



**SUBMISSION ON**  
**UPDATING THE EDUCATION ACT (1989)**

From the New Zealand Post-Primary Teachers' Association, Te Wehengarua

December 2015

## **ABOUT PPTA**

PPTA represents over 17,500 secondary teachers, principals, and manual and technology teachers in New Zealand; this is the majority of teachers engaged in secondary education – approximately 90% of eligible teachers choose to join PPTA.

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

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

### **Introductory comments**

PPTA has a significant interest in the legislative framework in which the New Zealand education system functions. We appreciate the opportunity to make this submission and engage with the Education Act update throughout the process.

We note that, contrary to assertions made justifying this update, there have been numerous changes to the Education Act since 1989, with two significant ones during the term of the previous government. The matters not covered in the consultation are some of the most controversial and important issues for the sector in regard to the Act, and clearly a number of them have significant bearing on the issues being consulted on. This leads to the conclusion that to some extent the update is a cosmetic exercise, which is not a good use of anyone's time and energy.

The following submission answers the fifteen questions from the consultation document.

## Response to questions

### 1 *What should the goals for education be?*

PPTA supports having a purpose statement in the Education Act, and the general concept of making learners more central to the legislation. In general, we would support a statement similar to that of the vision statement in the New Zealand Curriculum, which is widely supported by teachers and increasingly well known by students and communities.

Any purpose statement needs to avoid being too narrow. Education provides benefits for both individuals and society, and is for personal development and growth as well as more functional ends. The purpose statement should be able to encompass the wide different goals that learners, parents and teachers have, at different stages of learning, in different cultural contexts and through time.

Alongside a purpose statement should be a long-term national strategy for education developed through an evidence-informed collaborative and national process. Too often educational change is driven by political expediency and not by a genuine understanding of how to best support and enhance learning. Consensus across political parties would provide the platform for a more unified, stable, and productive sector working for the benefit of all our tamariki.

### 2 *What process should be used for setting a national priorities statement for early learning and schooling?*

Education policy that is made in isolation from the people who will experience and enact it is doomed to fail. Setting national priorities should be, as mentioned above, a depoliticised and long term process, which is accomplished through a dialogue between education sector representatives and the Ministry of Education.

In regard to this, restoring or creating a new version of the Parent Advocacy Council would be a valuable outcome of this review. NZSTA represents school governors, not necessarily the views of parents, which would be one important role for the Council. The Advocacy Council also played an important role in appeals about school decisions that avoided the overly legalistic approach that is now encouraged, which is expensive for schools and parents and prohibitive for many. The involvement of a body like this in helping to develop national priorities would be very worthwhile.

### 3 *What should the roles and responsibilities of a school or kura board be?*

The roles and responsibilities set out in the consultation document seem sensible; though in places seem to veer into the management of schools rather than governance. PPTA would add that another important responsibility for boards in

addition to appointing and evaluating staff is to act as a good employer, and abide by the terms of relevant legislation and regulation.

It is worth considering, in regard to the 'roles and responsibilities' of boards, what the mutual responsibility of the state is. PPTA believes it is not adequate to simply hand over responsibility for 'ensuring all learners reach their highest possible standard of achievement' to a group of volunteers who do not have the power to make the substantive decisions in relation to the resources that they have available to achieve this. The state has a major responsibility in regard to achieving these goals, and the Act should be careful not to apportion too much to boards.

History is littered with examples of the failure of centralised planning based on arbitrary and rigid output figures to achieve what it was supposed to do. It is too easy to substitute central diktat for a deep understanding of the challenges in the sector and an appreciation of the complex jobs boards are doing. There is also a lack of recognition that groups and individuals will often use a policy framework to advance their own needs and, by so doing, undermine the original goals. Too often commands from the centre don't take account of the strengths and limitations of organisations, don't consider the real costs - emotional and educational, not just financial, fail to appreciate the level of support needed and, most egregious of all, do not adequately consider the impact of the unintended consequences.

