



Submission

Education and Training
Amendment Bill (No.2)

About PPTA Te Wehengarua

PPTA Te Wehengarua represents the majority of teachers engaged in secondary education in New Zealand, including secondary teachers, principals, and manual and technology teachers.

Under our constitution, all PPTA Te Wehengarua activity is guided by the following objectives:

- to advance the cause of education generally and of all phases of secondary and technical education in particular;
- to uphold and maintain the just claims of its members individually and collectively; and
- to affirm and advance Te Tiriti O Waitangi.

This submission is from the PPTA Te Wehengarua Executive and is on behalf of all of our members.

PPTA Te Wehengarua has submitted on many of the proposed changes in this bill in previous consultation opportunities. This submission will focus on any proposed changes to the legislation that have been added since those submissions were made, or changes that pertain to elements on which we have not already submitted.

Overall PPTA Te Wehengarua wishes to express its ongoing concern that changes to the Education and Training Act seek to diminish the role of Te Tiriti o Waitangi, mātauranga Māori, and local curriculum, and to increase standardisation and adherence to a national curriculum at the expense of local knowledge.

School Board objectives

PPTA Te Wehengarua opposes the introduction of a “paramount objective” with “supporting objectives” and urges the select committee to abandon these changes. These changes seek to narrow school boards’ obligations to a single metric, that of student achievement, at the expense of the wide, rich educational experiences of learners.

PPTA Te Wehengarua opposes Clause 8 of the bill which introduces a new s 127 into the Education and Training Act. Ensuring that every student at the school is able to attain their highest possible standard in educational achievement will be the board’s “paramount objective” (which is defined as the “highest priority objective”) with the other objectives (including the board’s obligations to give effect to Te Tiriti o Waitangi) being relegated to playing the role of “supporting objectives” that support the paramount objective.

We note that the status of the “supporting objectives” has been slightly elevated when compared to the consultation document that the Ministry had published in 2024, because supporting objectives are now “essential and support [...] the primary objective” as opposed to just being “included as necessary to achieve the primary objective”² as proposed last year. While we acknowledge the increased weight given to the supporting objectives, we remain opposed to the elevation of one “paramount objective” as more important than the

¹ Education and Training Amendment Bill (No 2) (140-1), cl 8.

² Ministry of Education “Changes to school board objectives and removing the NELP from legislation- Consultation document” (2 September 2024) Education.govt.nz <[Changes to school board objectives and NELP provisions - Ministry of Education](#)> at 2.

supporting objectives. Isolating and elevating one objective ignores the reality of the full educational experience. We also believe that this is being used as a deliberate tactic to reflect the government's political objectives at the expense of learner, in that the changes demote Te Tiriti obligations and reduce rich Te Tiriti-based education to a single, measurable metric.

We also note that contrary to the changes foreshadowed in last year's consultation document, the current references to student rights under the Act, the New Zealand Bill of Rights Act 1990 ("NZBORA") and the Human Rights Act 1993 ("HRA") have been preserved. This appears to be a move in the right direction, in that it acknowledges that the rights of the student. However, their inclusion as a "supporting objective" is contentious in that it relegates boards' obligations to give effect to these statutory rights of students as less than the "paramount objective". A student's educational achievement, while undeniably important, cannot be at the expense of their human rights.

We cannot assume that giving effect to students' rights necessarily supports the paramount objective of student achievement. Students' statutory rights are inevitably broadly defined in statutory law and will frequently be open to interpretation. By creating the link to the paramount objective of student achievement, the new wording has created a risk that students' NZBORA rights and boards' corresponding obligations could become interpreted more narrowly.

PPTA Te Wehengarua also opposes the further addition of supporting objectives based on attendance and assessment. Schools already take all reasonable steps to ensure attendance, and these issues are better addressed in the NELP. Elevating the collection of assessment data for monitoring and evaluating students' progress is another step towards standardised testing, which has long been discredited as a tool for learning, and which again seeks to prioritise a national standard over individual need and context.

Removal of Statement of National Educational and Learning Priorities ("NELP")

PPTA Te Wehengarua opposes the removal of the NELP and urges the select committee to abandon these changes. Removal of the NELP serves only to remove the focus on providing equitable systems for a wide range of students and furthers the political objective of removing Te Tiriti obligations from the education sector at the expense of the learner. It abrogates Charter Schools from any obligation to Te Tiriti o Waitangi.

Clause 5 of the bill proposes to repeal section 5 of the Act and accordingly the Minister's ability to issue NELPs. This has been portrayed as reducing the power of the Minister for Education to intervene in the sector as a way to make it more palatable to educators. In fact the removal of the NELP closes another way in which Te Tiriti o Waitangi, local curriculum, and diversity of learning needs and approaches are validated.

If the NELP is removed, the statutory provisions related to the contents of NELPs will also be removed. For example, instilling in each child and young person an appreciation of the importance of Te Tiriti and te reo Māori will also be removed in the proposed repeal of s 9(b) of the Act.

Of particular concern is that the NELP is currently the only way that obligation to Te Tiriti is mandated for charter schools. Charter school sponsors have so far been obligated to have regard to the NELP in operating the school, and to ensure that the chief executive and staff develop and deliver a curriculum having regard to the NELP³. If the NELP does not exist, these requirements will no longer be in place, and no other provisions for charter schools to honour their treaty obligations are currently in place.

