Submission on behalf of the APIS

Association of Proprietors of Integrated Schools  
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*Our Schooling Futures: Stronger Together*

*Whiria Ngā Kura Tuātinitini*

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# Executive Summary

The report *Our Schooling Futures: Stronger Together,* describes the aim of the Tomorrow’s Schools Review, which was to consider whether the schooling system was fit for purpose and to focus on developing a system that promotes equity and excellence and ensures that every learner achieves educational success. The Association of Proprietors of Integrated Schools (APIS) absolutely agrees with this aim, however we are concerned that many of the recommendations in the report do not substantively link to the intended outcome.

In addition, many recommendations do not refer to or consider state integrated schools however they have a significant impact on state integrated schools, in many cases raising serious areas of concern or risk. We find that the report puts forward several untested assumptions to argue the change and while the motivation for some of the suggested changes is applauded we are concerned about the lack of evidence that the administrative changes suggested will result in raising achievement or addressing inequity.

Two questions arise:

**Is this the best plan to achieve the gains we are seeking?**

**What are the unintended consequences of the proposed system?** No measure of the risk, associated cost or the period of implementation has been considered.

In our submission, we highlight the importance of families in having the choice of a special character education for their children and the ways in which the present schooling system allows state integrated schools to create an educational environment that has a thriving special character. We will consider the role of the Proprietor and address recommendations.

We are concerned that detail has been sought before we have agreed on what must change to achieve our stated sought for outcome. On the surface, we are shifting the deck chairs without knowing what the outcomes will be and they will require a considerable amount of resources which could otherwise be going to the students and their learning.

# State integrated schools

The Private Schools Conditional Integration Act 1975, since subsumed as Part 33 of the Education Amendment Act 2017, was based on six principles specific to Catholic schools, as Catholic schools were the precursor for state integrated schools. Those principles were:

1. The right to teach, develop and implement the Catholic programme in Christian faith and living, and to follow those religious customs that are normal in the Catholic school;
2. The right to administer staff appointments and arrange for staff composition in a manner that recognises the Catholic character of the school;
3. The right to enrol children of Catholic parents in the first place, and in the second place, enrol the children of other parents seeking a Christian environment for the education of their children;
4. The right to extend existing schools and build new ones to meet the demands of legitimate expansion and proven need, including schools with special purposes; e.g. catering for special educational, physical or emotional problems;
5. The right to own the land, school buildings, ancillary educational buildings and facilities which make up the Catholic school system;
6. The right of the Catholic community to make a tangible financial contribution towards the cost of maintaining its schools by way of fees.

Since the first school became integrated the sector has widened to include other religious groups and special characters, but the principles of the integration planning in the 1970s underpin the ongoing relationship between state integrated schools and the Crown. This relationship is expressed in each school’s integration agreement between the Crown and the Proprietors.

# Consultation

Integrated schools make up 11.4% of the schooling system, and APIS Proprietors were disappointed that their voice was not considered important in the composition of the design group. We acknowledge that the APIS Chief Executive Officer was a part of the larger reference group which dealt with higher level ideas and principles but not the substantive detail that permeates the report. We believe this has resulted in a report that shows limited understanding of the legislation, its operation and the way it supports the relationship between integrated schools and the Crown.

# Recommendations

Overall, we support the intent of the review to raise achievement and ensure equity for all students. This particularly aligns well with the special character aims of most of our schools.

Below we have listed what we believe are the major issues of the current system along with high level suggested responses:

* Overall resourcing of the current compulsory sector is inadequate to deliver the outcomes that meet the needs of many. *Increase funding support to the education sector.*
* The quality of teaching is the greatest influence on the outcomes for students not the administration. *Invest and build teacher capacity to engage.*
* Good leadership is central to school improvement. *Invest in leadership preparation and support school leaders.*
* Supporting learning needs has not been resourced appropriately. *Increase and target funding.*

A large part of the report is focused on the need to change governance to change learning, but teacher engagement has the biggest impact on learning. A new education system should put students first, not an administrative organisation. It should plan to prepare and support inspiring teachers who are incentivised to teach in areas that need greater engagement.

