



# Integration or disintegration?

*A paper prepared by the PPTA executive*

## 1 Introduction

PPTA was an advocate for integration when it was first mooted and supported the passage of the Private Schools Conditional Integration Act (the PSCI Act) in 1975, as the best solution in the circumstances. Over time, though, concerns arose over the operation of the act. By 1984, PPTA policy was to call for its repeal. This paper briefly outlines the origins of the act and identifies those aspects of integration that compromise the fair and equal provision of state education.

## 2 Background

The Education Act 1877 set up a national network of state primary schools in New Zealand that were to be "compulsory, secular and free". This was at least partly a response to interdenominational religious tension, particularly anti-Catholicism, which was reasonably common in New Zealand's early history. There was also justified concern about the inability of the various churches to provide a coherent national education system that provided equal educational opportunity for all students. Then, as now, schools tended to prefer educating the children of the wealthy, rather than the more challenging children from poorer backgrounds.

## 3 Private schools

Religious schools continued to operate outside the state system and without state funding. The largest denomination was the Catholic church, which ran a separate primary system and some secondary schools. A number of Protestant churches operated fee-charging secondary schools, pretty much exclusively for those who could afford it, although a few free places were kept for poor children who could pass the entry tests.<sup>1</sup> The Catholic, Anglican and Presbyterian churches also established Māori boarding schools.

## 4 State aid

Although there was a considerable difference between the impoverished Catholic system and the elite Protestant secondary schools, both groups deeply resented the fact that they got no assistance from the state for educating New Zealand children. They lobbied constantly for "state aid" for private schools, and by 1964 they had had some success. The Education Act of that year empowered the minister of education to make grants to private schools.

The private schools, however, remained dissatisfied with the uncertainty around funding and continued to campaign for guaranteed funding in the form of state aid. This resulted in political parties jockeying to win the large Catholic vote as well as the smaller, but perhaps more influential, elite private school vote, with promises of increased state aid. PPTA and NZEI were totally opposed to state aid, seeing, quite correctly, that this funding would come at the expense of state schools.

## 5 System failure

By 1970, another dimension of the private school issue had emerged. Expanding rolls and the increasing expectation that teachers would be trained and qualified, and paid accordingly, were driving the Catholic system to a state of collapse. Te Aute, perhaps the most prestigious of the Māori boarding schools, was also looking increasingly non-viable.

## 6 Integration Working Party 1973

The prospect of either widespread collapse or more state aid for private schools meant alternative solutions had to be found. One of these was integration, which had already occurred in Scotland. When an Integration Working Party was set up in 1973, the union representatives (Gunter Warner for PPTA and Ted Simmonds for NZEI) advocated for the integration of private schools. As they said:

*We urge the Government to give these talks on Integration a chance to produce results... We believe the present Government has an historic opportunity to help the underprivileged in both state and private schools... If the Labour Government can solve the problem of state aid once and for all through Integration, New Zealand society as a whole will benefit.<sup>2</sup>*

## 7 Private Schools Conditional Integration Act 1975

It took two years of difficult negotiations before the Private Schools Conditional Integration Act passed into law. The act allowed private religious schools to join the state system while preserving their special character, which was generally a religious affiliation. The taxpayer then picked up salary, transport and operating costs, though the proprietor retained ownership of the property and was responsible for most of the maintenance costs. The government provided suspensory loans to help the proprietors bring their property up to state requirements. The schools could charge attendance dues, but these could be used only to improve school buildings and then only to "a standard no higher than that approved by the Secretary as appropriate for a comparable state school".<sup>3</sup>

## 8 Roll confusion

Under the PSCI Act, rolls are set by a device called a maximum roll. This allowed a percentage of places to be reserved for "non-preference" students – those who were not of the "special character" that the school was established under. PPTA representatives on the Integration Working Party did not support the concept of maximum rolls. They saw it as a device that would enable schools to cherry-pick students. They were less concerned about Catholic schools, which had a defined clientele, but were suspicious that the elite private schools, should they ever integrate, might use the maximum roll mechanism to maintain their exclusivity. The Catholic view was that the maximum roll prevented their special character from being "swamped", something that might have happened if their schools had to accept all enrollees. Ironically, no one foresaw that decades of steadily expanding rolls were coming to a rapid end and that, rather than being "swamped", integrated schools would benefit from the maximum roll. The reason is that the maximum roll acts as a selection device, enabling a school to exclude those difficult students who may endanger its popularity. Accordingly, state schools have borne the brunt of collateral damage from roll decline.