The 85% target for NCEA level 2 is a case in point. It is being achieved by pressuring schools to pump students through standards and by driving teachers to compromise the necessary objectivity that an assessor must have in a standards-based system. There are shades here of 1960s socialist central planning where everyone is forced to pretend the goals are being met to avoid the political and personal consequences should the plan be seen to fail.

If this exercise is a genuinely democratic and consultative one, the public should be asked what responsibilities compulsory education imposes on governments. Schooling is a partnership between parents and professionals and between governments and schools. The problem with devolved systems like the one New Zealand has is that it is too easy for politicians to hide behind boards of trustees and to abrogate their own responsibility for ensuring every child has a high-quality local school which they can easily walk or cycle to.

One suggestion that PPTA would look favourably on is that the autonomy of boards in relation to principals' appointments could be constrained somewhat. A requirement that boards have a Ministry appointee (such as the regional director) on the appointment panel and give regard to their advice could be an approach to this, or even that the process is done by a separate, independent body with advice

from the board. One of the flaws of a model that has appointments made by lay boards of trustees is that they often do not have access to the knowledge and insights that being a member of a close-knit profession gives and consequently they make mistakes. PPTA is aware of principals who had their employment terminated in one school and who then reappear in another school and proceed to repeat the errors of judgement that were behind their previous failure.

#### *4 What changes could be made to simplify planning and reporting?*

PPTA supports the concept of planning and reporting being moved from an individual school basis to a group of schools, and also for longer planning cycles. Sitting alongside longer planning cycles will also need to be better long-term certainty of resourcing.

The fundamental problem is that there are too many bodies engaged in some form of auditing of schools (the Ministry of Education, ERO, the Auditor-General, the Education Council, the Human Rights Commission and various other public and private agencies and lobby groups) and an absolute dearth of practical on-the-ground help and assistance. PPTA doubts that there would be a widespread outbreak of school failure if all this monitoring ceased. In fact, if the enormous sums of money that go into weighing the pig were redirected into factors that we know make a difference to learning, such as smaller class sizes, there would likely be improvement in achievement, student well-being and teacher retention and recruitment.

#### *5 How can we better provide for groups of schools and kura to work together more to plan and report?*

Support for Communities of Learning will be crucial for this. The system needs to learn from and respond to what the evidence tells us about the early adopters of Communities of Learning, but also look at the fact that it is likely that some schools with the greatest need will be least able to access this model. Support for schools that are in areas of entrenched competition between schools, particularly those that are the 'losers' under the current competitive model will be required. It will not be easy building trusting relationships and PPTA is concerned that the Ministry of Education will focus on achievement targets at all costs in order to meet the whims of its political masters, rather than providing the non-judgemental oversight, reliable support and mediation that is needed if IES is to work.

An option that could be considered in regards to groups of schools working together to plan would be providing (at least some elements of) property funding to a group of schools in a geographical area and enabling them to make choices together about how this is spent. This could enable better development of shared facilities and less rationale for competitive (and wasteful) duplication. A

mechanism in the Act for funding regional groupings (such as Communities of Learning) may need to be created to achieve this.

6 *How should schools and kura report on their performance and children and young people's achievement to parents, family, whānau and communities?*

A long term and broader view on 'outcomes' should be built into the system – rather than simply charting achievement results at school, we should be exploring how to measure students' life outcomes beyond school, such as employment data, and other valued outcomes. Use of voluntary, paid-for tools such as Wellbeing@School could be mandated and freely accessible. At a system level we should be using more national sample monitoring data to evaluate performance rather than whole cohort data, to avoid over assessment and the risks of assessment leading learning.