Integrated schools have consistently delivered high quality learning outcomes for their students. There are many state schools that also consistently outperform in the sector. It would be unfortunate if these schools were compromised through the imposition of a new bureaucracy in order to try and address those schools that are failing to meet the same standard. One size does not fit all.

Any change should show it understands the social dynamics of the day so that it can relate to the challenges of the people rather than impose a new bureaucracy on a people who may not understand it any more than they have the previous system.

Change should continue to engage communities and connect them with their schools and the learning outcomes. Reducing community authority is a blow to subsidiarity. Building another layer of bureaucracy with Hubs will not retain the engagement of communities. Support to strengthen school administration and building local capacity is the best way to build subsidiarity.

With the establishment of Education Hubs, we are concerned about the impact on state integrated schools, particularly regarding Principal employment, property and the operation of boards of trustees. We are concerned about envisioned changes to a parent’s ability to choose a special character education for their child. Ultimately, we would also encourage the Taskforce to look for more concrete ways to support schools that need support, to lift equity and excellence for all, in the meantime leaving successful schools to continue. Instead of pulling the system apart, replicate what works well and invest in the schools that need it.

For example, we see the value in a system that provides more services on an opt in and opt out basis; so that the support is provided but is optional for schools. We suggest that schools choosing whether to engage such services should not have to make decisions based on cost, so they should be free to schools. Services should be coordinated or reviewed by the Ministry to ensure consistency with compliance requirements. This would work for state integrated schools because they could work around the specifications of being a state integrated school and choose the services that work for their school.

Ministry could reduce workload on teaching and leadership staff and trustees and provide support onsite better tailored to school needs by funding additional support staff in schools with the express purpose of coordinating compliance requirements and board secretary functions. That way, state integrated schools wouldn’t be reliant on an external organisation (Hubs) to understand the differences for their schools but will have the benefit of additional support.

# Feedback to Recommendations

The following section details areas of the *Our Schooling Futures: Stronger Together* report that raised concern for Catholic state-integrated schools. For clarity we have provided the recommendation or statement from the report along with our comment.

## 1 Governance

The special character of a state integrated school is the pinnacle of why state integrated schools exist. The Special Character is important to those families who choose to send their child to a state integrated school. Their choice reflects their vision for that child’s education pathway. A clearly identifiable and thriving special character is important to state integrated schools; it allows them to have an appropriate point of difference.

There are three main ways in which state-integrated schools maintain their special character from a governance perspective. This is through:

* policy that trustees write, and schools implement, to ensure the special character is maintained in a way that reflects the school’s community and families,
* reporting from the school to the Board of Trustees for accountability,
* tagged positions for staff and leaders,
* the role of Proprietor Appointees on the board, and
* the direct relationship between the school, its Board of Trustees and the Proprietor.

These items bear risk under a system changes recommended by the Taskforce and we will speak to them in more detail below.

### Boards of Trustees

* “The role of boards should be re-orientated so that their core responsibilities are the School Strategic and Annual Plan, student success and wellbeing, localised curriculum and assessment.” (p12)
* “[Hubs should] Assume all the legal responsibilities and liabilities currently held by school boards with automatic ‘delegation back’ to principals/tumuaki regarding control of operational grants and staffing entitlement/recruitment.” (p13)

The report fails to recognise the right of the Proprietor in participating in the governance of a school, the right to participate in the appointment of tagged staff and the right to continue to review and monitor engagement around the expectations of the tag. This right is lost if the responsibility for appointment, employment and appraisal is devolved to a Hub.

To support under-governed or non-performing schools **we recommend the Ministry form a group of permanently employed professionals who work full-time in schools with statutory powers, depending on the level of support required.** They would manage a group of schools until they are considered ready to take responsibility for the self-government of the school. Establishing a Hub and its associated costs diverts funding from the schools and their ability to respond to student’s learning needs.

### Principal Employment

* “Boards should be involved in principal/tumuaki appointments and retain final right of veto on their appointment, but will not be the employer of the principal or teachers” (p12)
* “Provide principals/tumuaki with ongoing employment, appoint them to school on five year contracts, and ensure their performance management.” (p13)

We are very concerned about the impact these recommendations could have on state integrated schools. The Principal has a significant role in maintaining and contributing to the school’s special character. For this reason, the relationship between the Principal, the board of trustees and its Proprietor’s representatives is additionally significant for state integrated schools. The ways in which this occurs is via:

* Proprietor Appointees to the board are involved in Principal appointment,
* Proprietor guidelines for determining acceptability,
* Special Character reviews (internal and external), and
* Annual reporting to Proprietor.