## 9 New members

Another outcome of the act was that teachers in integrated schools could join PPTA, something that the constitution does not allow teachers in private schools to do. This offered a new unity across the sector that has strengthened PPTA immeasurably. It should never be forgotten that members in integrated schools, especially integrated Catholic schools, were some of the staunchest opponents of bulk funding and courageously resisted attempts to have it imposed in their schools.

## 10 The return of state aid

Central to the unions' support for the Integration Act was the belief that once integration was under way all state funding to private schools outside the system would cease. Unfortunately, their trust in politicians proved misplaced, and by 1990 funding for private schools that did not wish to integrate was reinstated.

## 11 The evolution of integration: phase one

By 1984 most Catholic schools had integrated, but PPTA members began to discern an alarming new trend. Small, selective Protestant private schools, which would otherwise have collapsed, were being enticed into the state system by the irresistible funding carrot integration offered. This impacted negatively on rolls and job security at surrounding schools. Consequently, PPTA policy on integration began to change. Submissions (developed in consultation with members in integrated schools) to the 1984 Ministerial Conference reviewing the Private Schools Conditional Integration Act proposed that:

*Integration be completed by repealing the Private Conditional Integration Act 1975 and by amending the Education Act 1964 and its regulations appropriately so as to preserve and safeguard the special character of integrated schools. The Association considers that such action will remove the "separateness" engendered by integration and ensure that all state schools will be treated fairly.*

The submission also called for integrated schools to be party to local enrolment schemes, rather than being able to apply to the Minister to set their own maximum rolls.

At regular intervals since then, PPTA has argued that the PSCI Act should be repealed, having served its purpose. This was particularly apparent after the Tomorrow's Schools changes of 1989, which saw the Education Act amended to allow the establishment of "designated special character schools" and special character Kura Kaupapa Māori schools under sections 155 and 156 (see Appendix A).

## 12 The evolution of integration: phase two

Changes over the last decade indicate that the act is no longer being used to right an injustice. Instead, it has become a device whereby wealthy parents can access exclusive taxpayer-funded education for minimal personal cost. Consider the following:

### 12.1 Special character

The original special character requirements have been so watered down over time that they now appear little different from a public school mission statement. For example:



Single sex education for pre-adolescent and adolescent boys in a multi-denominational Christian, form one to seven environment, with broad-based creative, business and academic programmes, subject to the schools charter requirements and the National Education Guidelines.

When no particular religious denomination is required, as in this case, the school may simply select its students on the basis of parental wealth. Evidence that this is occurring may be found by comparing a school's decile with that of surrounding schools. If, as is often the case, it is three or four levels higher, then the school is clearly excluding local students in favour of wealthier students who live further away. This cannot be justified by an appeal to parental choice, because attendance at secondary school is mandatory but the choice, in this case, is available to only a privileged few. Given that some integrated schools clearly have the capacity to manipulate their enrolments, it should not be surprising that results in integrated schools often appear better than those of surrounding state schools; rather, it should be an expected outcome.

## **12.2 Fees**

Attendance dues are monitored by the Ministry of Education, but until recently it has turned a blind eye to integrated schools that use standover tactics to enforce what amount to compulsory parental donations. It is particularly galling that these charges are used to reduce class sizes when public schools cannot charge parents for such things and cannot get governments to take the problem of overlarge secondary classes seriously. There is also some concerning evidence that this extra money may be being used to augment teacher salaries in a way that requires the concurrence of the secretary for education. It is not clear that concurrence has been sought or given.

The announcement by the minister of education Anne Tolley, in an address to the Association of Proprietors of State Integrated Schools AGM on 29 June, that she intends to take a firm stand against schools that are unreasonably charging parents, will be welcome news to both parents and teachers.<sup>4</sup>

## **12.3 Cost**

At the time of integration, the Treasury warned about the financial risk of offering a more or less open cheque, but this advice was ignored. The cost to the taxpayer of integration has been systematically increasing ever since. Changes to the property formula over time mean that integrated schools now receive almost the same amount for capital and maintenance costs as state schools. In spite of this, the taxpayer has been asked to fund an \$83 million loan for Catholic schools.