7 *What should the indicators and measures be for school performance and student achievement and wellbeing?*

- See the answer to question 6 above.
- Longer term measures – such as outcomes at age 20 and 25.
- Subjective wellbeing tools are valuable and should be freely accessible, high quality and centrally provided.
- Student achievement data needs to be used carefully and in context.
- Any new measures need to be carefully assessed for unintended negative consequences.

PPTA has been pleased to be involved in the work the ministry is doing on statutory interventions and believes that the proposals to better monitor those schools that are under pressure, to intervene earlier, to provide more professional development and support for interveners and to assist schools with the cost of interventions are all welcome. It is a reminder, though, of the enormous effort and cost that goes into trying to fill the gap that the extreme model of devolution that is Tomorrow's Schools has created. It would probably be better for New Zealand students if the model of regional support proposed by Cathy Wylie in her book *Vital Connections* were adopted instead of continuing to develop patches and workarounds for what is an outdated system<sup>1</sup>.

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<sup>1</sup> Wylie, C. (2012) *Vital Connections: Why we need more than self-managing schools* Wellington: NZCER Press

8. *What freedoms and extra decision making rights could be given to schools, kura and Communities of Learning that are doing well?*

This question comes from an assumption that the accountability and reporting regime for schools is a punitive or negative thing. The ERO model, where successful schools go on to a longer reporting schedule is also reflective of this. This could be flipped on its head – for example, a regular ERO visit should be a helpful and worthwhile process - and a long period between visits is not necessarily a reward but can be a disadvantage to the school.

This question is quite loaded and the responses need to be treated with caution. The use of the word “freedoms” is emotive, particularly when the review has already stated there will not be additional funding for any of the outcomes of this review. A better word would have been “responsibilities” and it should have been accompanied by a clear statement that there will be no additional funding for any new responsibilities that a community or board might propose to take on.

It is also unwisely premature. It will be for the communities and for the national evaluation programme to provide us all with data that will guide decision-making about future directions. It is ludicrous to seek the views of those who are not engaged in this challenging project on where it should go next.

9 *What ways could boards work more closely together?*

PPTA policy is for schools to be community hubs providing health, welfare and other social services. Enabling groups of boards, or individual boards, to more easily take on the governance of other educational, health or social services could enable them to work better together and with their communities. School boards could establish shared governance for a range of service providers that their community and students could access. Care is needed in encouraging such initiatives, however, as in a devolved system where the individual schools or groups of schools are isolated and independent, things can go seriously and irreparably wrong before any of the agencies are aware of the problems. Such an initiative would demand more than naïve optimism from the centre.

Enabling boards of trustees to consolidate elements of management and administration – for example sharing aspects of their accounting systems or property management, would be a useful way for schools to share costs and enable boards and school leaders to focus more on educational issues.

*10 What do you think about schools and kura having the flexibility to introduce group or cohort entry?*

PPTA does not generally have a view on matters relating to primary schools but has some unease about treating this issue as one that should be voted on. The research on what they call in the UK, “the summer baby effect” is very compelling and indicates that the physical and emotional and psychological differences between children in particular age cohorts are such that the summer babies never catch up with their older and more advantaged peers. This is a case for the Ministry of Education to consider the research and offer advice accordingly, not leave it to schools to make decisions on what may be spurious grounds.

*11 What do you think about making attendance compulsory for children once they have started school or kura before they turn six years old?*

Again, this is not question that should be decided by plebiscite but on the basis of a careful review of the evidence.

*12 What additional supports or responses could be used to address problems that arise in schools and kura?*

PPTA supports the work the ministry is doing to assist schools which cannot afford to pay for statutory interventions. Perhaps this should go further with the removal of the current Act’s requirement for boards to pay for interventions. There can be a significant disadvantage to a whole cohort of students as a result of poor decisions made in the past, often by individuals no longer at the school. If the Ministry was to pay centrally for the cost of interventions this would be avoided.