For APIS school’s Principal appointment is a critical task and relates closely to the protection of the special character.

Proprietors spend considerable time and energy identifying and preparing people for leadership. Devolving this task to a Hub would deny the proprietor that important role.

Five-year contracts for Principals were tried in 1998 and were found to be a disincentive for people becoming Principals. With the shortage we have now of people willing to take that leadership it is important that no further barriers are created. We recommend strengthening appraisal and professional development, as well as incentivizing the salary package for change. At present, many senior teachers are reluctant to seek a new position because the cost of moving would fall on them and there is little incentive for such a move.

Devolving the responsibility for the employment of principal and staff threatens the legal right of the Proprietor to protect Special Character and changes the nature of the partnership agreement that the Crown has with the Proprietor because it makes the Proprietor’s involvement more remote. The Proprietor has a role to play in the appraisal and development of staff which is maintained through the relationship of Proprietor Appointees on Boards of Trustees. The suggested role for Hubs in performance management threatens the Proprietors ability to participate effectively.

### Property

* “Provide further ‘delegation back’ opportunities regarding property development through 5YA.” (p13)

Apart from Special Character one of the biggest differences between state and state integrated schools is property. For state integrated schools, the Proprietor owns the property and the school operates within it. The Proprietor funds new footprint and guides major maintenance spending to ensure that capital works reflect the property vision of the MOE for the school. Integrated schools cannot manage their property through a Hub.

Most state integrated schools already work in clusters which provide for administration of property, support for staffing and for review of special character.

**APIS strongly opposes the creation of Hubs.**

### STUDENT BEHAVIOUR MANAGEMENT

* “Boards will not be responsible for decisions on student suspensions, exclusions, and expulsions.” (p12)
* “Provide parent and student advocacy and complaints services, and take responsibility for processes when students are suspended.” (p13)
* “Education hubs, rather than school boards, would be responsible for all processes after a suspension has been initiated by a school principal (p53)

When responding to student behaviour issues, state integrated schools use a response that aligns with the special character of the school, while meeting Ministry guidelines. An example is restorative practice. With this recommendation, we are concerned that taking that responsibility away from schools which mean the response will not have the opportunity to reflect the special character of the school.

* “Mana whenua representation on boards will ensure strategic knowledge for schooling and localised curricula.” (p12)

We absolutely support the goal of mana whenua representation on boards and this is reflected in the work of many state integrated boards across New Zealand. However, many of our boards struggle to find Māori and Pasifika community representation. **We would like to see more concrete recommendations for encouraging Māori and Pasifika to join boards. One example is reimbursing the costs of trustees more realistically for their time spent on board matters.** In addition, we note that for state integrated schools, who have Proprietor Appointees, mandated mana whenua representation will change the make-up of the board of trustees.

* “Education Hubs should be Crown entities. Education Hubs would replace current Ministry of Education regional offices. They would assume many of the ‘business’ governance responsibilities held by school boards.” (p13)

One of the common complaints we receive from Proprietors and state integrated schools is that they have been given advice from regional or national Ministry staff that conflicts with nationally understood guidelines or practice. We understand that this will be an occasional result of working with a large bureaucracy like the Ministry and that some areas of practice are not necessarily commonly agreed or understood. Part of our role is ensuring that guidelines are implemented correctly and consistently throughout New Zealand. However, we are concerned that the establishment of Education Hubs will exacerbate this problem. **While not supportive of Hubs, should Education Hubs be established, we would recommend that each Hub have an integrated schools’ specialist or that a separate Hub be established for all state integrated schools in New Zealand (similar to the establishment of a national Hub for Kaupapa Māori settings).**

* “Ensure the network of schools in the area is properly managed and utilised, that enrolment schemes are fair, and that unhealthy school competition is mediated and reduced.” (p13)