The Treasury's warning was repeated by Lockwood Smith in 1991, when he was minister of education:

*What... is causing me alarm is with the removal of support... to private schools... we're now seeing an increasing number of independent schools seeking to integrate into the state system. That's disastrous. It's going to cost the taxpayer millions – and there is no more money – that means the existing state schools run the risk of getting less.<sup>5</sup>*



That caution has been ignored by successive education ministers, who have lacked the political will to turn down requests to establish new schools. This is not only expensive but unfair to established integrated schools, because changes to the property rules mean that newly established integrated schools can avoid the capital costs that the original integrated schools faced and can instead obtain access to taxpayer funding to get established.<sup>6</sup>

Moreover, the new schools are either small scale themselves or have the effect of decreasing rolls at surrounding schools, making those schools smaller and less viable. The net effect is an increase in the number of very small secondary schools, which lack any economies of scale and are thus very expensive to operate. It is not convincing for the government to be looking for savings of perhaps \$100 million in the teacher salary budget when the cost of establishing and operating a multiplicity of small secondary schools on separate sites is in the billions.

#### **12.4 Network management**

One of the responsibilities the minister of education has is to manage the network of schools in the interests of making the best use of scarce taxpayer funding. This has clearly not happened since 2003, when Trevor Mallard's attempts to rationalise schooling in rural areas came to an abrupt political end.

It is not correct, however, to assume that small schools are a rural problem. While it is true that many small schools are rural, that is entirely justifiable by their remoteness. They are small by necessity because there is simply no other reasonable option for students in that area. In contrast, many of the small integrated schools in urban areas are small by design and choice rather than for any geographic reason. These schools are absorbing considerable amounts of funding that ought to be directed at ensuring that students in remote locations get equal education opportunities. Rural schools, especially area schools, which perpetually feel that they have to battle to get equity of educational opportunity for their students, could do with this money.

Any minister's ability to manage the network in the interests of all students is severely constrained by the fact that the minister has no capacity to close an integrated school. This is because integrated schools are owned by their proprietors. This suggests that New Zealand may, in future, face a situation where a minister closes a small, non-viable secondary school because, legally, that is the available option, leaving parents to pay to attend less conveniently located integrated schools.

#### **12.5 What happened to secular?**

There is no doubt that the PSCI Act introduced a new religious pluralism to New Zealand schools. As well as approximately 240 Catholic schools, there are:

- 33 Anglican
- 2 Jewish
- 14 Presbyterian
- 16 Seventh Day Adventist



- 1 Reformed Congregation of New Zealand
- 1 Hare Krishna
- 2 Muslim
- 1 Latter Day Saints
- 4 Pentecostal
- 1 Methodist
- 1 Open Brethren
- 3 New Life Church of New Zealand
- 1 Abundant Life Centre
- 1 Baptist
- 45 other Christian schools
- 9 Rudolf Steiner
- 1 Māori trust
- 8 Trust
- 8 Montessori, and
- 50 categorised as "other" schools.<sup>7</sup>

Many of these have a special character that may be somewhat beyond what New Zealanders would feel comfortable with in a public education system. For example:

*Teaching young people that they are born as lost sinners and can only be reconciled to God the Father by a supernatural work of regenerating grace whereby the Holy Spirit grants faith to receive of the merits of the Lord Jesus Christ.*

There has been no consultation with New Zealanders about the expansion of religion in schools, nor any consideration about the sort of place New Zealand will become if all students are to be educated separately in schools based on religious belief or ethnicity (and probably also social class, for those students who cannot afford to escape the state system.) Similar concerns about the rise of "faith schools" in England have caused the National Union of Teachers (NUT) to propose that all schools offer multi-faith religious studies and do their best to accommodate all religious groups, as an option that is preferable to segregating students (see Appendix B for a summary of the NUT's position).<sup>8</sup>

## **12.6 Employment conditions**

A percentage of positions at integrated schools may be "tagged," and offered only to applicants who can satisfy the proprietor that they meet the special character requirements. These appointments on the basis of religion require a stated exemption in the Human Rights Act 1993. This provision sits uncomfortably in the 21st century and can cause employment



problems if an incumbent behaves in such a way as to no longer meet the religious test. It is also arguably no longer relevant as under Tomorrow's Schools all appointments are made by the board of trustees, which was not the case in 1975. Today, the requirement in the State Sector Act 1988 to appoint the best person for the job should be sufficient.

### **13 Conclusion**

PPTA president Gunter Warner believed that integration would bring a "system of education quite unequalled in the Western World" and "great educational and unifying benefits to New Zealand as a nation".<sup>9</sup>

Regrettably, his optimism did not take sufficient account of the capacity of well-heeled and politically influential groups in New Zealand to divert taxpayer funding to serve their own narrow interests. Nor could he have foreseen politicians' inability to defend the hard-bargained compromise of 1975. Instead, successive governments have systematically undermined the consensus around the PSCI Act by restoring state aid, assuming more of the property costs for integrated schools, broadening the concept of special character to render it pointless, refusing to moderate the constant expansion of maximum rolls and, perhaps most seriously, putting all public schools at risk by facilitating an expensive expansion in the number of schools.

