

# Have your say about Updating the Education Act 1989

A public discussion document



# Contents

A public discussion document.....	1
Contents .....	2
Minister's Foreword.....	3
About this consultation .....	4
Making sure everyone knows the goals for education .....	6
Supporting boards to focus on what's important.....	7
Enabling collaboration, flexibility and innovation .....	10
Making every school and kura a great one.....	11
Making best use of local education provision.....	12
How to have your say.....	13

# Minister's Foreword



Tēnā tatou katoa

Twenty-six years ago smart phones had not been invented, the World Wide Web was just a glimmer in a scientist's eye and corporal punishment had only just been abolished in New Zealand schools.

A lot has changed since then, but the Act which sets the legislative framework for schools remains the same.

It is time to take a fresh look at it. This is an important piece of legislation that shapes what happens in our classrooms and what skills our children take out into the world with them.

That is why we are asking you, the public, for your input into the process. We want an Act and a system that puts children at the centre of learning.

This discussion document outlines a number of proposals for raising educational achievement. Please take the time to read it and, if you would like to help shape the future of the education system, follow the guidelines for making a submission.

Ngā mihi

**Hon Hekia Parata**  
Minister of Education

# About this consultation

Our current Education Act became law in 1989, and a lot has changed since then. It's time to bring it up to date and reflect New Zealand now, and for the future. This consultation presents ideas for change to help us get there.

Education legislation sets the platform for achieving educational success. It signals what matters in education. It tells children and young people, parents, whānau, teachers, principals, early learning services, schools, kura and government agencies what they are supposed to do. It supports early learning services, schools and kura to create effective environments for learning and achieving.

We need to make sure that a child's pathway from early learning to school, and next steps into tertiary, is as well supported as possible.

Education is a partnership between early learning services, schools, family, whānau, aiga, communities, organisations, and government. Although early learning is subject to a different legal regime, it's important that everyone is working towards the same goals.

We all have a role to play. By taking part in this consultation, you'll be helping to strengthen the education system that all our children and young people deserve.

## WHAT CHANGES ARE NEEDED?

One of the biggest changes suggested is to make it clear in our law that children and young people, and raising their achievement, comes first.

The law should help schools, kura and early learning services by setting out a clear direction, saying who is responsible for what, and saying how schools and kura should plan their priorities and report their progress.

The law should also make it easier for schools, kura, Communities of Learning and early learning services to work together more to deliver the best education for every child and young person and to try out great ideas.

It's important for parents, whānau and communities to know how schools are helping their children and young people achieve and what their role is. They should also be helped to understand why certain decisions are made about education.

## We're seeking your views

We want to hear your views on:

- › Making sure everyone knows the goals for education  
*What the goals for education should be, and how national priorities for learners aged 0-18 years could be set out.*
- › Supporting school and kura boards to focus on what's important  
*How the responsibilities of boards can be made clearer, unnecessary red tape can be removed, and boards can respond more effectively to lift student and school performance.*



- › Enabling collaboration, flexibility and innovation  
*How resources can be better focused to get the best whole-of-community education outcomes.*
- › Making every school and kura a great one  
*How a graduated range of responses could be developed to better support schools when difficulties arise.*
- › Making best use of local education provision  
*How local arrangements can support choice and diversity.*

### Matters not covered in this consultation

Matters that are not part of this consultation include:

- › the tertiary education sector
- › the content of Te Whāriki (Early Childhood Curriculum), The New Zealand Curriculum and Te Marautanga o Aotearoa
- › the self-management of schools and kura
- › government initiatives such as National Standards, Partnership Schools, Investing in Educational Success and the Education Council of Aotearoa New Zealand
- › changes that would increase government spending on education.

# Making sure everyone knows the goals for education

The current Act doesn't say clearly what the education goals for our children and young people are. It should describe what early learning and schooling should achieve for our children and young people, and say what things are most important to learners, parents, whānau, teachers, education services, businesses and the public.

## CREATING A CLEAR SET OF GOALS

There are already some goals within the education system. For example:

- › “Young people will be confident connected, actively involved, lifelong learners” (New Zealand Curriculum)
- › “The learner achieves their potential” (Te Marautanga o Aotearoa)
- › “The learner and their families experience an environment where connecting links with the family and the wider world are affirmed and extended.” (Te Whāriki)

These or other goals could be included in the Update.

