resources as state schools. This will include access to specialist services like resource teachers and technology education.”¹⁹

Parents need to be assured that when they choose to enrol their child at their local state school, it will be fully resourced so that it provides opportunities for different learning needs and creates meaningful change in students’ lives.

¹⁸ <https://www.nea.org/resource-library/whitepaper-benefits-collective-bargaining-public-education>

¹⁹ <https://www.beehive.govt.nz/release/students%E2%80%99-needs-centre-new-charter-school-adjustments>

Recommendation 9: That the public education system is fully funded to meet the needs of all learners, inclusive of those with high support needs.

Charter School applications and conversions

SPC believes that conversion to a charter school from existing state schools should only be entered into if this is supported by the majority of staff and of whānau. All decisions on the establishment or conversion to charter school should be open to scrutiny and challenge.

We are very concerned that there is no requirement in the bill for charter schools to undertake any meaningful consultation with their communities, beyond the initial requirement for the Authorisation Board to consult about conversion.

The Education and Training Act requires elected school boards to be made up of community members, most of whom are parents, along with staff, and in secondary schools, student members of the board. As Principals we support the democratic intent of School Board as the cornerstone of governance for our self-managing school system. Boards reflect the communities they serve.

SPC believes that the charter school model should be inclusive of parents, students or staff members from the school community as part of its governing body. Parent and student voice are needed to reflect the educational needs in their community. We believe parents should be consulted in the running of the school, development of strategic plans and be able to contribute to the learning culture of the school. We believe that, as with all state schools, publicly funded charter school sponsors and governing bodies must be directly and democratically accountable to the local community they operate in.

Recommendation 10: Existing state schools can only enter the application process for a charter school if fully supported by the majority of staff and of whānau.

Oral submission

SPC requests the opportunity to speak to the select committee in support of this submission.