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GROUP

**To: Committee Secretariat
Education and Science
Parliament Buildings
Wellington**

Submission: Education Amendment Bill (no.4)

Child Poverty Action Group (CPAG) thanks the Select Committee for the opportunity to submit on this Bill. CPAG comprises academics and workers in the field dedicated to achieving better policies for children. The aims of our organisation are:

- Children's needs and rights at the centre of policy
- Every child growing up in a healthy environment
- Every child has opportunities
- Collective responsibility for New Zealand's children
- Elimination of child poverty in Aotearoa New Zealand by 2020

Along with other children's agencies and education providers, we are very concerned about the implications of this Bill on children and young people. We urge Committee members to carefully consider the impacts of this legislation on the most vulnerable children in the community, and to act in their best interests.

Contact: Dr M.Claire Dale, CPAG Executive Committee at m.dale@auckland.ac.nz

CPAG submissions

General comments

This bill creates the framework for the approval and establishment of charter schools (partnership schools kura hourua) that operate with greater flexibility and less accountability than existing public and private schools.

The bill undermines teacher quality by permitting charter schools to hire unqualified people to act as teachers; it will reduce transparency by making charter schools exempt from the Official Information Act; and it risks incoherent outcomes for pupils as it does not require the schools to follow the New Zealand Curriculum. It is likely to drain resources from state schools that need more help not less at the expense of children left behind in these schools.

We submit that the bill poses a threat to New Zealand's world-leading quality public education system, and thus to the well-being of New Zealand's children.

1. Charter schools undermine quality teaching

We oppose clauses 23,24, 25 and 26 of the Bill which make changes to sections 120A – 120C (teacher registration) of the Education Act (“the Act”) and section 158T that allow charter schools to hire unqualified people to work as teachers and permit principals to be non-teachers.

We submit that all schools must be required to comply with the Education Act’s Teachers Council provisions.

2. Charter schools undermine quality schools

The Bill makes new provision for the merger of State schools (Part 1, Clause 30, substituting Section 156A of the Act by New Sections 156A-156AC), thus allowing charter schools to take over or compete with local state schools.

Charter schools can be run by private companies whose governance bodies are exempt from the requirement to include elected parent and community representatives (new section 101 (8A)). The new section 75 (2) states “... a school's board has complete discretion to control the management of the school as it thinks fit.” Further, section 98 states that trustees of the Boards of newly established schools (despite section 94) can be *either* appointed by the Minister or elected by the parents of students.

Charter schools are exempt from the enrolment schemes that apply to state schools, and could reduce their operational costs by excluding children with high levels of need, leaving local state schools to support the children with the most complex and challenging needs.

Charter schools will not be under any obligation to accept students from their local areas – if demand for places exceeds supply, they will not be required to have a geographic enrolment zone to take the closest local children but will instead choose students through a ballot.

Section 232B subsection (11) allows for domestic students to be excluded from a vacant place at an institution if the enrolment is in a vacant place “(a) that the council of the institution established for international students; and “(b) whose continued availability is dependent on the fees payable by international students enrolled in it.

We oppose this bill in its entirety because it inserts new Part 12A (containing sections 158A-158X) and creates the underlying framework for charter schools (partnership schools kura hourua).

3. Charter schools undermine quality learning for kids

Although their contract with the Education Minister will state their required performance standards and reporting obligations, it does not appear that charter schools will be obliged to follow the world-leading New Zealand Curriculum that focuses on key competencies learners require to make an effective and productive contribution as citizens in the 21st century.

We submit that exempting charter schools from following the New Zealand Curriculum means there will be no state oversight of the quality and direction the charter schools follow, and thus creates the risk that students may be delivered sectarian and/or narrow curricula, and/or may not be well prepared for further education.

4. Charter schools are not accountable

The new section 2(1) (Interpretation) introduces the role of the ‘sponsor’, who must be approved by the Minister by notice in the *Gazette*, who can be party to the charter school contract under section 158. Section 158C provides for the Minister appointing an advisory group consisting of 1 or more members, for the purpose of advising the Minister in relation to (a) the approval of sponsors under section 158B; and (b) the educational performance of charter schools kura hourua. Every member of an advisory group appointed under subsection (1) is then entitled to receive remuneration for services as a member of the advisory group at a rate and of a kind

determined by the Minister in accordance with the fees framework; and to be reimbursed for travelling and other expenses incurred in carrying out his or her duties as a member of the advisory group.

We submit that creating a separate layer of administration and consequent cost solely for charter schools diminishes the Vote Education Budget to no advantage for the children of New Zealand.

Section 158D sets out the requirements of the charter school contract between the Minister (on behalf of the Crown) and the sponsor – not the school Board, including: “(a) objectives and performance standards for the sponsor in relation to the operation of the school; and “(b) reporting requirements of the sponsor in relation to (i) the objectives and performance standards of the sponsor under the contract; and (ii) any relevant national standards published under section 60A(1)(ba); and (c) the maximum roll of the school; and (d) the number or percentage of teaching positions (within the meaning of section 120) that must be filled by registered teachers or holders of limited authority to teach; and (e) the curriculum to be taught at the school; and (f) the qualifications to be offered by the school. The sponsor’s duties including toward the physical environment, the curriculum, the functions of the principal, the roles of supervising teaching practice and reporting to parents, are set out in section 158F. Most explicitly, section 158F states “Sponsor to control management of partnership school kura hourua”.

We submit that by contracting with the sponsor rather than a locally elected school Board, the Minister (the Crown) is removing the democratic decision-making power from the local community.

We also submit that as charter schools, if introduced, will be taxpayer funded, they must be required to be audited by the Auditor General as state schools are. In addition, we submit that if they are introduced, charter schools must be required to have elected local representatives on their governance body, and the Ombudsman, Local Government Official Information and Meetings Act must apply.