## SETTING OUT PRIORITIES FOR LEARNERS AGED 0-18 YEARS

Almost \$11 billion is invested in education each year. The Update should establish a way for national priorities about what is most important for education to be made clear, so schools and kura know what is expected of them, and can be sure that their planning is focused on the right things. Early learning services are different because they have their own legislation, but they would need to keep these important things in mind when reporting to parents, whānau and agencies.

### Questions

- 1 *What should the goals for education be?*
- 2 *What process should be used for setting a national priorities statement for early learning and schooling?*



# Supporting boards to focus on what's important

If children and young people are to succeed, it's important that boards of trustees focus on the things that matter most.

The Update should clearly say what boards are expected to do, including informing parents, whānau and communities about how well children and young people are doing at the school or kura. It should also support schools and kura that are doing well to have more freedom and extra decision-making rights.

## MAKING BOARDS' RESPONSIBILITIES CLEAR

Boards would be more clear about what they should and can do, if their roles and responsibilities were in the Act, as well as expectations about how they are expected to work with other schools, kura and social services.

Some roles might include:

- › Ensuring all learners reach their highest possible standard of educational achievement.
- › Working collaboratively with parents and whānau to improve student achievement and wellbeing.
- › Working with other boards and education services within their community.
- › Working in partnership with their Māori community.
- › Having an inclusive school and kura.
- › Consulting with the community over guiding policies and practices.

Some responsibilities might include:

- › Setting policies to guide and direct school and kura management.
- › Ensuring the school or kura's curriculum and assessment practices meet the requirements of the Act.
- › Appointing staff and evaluating their performance.
- › Providing a safe physical and emotional environment for students and staff.
- › Setting a strategic plan that reflects the goals and priorities of the government and community.
- › Publicly reporting on progress against the strategic plan.
- › Undertaking regular self-reviews.
- › Operating in a financially responsible way.

## Question

3

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



## IMPROVING THE WAY BOARDS PLAN AND REPORT

Improvements can be made to the way school and kura boards plan and report on how they make sure the right things are being taught, how they are informing parents, whānau and communities about what they are doing, and how well children and young people are achieving.

Red tape around planning and reporting could be reduced so that boards are able to focus on what is important in promoting student achievement and wellbeing.

There are some things that are a 'must do' for boards, such as developing a strategic plan, providing annual performance information, and meeting statutory reporting requirements. But there are other requirements that could be removed, and some complexity could be reduced. For example, high-performing schools could move to a four-year planning cycle.

It may also be useful to let groups of schools and kura work together when they are planning and reporting. This would help a community plan more cohesively, share expertise and reduce administration. It could particularly benefit Communities of Learning and small or isolated schools and kura.

### Questions

- 4 *What changes could be made to simplify planning and reporting?*
- 5 *How can we better provide for groups of schools and kura to work together more to plan and report?*

## RESPONDING MORE EFFECTIVELY TO PERFORMANCE

With better and more timely information, parents, whānau and communities can have an active role in helping to improve achievement for their children and young people. The Act could allow for a set of indicators to be established so schools and kura know what areas they need to report on. For example how well students are doing, and how the school or kura is managing its money.

The Update could enable schools, kura and Communities of Learning that are doing well to get more freedom and extra decision-making rights. This would be balanced by monitoring schools, kura and Communities of Learning carefully and clearly saying what will happen if things go off track.

### Questions

6

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

7

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

8

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



# Enabling collaboration, flexibility and innovation

Communities of Learning are an exciting new way of thinking about raising achievement within and between early learning services, schools, kura and tertiary providers. The Update should encourage collaboration and support schools and kura to be more flexible, and to work together more around the learning pathway of children and young people.

## COLLABORATION

### Alternative Governance Arrangements

As schools, kura and Communities of Learning work more closely together, some may want to share their governance arrangements. The Act currently allows two or more schools to combine into a single board. We want to know what other ways boards, if they agree, could work together, or share their ideas, and how these arrangements might work and be set out in the Update.