We agree that unhealthy school competition should be managed and that enrolment schemes are an important part of this, however we wish to emphasise the difference between families making a choice based on special character versus unhealthy school competition. Where state integrated schools are operating in good faith as a special character option for families, they should not be penalised by policy changes that limit the ability of families to send their children out of zone**. Our recommendation is that enrollment schemes continue to reflect special character provision (and allow for different special characters e.g. Seventh Day Adventist, Anglican, Catholic, Rudolf Steiner). We would also advocate for a response that invests heavily in schools that are negatively impacted by school competition to bring them up to the same standards as neighboring schools.**

## 2 Schooling Provision

* “Special character, state-integrated and single sex schools affect their surrounding schools.  
  Special character, state integrated and single sex schools can create challenges for effective network provision. For example, a decision to allow a state-integrated school to increase its maximum roll will impact on the rolls of other schools in the surrounding area. Parental preference for single sex schools can also impact on coeducational school rolls in the area. This impact needs to be balanced with the desire to provide parents with choice about the school their child attends.” (p60)

This paragraph is an excellent example of a simplistic generalization of state integrated schooling and choice. It is incorrect and demonstrates how disconnected the report is from the current relationship the state has with integrated schools. We are concerned that such a divisive view of state integrated schooling, which represents over 11.4% of students in New Zealand, is an example of the totality of the representation that state integrated schools had into the Report – which is very little.

When the Ministry approves maximum roll applications, they do consider the network provision of state schools. The Ministry only allow an increase or a new school where it is demonstrated that the increase supports the overall provision of schooling in the network and is necessary to accommodate all children. That has resulted in applications being declined or delayed and parents not able to exercise their right to choose a state integrated education for their child.

* “Seamless student transitions between schools as they progress through the education system.” (p14)
* “The phasing in of schooling provision that provides more stability and better transitions for students – for example, primary middle school, senior college, or full primary, secondary school, or composite school.”

State integrated school students transition between the state and state integrated systems at various times of their education, for example when a primary school of their special education preference isn’t available in their neighbourhood but when their child reaches secondary education, they are more comfortable sending the children out of their neighbourhood. We are concerned that this recommendation, combined with the comments and recommendations around choice, is suggesting funnelling students through specific pathways without respect for choice and the need for families to find the right school, state integrated or otherwise, for their individual child. In terms of talking about transitioning the students’ academic and schooling information and data, we note that this one of the aims of Kahui Akos.

Many parents would not necessarily agree that the “State” always knows best, especially when it comes to their children. It would be extremely brave for a government to impose restricted choice of options on parent choices.

* “The further development of full service schools and the more intensive use of school buildings and facilities both during and out of school hours.” (p14)

In section 1 Governance we address the property considerations for state integrated schools. Proprietors typically encourage community use of facilities, but often have special character considerations for activities on the school property.

APIS believes there are opportunities to explore better use of property through being more flexibility with regulations for time and use of school buildings.

* “Community-wide flexible curriculum assessment and timetabling offerings in schools, including enhanced digital infrastructure and provisions.” (p14)

State-integrated schools reflect communities from a diverse range of socio-economic backgrounds. We agree with the intention of this recommendation but are concerned about the impact school by school social-economic inequality will have on the ability for community-wide curriculum and timetabling to be carried out equitably for all schools.

## 3 Competition and Choice

* “Unhealthy competition between schools has significantly increased as a result of the self-governing school model. It has also impacted on the ability of some students and whanau to exercise choice.” (p15)
* “Schools have been encouraged to compete for students rather than collaborate.” (p15)

We believe that inequities between schools have arisen and been exacerbated not because choice exists but because of the inequity or perceived inequality between schools. We are concerned that the approach of the Taskforce, which is addressing choice and not the underlying problems of inequality between schools, will not result in the stated outcomes.

The report appears to assume that competition has had only negative effect. We believe in some cases, competition has encouraged schools to continue to explore their potential and create better and more effective schools. We would argue that the best outcome of a system review is that those good outcomes from competition are replicated throughout the sector and shared in schools that need to lift educational success or the perception the community of a school. We do not believe limited choice and competition will achieve that outcome.