PPTA is not of the view that the Act needs to be changed to create new forms of intervention or new thresholds. What needs to change is the relationship between schools and the Ministry – with a greater degree of transparency and trust, in order for local assistance to be able to be called on readily by schools that are struggling, or for a local Ministry official to be able to approach a school more readily to offer assistance if it appears that a school is struggling with an aspect of its work.

The suggestion from the Minister that schools can be closed as a result of ‘underperformance’ – presumably an ‘ultimate’ intervention - is one that this review should avoid. The current ability for the Minister to make decisions about closing schools does not need to be changed to allow this to happen, as the Act does not define reasons for school closures (or opening them for that matter). Closing schools as a result of underperformance should not become part of the regular ‘toolkit’ of responses to problems in a school. The disruption to students and communities can be severe, and the reasons for significant and persistent



problems in a school are rarely simply the result of underperformance of a current board or staff.

It is not rational to imagine that school closure can be used as a punishment which will have the effect of improving performance. Transitions between school types constitute a risk for student learning. The dislocation and uncertainty caused by school closure is profoundly distressing for parents and children and is educationally destructive.

Moreover, the line between a struggling school and a failing school is not clear-cut and definable. In reality, teachers, parents and students will do everything they can to try to turn around a struggling school, often succeeding only in slowing the rate of decline while not actually arresting it. Every year funding and staffing decrease with a consequent reduction in curriculum choice and extra-curricular options and pastoral support for students. Recruiting and retaining staff and board members becomes difficult. During all this time, successive cohorts of students pass through the school and receive an impoverished educational experience.

It is irresponsible to require students to go to school by law then expect them to shuttle from school to school in search of one that might meet their needs. It is the responsibility of the government to ensure that every child is able to attend a well-functioning and well-resourced neighbourhood school.

*13 How should area strategies be decided and how should schools, kura and communities be consulted?*

PPTA supports the concept of developing area education strategies; however, within the parameters of the changes proposed by the current review we are unsure whether legislative change is required to enable this. Communities of Learning may well be a vehicle for this to occur, and the capacity for them to achieve this relies on the fact that they have resource available and therefore an incentive to collaborate, rather than a regulatory basis forcing or mandating collaboration.

The main problem here is that 'self-management of schools and kura' is not covered in the scope of this review. PPTA supports the proposal put forward by Cathy Wylie in *Vital Connections* of a network of around 20 local education authorities, which would have ultimate responsibility for the quality of schooling in their area. An approach like this would genuinely enable 'area strategies' to be developed and implemented.

*14 What should be taken into account when making decisions about opening, merging or closing schools?*

At present this appears to happen far too often on an ad hoc and reactive basis. New Zealand's plethora of small schools is to some extent a function of geography, but there are clear examples of small schools having been allowed to proliferate or continue to exist quite out of kilter with the educational needs of the community. This is a serious waste of scarce education resources, and often disadvantages students in small schools, particularly those in small rural schools which are small for reasons of location, not by choice.

The creation of very small secondary schools in areas not justified by roll growth is a pernicious practice that harms all New Zealand students. Providing individualised programmes for senior students with a full range of senior subjects that engage them and support their future career choices requires that secondary schools be a reasonable size. The smaller the school, the more it has to make curriculum compromises either by restricting students' subject choices or by patching up the curriculum through correspondence or the Virtual Learning Network (VLN). These choices become acute for secondary schools with fewer than 500 students.

The problem is distinctly a political one. Politicians of all hues prefer the electoral advantages of opening new schools to the more complex and prosaic role of managing the network to maximise economies of scale and ensure there is quality provision in all neighbourhoods. Consequently schools are opened in areas even when the population does not justify it and even when the consequence will be a loss of viability of one or more surrounding schools. One example that defies common sense is the opening of two small secondary charter schools in Whangarei when there were already at least two local schools with numbers that were edging into non-viability. The number of students across these four schools would be sufficient to create a single secondary school of 800 to 1000 students which would be able to offer a full range of subjects and options. There would be savings of \$20 -30 million as a result of not operating separate sites. That surplus could be used to enhance teaching and learning.