## FLEXIBILITY

### Cohort Entry

Some schools and kura are starting groups of new entrants at one time, for example, at the beginning of a term. This is known as cohort entry. They are doing this to help the child get used to school, to help their planning, and to minimise disruption for existing new entrants. The current Act could be changed to let five-year-olds start school or kura in groups, rather than on their individual birthdays, provided they have consulted with their communities first.

### Compulsory Attendance On Starting School Or Kura

Regular attendance at school or kura is a big factor in student achievement, but some children are at risk of developing early patterns of non-attendance. To curb this before it becomes a habit, the current Act could be changed to make attendance at school and kura compulsory once children have started, even if they are under six years old.

## Questions

- 9 *What ways could boards work more closely together?*
- 10 *What do you think about schools and kura having the flexibility to introduce cohort or group entry?*
- 11 *What do you think about making attendance compulsory for children once they have started school or kura before they turn six years old?*

# Making every school and kura a great one

Every school and every kura has to be a great one, and while most are doing well, a small number need more help to get there.

Some more options could be put in the Act to help schools and kura get back on track. These could include an improvement notice, or an audit of one part of a school or kura. At the more serious end, a board could be asked to have different people on it.

## Question

12

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



# Making best use of local education provision

We all have a responsibility to make sure that all children and young people in an area are being well served by education, and money is being spent in the right places. This requires an area strategy. When changes are needed because of population shifts or when a different mix of schools is required, it's important that parents, whānau, schools, kura and communities understand why these decisions are made.

## IMPROVING THE PROCESS FOR AREA STRATEGIES

The Act could include a clearer process for area strategies. This would help children and young people, parents, whānau and communities understand what will happen and what they need to do. Better ways of consulting could be established so people aren't frustrated by repeated consultation.

## CREATING A SET OF GUIDING PRINCIPLES FOR OPENING, MERGING AND CLOSING SCHOOLS

A set of guiding principles for changing schooling arrangements could be put in the Act. These could include responding to the needs of learners, making the best use of schooling, and managing the education system responsibly.

## IMPROVING THE WAY ENROLMENT SCHEMES ARE MANAGED

The enrolment scheme parts of the Act generally work well. But the way enrolment schemes are managed could be fine-tuned. These changes could include:

- › allowing the Ministry of Education to develop and put in place an enrolment scheme when a school or kura refuses, or is slow, to do so
- › clarifying the circumstances when the Ministry of Education will override an enrolment scheme and direct a school to enrol a child or young person, and explaining that this discretion is very limited.

These changes would make it clearer to children and young people, parents, whānau, schools, kura and communities how enrolment schemes are managed.

## Questions

- 13** *How should area strategies be decided, and how should schools, kura and communities be consulted?*
- 14** *What should be taken into account when making decisions about opening, merging or closing schools?*
- 15** *What do you think about the proposed changes to improve how enrolment schemes are managed?*

# How to have your say

## SUBMISSIONS

We're seeking your views on updating parts of the Education Act 1989. Your feedback will help us to develop proposals that may be put into law. We'll let you know the outcome of the consultation in early 2016.

The Ministry of Education will develop some firmer proposals for the Minister of Education to consider based on your submissions and other evidence. The Minister will then seek Cabinet's agreement to her preferred proposals. If Cabinet agrees, a Bill will be drafted.

The Bill will be introduced to Parliament in 2016. You will then have the opportunity to provide feedback on the specific proposals in the Bill to a Parliamentary select committee.

An easy way to make your submission is online at [consultation.education.govt.nz](http://consultation.education.govt.nz). Here you will find an introductory video from Education Minister Hon Hekia Parata. There are questions to get you started, or you can upload a submission from your computer.

You can also email your submission to [education.update@education.govt.nz](mailto:education.update@education.govt.nz) or write to:

Education Act Update  
Ministry of Education  
PO Box 1666  
Wellington 6140  
New Zealand

Submissions close on **Monday 14 December 2015**.

## PERSONAL INFORMATION AND CONFIDENTIALITY

Submissions and documents associated with the consultation process meet the definition of official information and are therefore subject to the Official Information Act 1982.

Please clearly indicate in your submission if you do not want your name to be included in any summary of submissions that we may publish.

## FURTHER INFORMATION

If you have any questions about making a submission, or would like more information about the update of the Education Act 1989, please email [education.update@education.govt.nz](mailto:education.update@education.govt.nz)

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