An observation from members of APIS was that the report appears to set out to defend a philosophical position and then finds evidence to support it. There is no evidence that the report has considered any other alternatives to the changes suggested which suggests the bias in the development of the report. The challenge is not to destroy the good work many schools have done but support all schools to be as successful. That is achieved by leadership and resourcing.

State integrated schools do not compete with the state network because of the requirement for preference in the enrolment and maximum rolls. The report demonstrates a lack of understanding of how the legislation manages state integrated schools.

* “Students attending state schools are eligible for transport assistance to their nearest state school if they live more than 3.2km away for Year 1-8 students, and more than 4.8km away for Year 9-13 students, and there is no public transport available.” (p73)
* “Students attending state-integrated schools are eligible for transport assistance to their nearest state-integrated school, even if there is a state school nearer their home, provided they live more than 3.2km away from the nearest state-integrated school for Year 1-8 students, and more than 4.8km away for Year 9-13 students, and there is no public transport available.” (p73)
* “Transport subsidies for students attending state-integrated school are, over time aligned with transport subsidies for students attending state schools.” (p77)

The issue of school transport alignment is another example of the lack of understanding the report shows for the way the legislation for integrated schools operates. The report does not differentiate between the schools. Just as the state offers students support to get to the nearest state school, the state offers an entitlement to the nearest state integrated school. No alignment is needed because the provision is the same. *Section 446 Part 33 Education Amendment Act 2017 0r 1975 Private Schools Conditional Integration Act No 129 Sec 24*

* “The level of attendance fees required and justification for them is reported to the Education hub on an annual basis (to ensure that the attendance fee are used as required by law)” (p77)

In the report, there appears to be a perception that Attendance Dues gives state integrated schools an advantage. The provision of schooling by the Proprietor is an acknowledged advantage to the State. Attendance Dues have strict criteria for their use. They pay down debt created by the capital cost of building the school, the cost of insurance and the collection fees. The Attendance Dues are reported to Ministry and cannot be increased without Ministry consent. This is another example of the Taskforce not understanding the legislation that is in place.

### Enrolment Zones

* “All enrolment schemes are fair and equitable with the Education Hub having final decision making rights.” (p15)
* “Limits are placed on school recruiting out of zone students” (p15)
* “All state and state integrated schools in the network are allocated a notional catchment area and maximum roll numbers.” (p76)
* “Following the review of current enrolment schemes (as appropriate) the number of out of zone students for any school would be capped.” (p76)
* “Enrolment scheme ballots for non-preference students use the same criteria as other state schools” (p77)

Enrolment schemes are not the same for state integrated schools because they cover a wider area. In some cases they are the only state integrated school in an area and parents who meet preference criteria have a right to access that education.

In urban areas enrolment schemes operate much like a state school. An enrolment zone is agreed with the Ministry and a process for determining eligibility is implemented. These processes must be transparent and reviewable to meet Ministry requirements.

Where space exists in a school for out of zone placements, nothing is achieved by not using those spaces for those who seek them. One of the goals of the report was to use state money wisely. Having unused space does not make good use of resources. Transport costs would not apply to students travelling past their nearest state integrated school.

Regarding ballots for non-preference students in integrated schools. Where enrolment schemes exist now there are processes for the ballot of non-preference students that are approved by the Ministry of Education. When an enrolment scheme exists the number of places for non-preference students will decline over time leaving no opportunity for non-preference to enroll.

* “Limits are placed on the donations schools may request.” (p15)

Integration legislation leaves the responsibility for supporting staff in special character training and development to the Proprietor to resource. Legislation also requires Proprietors to provide staff training and development to protect special character. Donations are the only way the Proprietor can raise the funds to support that development. Furthermore, policy limits what Attendance Dues and Policy One funding can be spent on so donations are a key way schools can fundraise for capital improvements, such as non-integrated worship space. **Removing the opportunity to donate to both state and state integrated schools denies people the right to support their local school communities. Donations by their very nature are voluntary.**

## 4 Disability and Learning Support

* “Students with learning support requirements should have the same access to schooling as other students and it is clear that currently they do not.” (p16)
* “We recommend that every school is supported to be inclusive through having a designated Learning Support Co-ordinator, working with the support of its local Education Hub and sharing good practice.” (p16)

APIS supports the right of children with learning support requirements to access education and to be empowered equitably in doing so. We note that state integrated schools often reflect their special character through their support for inclusive education.