It is not just the opening of new schools that is causing fragmentation and waste in the system but also the granting of roll increases to integrated schools. This destabilises the roll of surrounding schools and, because it enables the selection of students, tends to increase the decile of the integrated school while lowering the decile (and viability) of surrounding schools. Once again, this is a political decision and it is not difficult to discern the operation of pork barrel politics in many of these decisions.

Because the ownership of integrated schools is by proprietors rather than the state, the Minister cannot decide to close integrated schools with the same freedom as state schools. Changes to the Act should enable the Minister to make decisions to close or merge integrated schools in the same way as applies to state schools, for effective management of the schooling network in the best interests of all students.

The reality is the duplication of school sites and resources necessary to support the proliferation of multiple small schools in urban area means money is diverted from the important parts of an education system, teaching and learning, into property and administration. There would be sufficient funding for smaller class sizes, more professional development greater support for special education, more classroom assistants and greater financial help for schools in poor and rural communities if network management ceased to be a means of distributing political largesse.

PPTA policy is for the Private Schools' Conditional Integration Act to be repealed and the school set up under the Education Act with some provision for special character. Integrated schools are now, to all intents and purposes, funded exactly the same as public schools but they retain the right to select students, to provide free bussing and to charge attendance dues. This puts them in a privileged position and allows them to manage their rolls so they recruit more students from wealthier and more supportive homes. Overall, integrated schools have lower numbers of "priority students" than public schools.

The integration of Whanganui Collegiate when there were already 1400 surplus school places in the city speaks about the abuse of the PSCI Act for electoral purpose.

PPTA does not want to see schools losing their particular characters or being 'stamped from a mould'. We believe that there is a lot more room for the Ministry to enable schools to develop particular character units or sections inside a large, robust institution, with the ability to respond to parental choice for different 'special character' education in that way rather than opening new schools.

There are also problems arising with the power to open schools under sections 155 and 156 of the current Act. These sections are used chiefly (but not entirely) to establish kura and wharekura. Most of these schools are so small as to be unable to operate a reasonable senior curriculum and the more schools that are open the more difficult it is to find staff from the small national pool of Te Reo Māori teachers. The result is the creation of multiple small and fragile institutions that struggle to be effective. It is one thing for politicians to promise Māori voters a community school where their children can be taught in their own language and culture, and another thing altogether to deliver a school that is well-resourced,

fully staffed, robust and with a sound range of subject and option choices. The current policy is noble in intent and cynical in effect.

It is difficult to see communities embracing the notion of rationalisation of schooling in their area while they can observe the political patronage that goes on around the decisions to open and expand schools. One of the things that could be usefully achieved by the revision of the Education Act would be to create a body to manage the school network that operates independently of politicians.

While the business model is often cited as a source of inspiration for schools, the deliberate creation of oversupply is totally devoid of business sense. No corporation that set up additional small outlets in areas where there was already an undersupply of customers would survive very long. Further, successful companies seek to exploit synergies between outlets and don't risk damage to the overall brand by encouraging separate branches of the same organisation to engage in a battle to the death.

There is also no credible evidence which supports the notion that fragmenting the schooling system to increase schooling options for a small number of students has a positive overall impact on student outcomes. In fact, the opposite appears to be true as the thinning out of resourcing for all students reduces opportunities for the majority.

*15 What do you think about the proposed changes to improve how enrolment schemes are managed?*

PPTA welcomes the proposal for more active management of school enrolment schemes. This needs to sit alongside a commitment to make schools in all communities desirable for parents, in order for zoning not to become an apparent rationing of quality.

PPTA would like to see the 'maximum roll' provisions removed in favour of an even playing field for all schools, so a consistent application of enrolment schemes. At present maximum roll provisions enable cherry-picking of students which is inconsistent with a comprehensive public education system.