This year began with a signal from perhaps the most exclusive private school in New Zealand, Wanganui Collegiate, that it too was considering integration. If further evidence were required to demonstrate how far the PSCI Act had come from being a just and unifying force in New Zealand, surely this was it.

This paper recommends that annual conference reaffirm the PPTA position that the Private Schools Conditional Integration Act be repealed so no further schools can be established that way, and that the Education Act be amended to incorporate integrated schools in a manner that preserves their special character but avoids unduly privileging them.<sup>10</sup>

### **Recommendations**

1. That the report be received.
2. That this conference reaffirms the PPTA position that the Private Schools Conditional Integration Act 1975 be repealed and integrated schools be re-established under the Education Act 1989.



## Endnotes

1. It was not until 1960 that 100% of New Zealand children attended secondary school.
2. R Sweetman, *'A Fair and Just Solution'? A History of the Integration of Private Schools in New Zealand*, Dunmore Press, 2002, p94.
3. Private Schools Conditional Integration Act 1975, s36(4).
4. The Minister's speech may be read at [http://www.ppta.org.nz/index.php/resources/web-resources/doc\\_download/526-hon-anne-tolley-minister-of-education-speech-to-the-ais-conference](http://www.ppta.org.nz/index.php/resources/web-resources/doc_download/526-hon-anne-tolley-minister-of-education-speech-to-the-ais-conference).
5. *PPTA News*, February 1991.
6. Ministry of Education, *Education with a Special Character: A Public Discussion Paper on the consolidation of the Private Schools Conditional Integration Act 1975 into the Education Act*, 2003. "The establishment board of a new school is provided with establishment resourcing prior to the opening of the school. Establishment resourcing consists of the following grants and entitlements: Administration Grant, Staffing Entitlements, Furniture and Equipment Grant, Learning and Teacher Resources Grant, Library and Information Centre Resources Grant. An integrated school which establishes and integrates simultaneously receives the Furniture and Equipment Grant at the same level as would a non-integrated school. Funding is roll-related. An existing private school which integrates does not receive this funding."
7. Retrieved from: *Education Counts School Directory 2007*.
8. Retrieved from <http://www.teachers.org.uk/resources/pdf/InGoodFaith.pdf>.
9. Sweetman, op cit, p210.
10. The provision for "designated special character" schools would still remain under the Education Act.

## Appendix A

Sections of the Education Act 1989 relating to Kura Kaupapa Māori and designated character schools.

### **155 Kura Kaupapa Maori**

- (1) When establishing a State school the Minister may, by notice in the Gazette, designate the school under this section.
- (2) The Minister has absolute discretion to refuse to establish a school under this section.
- (3) The Minister may not establish a school under this section unless satisfied that—
  - (a) the parents of at least 21 people who would, if the school were established, be entitled to free enrolment there, want there to be established a school—



- (i) in which te reo Maori (the Maori language) is the principal language of instruction; and
  - (ii) in which the charter of the school requires the school to operate in accordance with Te Aho Matua (as defined in section 155A); and
  - (iii) that has the special characteristics (if any) set out in its charter that will give the school a particular character (in this section called special characteristics); and
- (b) if a school of that type is established, students enrolled at the school will get an education of a kind not available at any other State school that children of the parents concerned can conveniently attend.
- (3A) The Minister may not establish a State school as a Kura Kaupapa Maori unless he or she has first consulted with te kaitiaki o Te Aho Matua on the ability of the school to operate in accordance with Te Aho Matua (as defined in section 155A).
- (4) A notice under subsection (1) must—
- (a) specify the name of the school, which must at all times begin with the words "Te Kura Kaupapa Maori o"; and
  - (b) state that the school will operate in accordance with Te Aho Matua; and
  - (c) summarise any special characteristics of the school; and
  - (d) specify the constitution of the board of the school.
- (5) After consultation with the board, the Minister may from time to time, by notice in the Gazette, amend the name of the school (but not so as to omit the words "Te Kura Kaupapa Maori o"), its special characteristics, or the constitution of the board.
- (6) Unless specifically provided otherwise, this Act and the Education Act 1964 apply to every school established under this section as if it were not so established.
- (7) The board of a school established under this section must ensure that—
- (a) te reo Maori is the principal language of instruction at the school; and
  - (b) the school operates in accordance with Te Aho Matua.
- (8) The board may refuse to enrol any person whose parents do not accept that the school operates in accordance with Te Aho Matua.
- (9) A school established under this section may have an enrolment scheme, but—
- (a) the Secretary must from time to time, by written notice to the board, fix a maximum roll for the school; and
  - (b) the board must ensure that the number of students enrolled at the school is not more than the maximum roll.