* “The Education Hub would apply to national funding pools to reduce the burden on parents and schools.” (p16)

We are concerned that unless there is an overall increase in national funding, there would just be another layer of bureaucracy and the shortfall of resourcing would not be improved.

## 5 Teaching

* “The quality of teaching is the major ‘in school’ influence on student success but our teacher workforce strategies lack the necessary support, coherence and coordination.” (p17)
* “Development of more flexible initial teacher education pathways to registered teacher status.” (p17)
* “Viable pathways for the development and enhanced status of paraprofessionals.” (p17)
* “Processes in place to train teachers/Kaiako” (p88)

Like most schools in New Zealand, one of the big challenges for state integrated schools is supply of well trained and supported teachers. For a prospective teacher to gain special character or Religious Education qualifications as part of their teaching qualification, most universities require the qualification to be obtained on top of standard teaching qualifications.

Integrated schools are working with Teachers Council to address this issue.

## 6 School Leadership

* “Establishment of a dedicated Leadership Centre within the Teaching Council...” (p18)
* “Leadership is central to school improvement and yet we have few formal and planned structures to develop and sustain school leaders.” (p18)
* “Appointment of leadership advisors in Education Hubs to work closely with principals/tumuaki.” (p18)

APIS agrees with the need and intention to lift support available to school leaders. We agree with the recommendation to establish a Leadership Centre. We agree that dedicated leadership advisors would benefit schools and their leadership. We believe they could operate through the Leadership Centre or regional Ministry office. Leadership in an integrated school requires extra awareness and we would expect that any leadership centre can make provision for this. Establishing a leadership centre does not require the formation of Hubs. We also wish to note that for state integrated schools, the role of the Principal in reflecting and representing the special character of the school is critical to the success of the school. We would like any leadership support to ensure that relationship was reflected. In addition, because of the different board of trustees, property and employment structures for state integrated schools, it is important for leadership support to reflect the differences with state and state integrated schools.

## 7 School Resourcing

* The proposed equity index is implemented as soon as possible and prioritised for the most disadvantaged schools. (p10)
* “The overall resourcing for the compulsory schooling sector is currently inadequate to meet the needs of many learners/ākonga and those who work in it.” (p19)

APIS agrees that there are limitations and challenges with decile funding and agrees with the recommendation that the equity index be implemented. We also agree that overall resourcing is inadequate, but believe that investment should be directed to teaching and learning, rather than a system overhaul.

## 8 Central Education Agencies

* “The overall resourcing for the compulsory schooling sector is currently inadequate to meet the needs of many learners/ākonga and those who work in it.” (p19)
* “A number of significant structural issues and policy settings make it difficult for the agencies to be as effective as they might be.” (p20)

APIS has already identified a lack of resourcing as a key issue for change.

Conclusion

Our response has been twofold. Firstly, we have addressed the areas of concern as they relate to the relationship between state integrated schools and the Crown.

APIS has real concerns about the lack of detail and understanding of state integrated schools in the report. APIS believes that the proposed changes show little understanding of the Integration Act and its intention in creating a partnership with the Crown.

Without much more clarity, APIS believes that the recommended administrative change cannot be implemented in integrated schools. Such implementation would require substantive legislative changes to the revised Part 33 of the current Education Act 1989. The protection within that Act would provide the basis for legal challenge if the impact of the proposed changes were to threaten or change the relationship the Crown has with the Proprietor.

APIS remains committed to working with the Government to address the issues identified in the report but cannot support the proposed recommendations as the best way of achieving the outcomes desired.

Secondly, we have looked at the intent of the review and question whether the recommendations or changes will meet the Government’s intent. It is our submission that radical changes to the administration will not address the issues underlying the intent.

APIS supports the aspiration of government to raise achievement and address equity issues. The report acknowledges that there is a lack of resources in education and APIS believes that using the current system and resourcing it appropriately, will provide many of the levers to bring about the changes required. APIS also believes that the report has not provided alternatives to the model suggested and as such has limited what is possible with this system-wide review.

I welcome any questions about this submission.

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