Attendance Management Plan

PPTA Te Wehengarua opposes the introduction of sections 137A-137D into the Act and urges the select committee to abandon these changes. These changes will not increase attendance. Increased attendance requires the government to address the unmet student needs that cause absences.

The new sections provide that boards must have an attendance management plan that sets out a strategy and process for the school to identify and report student absences, return students to attendance and comply with regulations. Boards will be obligated to comply with guidelines on managing student attendance issued by the Secretary of Education.

School boards and leadership teams already take attendance very seriously. Educational achievement relies on student attendance and schools therefore are already taking all reasonable steps to address the issue. Legislative intervention is unnecessary and unlikely to have the desired impact. Existing school attendance systems are tailored to their local context. A one-size-fits-all set of guidelines mandated by the Secretary of Education cannot take local context into account, nor is the Secretary best placed to issue guidelines to boards on these localised issues.

Further improvement to attendance must come from government funding of unmet student need, which is causing the barriers that stop students from coming to school. Fully resourcing schools with pastoral care allowances, further resourcing of acute mental health services for youth and bringing back locally run lunch in school programmes for example would directly address the issues we know to be keeping students out of class.

The role of the Teaching Council and Ministry influence

PPTA Te Wehengarua opposes any changes to legislation that expand the Teaching Council's functions and powers, and any changes to legislation that increase the government's influence over the Teaching Council. We urge the select committee to abandon Clauses 15 and 16.

Clause 15 of the bill amends the Teaching Council's functions and powers as outlined in s 479 of the Act. The Teaching Council will now have the added function of reviewing, at any time, the standards for ongoing practice or criteria for the issue of practising certificates, and, after consulting the Minister, vary, delete replace, add, substitute standards. The danger this presents is that these changes may now happen as the result of Ministerial pressure, as the Minister is now inserted into this equation.

PPTA Te Wehengarua believes that the Teaching Council should remain a semi-autonomous body, without undue Ministerial or governmental influence. The proposed changes will place the Teaching Council under increased obligation to consult the Secretary when exercising its

³ Education and Training Act 2020, s 2120.

functions related to teacher qualifications that lead to teacher registration and teacher education programmes.

Clause 16 of the bill amends section 483 of the Act and will now require the Teaching Council to report to Parliament how it has complied with any relevant statement of government policy. This is a further example of an increasing number of levers the government is able to pull in order to influence the decisions and work of the Teaching Council. This significantly muddies the water between the role of the Ministry of Education and the Teaching Council. The establishment of a semi-autonomous regulatory body for the sector was intended to keep these demarcations clear and we believe these changes to be overstepping these boundaries.

Changes to Teaching Council competency and disciplinary processes

PPTA Te Wehengarua supports the amendments to s 497(3) and s 500 of the Act as appropriate. Increasing the internal consistency between the provisions related to the Disciplinary Tribunal and CAC (as well as increasing the alignment with the powers of the Competence Authority) is sensible.

PPTA Te Wehengarua supports the amendments to s 497 (2) in principle but urges the select committee to consider the impact that this change will have on the overall time a matter is under investigation.

Clause 17 of the bill amends section 497(2) of the Act and would give the Complaints Assessment Committee (“CAC”) the ability to refer a matter back to the Teaching Council. We agree that this can be desirable i.e. in cases where the Teaching Council has not collected sufficient evidence. Under the current set-up, there are occasions where decisions are made by the CAC on whether or not to charge a teacher and refer a matter to the disciplinary tribunal in circumstances where not enough evidence has been collected during the investigation stage. This is clearly not ideal. When implementing this change, we do urge you, however, to ensure that this ability to refer a matter to the Teaching Council does not result in undue delays for the affected teacher. Going through a disciplinary process can be a period of significant stress for the affected teacher. Any further delays because the CAC and Teaching Council may now start referring matters backwards and forwards are undesirable. We would not want to create an incentive for poor investigation practices on the rationale that the CAC could always send a matter back to the Council if they are not satisfied. PPTA Te Wehengarua therefore urges the select committee to consider this when making final recommendations about these amendments.

Minister’s involvement in setting appointment criteria for principals downgraded

PPTA Te Wehengarua continues to support the existence of Principal Eligibility Criteria, as it has done since the Tomorrow’s Schools review. PPTA Te Wehengarua notes that downgrading the Minister’s ability to issue the criteria from an obligation to an option has not been foreshadowed previously. Unlike many other elements of this bill, there has been no opportunity to consult on this change.

Currently, the Minister of Education is obligated to issue selection criteria relating to the appointment of principals that are developed after reasonable efforts to consult a range of stakeholders (teachers, principals, disability community, Māori education organisations etc.).

PPTA Te Wehengarua supports the issuing of these criteria. National appointment criteria, if they correctly reflect the role of the principal, show the changing nature of role over time thus providing valuable insights and data to the sector. They can also help the Crown meet its Te Tiriti obligations by adding requirements into the appointment criteria that reflect these obligations. If the Minister opts not to issue criteria, it is another way in which these obligations may be circumvented.

PPTA Te Wehengarua therefore urges caution in considering such a change when there has been inadequate consultation with the sector, and insufficient opportunity to hear from principal groups on this matter.