## **156 Designated character schools**

(1) Subject to subsection (2), the Minister may, by notice in the Gazette when establishing the school, designate a State school as a designated character school.

(2) The Minister shall not establish a school as a designated character school unless satisfied that—

(a) the parents of at least 21 people who would, if the school were established, be entitled to free enrolment there, want the school to be established; and

(b) the parents want the school to have a character that is in some specific way or ways different from the character of ordinary State schools; and

(c) the parents have given the Minister a clear written description and explanation (expressed in the form of aims, purposes, and objectives for the school) of the way or ways; and

(d) students at a school with such a character would get an education of a kind that—

(i) differs significantly from the education they would get at an ordinary State school; and

(ii) is not available at any other State school that children of the parents concerned can conveniently attend; and

(e) it is desirable for students whose parents want them to do so to get such an education.

(3) The Minister may in the Minister's absolute discretion refuse to establish a designated character school.

(4) The notice establishing a designated character school shall specify the aims, purposes, and objectives that constitute its designated character; and every charter and proposed charter for the school shall be deemed to contain them.

(5) The notice shall also specify the constitution of the school's board.

(6) The Minister may from time to time, after consultation with the board of a designated character school, by notice in the Gazette amend—

(a) the aims, purposes, and objectives that constitute the school's designated character; or

(b) the constitution of its board.

(7) The Secretary must from time to time, by written notice to the designated character school, fix a maximum roll of the school, and—

(a) the board must ensure that the number of students enrolled at the school is not more than the maximum roll; and

(b) the board may refuse the enrolments of people whose parents do not accept the aims, purposes, and objectives that constitute the school's designated character.



(8) Except as provided in this section and section 11PB, this Act and the Education Act 1964 shall apply to every designated character school as if it is not a designated character school.

## **APPENDIX B**

From *In Good Faith*; the Report of the Executive's Task Group on Faith Schools, National Union of Teachers, 2008.

### **Recommendation 66**

Drawing on the evidence and research that the Task Group has considered, the Executive's view is set out below.

- i. All schools must make 'reasonable accommodations' to meet the religious needs of all pupils and respect the diversity of beliefs represented within its population.
- ii. All schools (of a religious character or not) must actively promote and foster social cohesion. The education system must reflect the diverse nature of British society in relation to gender, ethnicity, sexual orientation, gender identity, and disability.
- iii. Based on the principle of equity, all schools must make 'reasonable accommodations' to meet the religious needs of all pupils and respect the diversity of beliefs represented within its population such that all faith groups and those with none can attend happily.

### **IN GOOD FAITH 11**

iv. Based on the principles in 'Bringing Down The Barriers' there should be a move away from the current position in which 33 per cent of maintained schools have a religious character. There should be a system of comprehensive schools which is based on equality and reasonable accommodation to meet the needs of pupils of religious belief and those of none and with locally agreed admissions policies which neither privilege or discriminate against children on the basis of the beliefs or practices of their parents/carers.

67. The following recommendations are a summary of the proposals detailed in this position paper.

- The universal application of equality legislation in all schools.
- The establishment of a fair and equitable pupil admissions process. A call for a common admissions procedure requiring schools to become involved in the local School Admissions Forums. No school should be its own admission authority.
- At local authority level, the establishment of a local Community Cohesion forum with clear links to the Admission Forums.
- All schools to adequately account for their level of state funding.
- The promotion and fostering of community cohesion in all schools.

The complete report can be read at <http://www.teachers.org.uk/resources/pdf/InGoodFaith.pdf>.

## Decisions from the 2009 Annual Conference



### **Integration or disintegration?**

1. That the report be received
2. That this conference reaffirms the PPTA position that the Private Schools Conditional Integration Act 1975 be repealed and integrated schools be re-established under the Education Act 1989 in a manner that preserves their special character but avoids undue privilege.
3. That PPTA call upon the Minister of Education to place a moratorium on the integration of any more schools.