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NZSTA Submission
on
Education Amendment Bill
Due 13 April 2018

Introduction

1. This feedback is presented by the New Zealand School Trustees Association (NZSTA) on behalf of its member boards.
2. School boards of trustees are the largest single group of crown entities in the country, accountable directly to the government and their local community for the effective delivery of education in their school.
3. NZSTA is a national body representing the interests of approximately 2,232 member school boards of trustees (92 percent of the total number). There are approximately 18,000 people currently serving on 2,426 state and state integrated school boards.
4. As part of its service delivery function, NZSTA provides a comprehensive support service to school boards of trustees, including free access to employment and governance advisory services, a full range of professional development and access to an 0800 Advisory and Support Centre. NZSTA is also an active party with the Ministry of Education in negotiating Collective Agreements with unions.
5. NZSTA as a membership organisation surveys member boards from time to time on issues of current or potential significance to school boards of trustees.
6. This feedback draws on NZSTA's:
 - ongoing dialogue with individual school boards and principals, and elected board of trustees representatives at local, regional and national levels
 - experience in supporting boards of trustees with governance and accountability issues through our 0800 Advisory and Support Centre, and our national network of professional governance and employment advisers
 - Collective Agreement negotiations
 - formal Professional Development and targeted support for boards of trustees.
7. We can be contacted at NZSTA, PO Box 5123, Wellington, phone 471 6422, fax 473 4706, email lkerr@nzsta.org.nz.
8. We do not wish to appear before the Select Committee.

NZSTA Comment

9. The five stated objectives of the Bill are to:
 - a. strengthen the quality of school education by removing the provisions relating to national standards and the partnership school model from legislation:
 - b. improve the governance of tertiary education institutions by restoring places for staff and students on their councils:
 - c. support the introduction of free tertiary education by creating a new offence of making a false representation in relation to an application for free tertiary education:
 - d. improve the new strategic planning and reporting framework for State and State integrated schools and enable a smooth transition to the new regime:
 - e. resolve errors and omissions in the Education Act 1989 and the Education (Update) Amendment Act 2017, and to address minor and technical issues in the Education Act 1989.

(Education Amendment Bill, p.1)

10. The objectives of the Bill that NZSTA wishes to comment on are

a. removing the provisions relating to national standards and the partnership school model from legislation:

d. amending the new strategic planning and reporting framework for State and State integrated schools and enable a smooth transition to the new regime:

and

e. resolving errors and omissions in the Education Act 1989 and the Education (Update) Amendment Act 2017, and to address minor and technical issues in the Education Act 1989.

National Standards

11. NZSTA has no objection to the amendments repealing the use of National Standards.

12. We note, however that parents have a right to know how their child is progressing at school, and in language that they understand. We now have a cohort of students and a generation of parents and teachers who have known no other way of assessing student progress at years 1-9 other than National Standards.

13. Effective assessment and reporting practices include

a. relevant and meaningful assessment of student progress and achievement, and

b. explaining the significance of assessment results in ways that are meaningful and relevant for the target audience.

14. Information that is relevant and to a classroom teacher and a parent may be similar, but the language and explanations required to make it meaningful to them may vary significantly. Likewise, the information that is relevant and meaningful to a syndicate leader or principal is likely to differ in both language and content from what is relevant and meaningful in the context of the board of trustees' governance role.

15. Boards of trustees also need a reliable and consistent framework for monitoring student progress and achievement, presented in a way that is meaningful to them. Ideally this framework will also be consistent across all schools. This consistency of approach is what enables a board to evaluate the effectiveness of their school's performance and to make sound strategic decisions for their school that provide an equitable and high-quality education that meets the needs of every student.

16. NZSTA is actively promoting this kaupapa among boards.

17. The transformation to new reporting practices will require that parents and boards receive a good flow of information from the government, officials and their own school staff about good practice reporting on student progress, how it is evolving, and how to incorporate it into their respective parenting or governance practice. It is not enough for teachers to know why their reporting is relevant and meaningful; to be effective the recipients of those reports must also understand

a. what those reports are telling them ("What?"),

- what progress a student is making; and

- what skills and understandings the curriculum framework identifies as appropriate or necessary for a student at the relevant age and stage of schooling;

b. why it matters ("So what?"), and

- how the individual student’s observed needs and abilities map to the curriculum;
 - what that means for their ability to survive and thrive in society and in school;
- c. what needs to happen next (“Now what?”).
- what goals have been set for the student,
 - what next steps have been identified to help them achieve those goals
 - what support school staff will provide, and
 - what support the student will require from parents and whānau, to enable them to take those next steps
18. While we do not object to the removal of National Standards from legislation, we consider that effective implementation of this policy also requires that the Ministry of Education facilitates constructive change in the sector by
- a. providing a robust programme of professional development for teachers and principals on alternative systems for reporting on student progress and achievement using the curriculum levels
 - b. providing plain-language explanations in a range of formats for parents and communities about the various types and purposes of assessment, and how it informs the conversations they have with their child’s teacher about their progress and achievement at school

Partnership Schools

19. A number of partnership schools are NZSTA member boards.
20. NZSTA notes that decisions taken about the partnership schools model have been essentially political rather than educational. We have chosen to stand apart from the political debate about the pros and cons of the Partnership School model. In line with our organisational mission *to lead and strengthen school governance in New Zealand*, we have chosen to focus on ensuring that the students in those schools are not denied access to the advantages that an effective governing body can provide.
21. Provided that the students who are currently enrolled in a school operating under the Partnership School model continue to have access to a well governed and resourced learning environment that meets their educational, physical, social, cultural and emotional needs NZSTA remains neutral about the administrative model that school operates under.
22. We note also that many of the students who have enrolled in partnership schools are students who were not achieving, or at risk of not achieving, in the schools they previously attended. This was well documented at the time these schools were established. We would be dismayed if, as a result of any change in government policy, students who are currently being well served outside ‘the mainstream’ were denied access to an education that works for them.

Strategic planning and reporting

23. The Bill’s objectives include:

improve the new strategic planning and reporting framework for State and State integrated schools and enable a smooth transition to the new regime (Education Amendment Bill, p. 1)

24. The Bill amends earlier provisions passed in the Education (Update) Amendment Act (2017), which introduced a new strategic planning and reporting framework for State and State integrated schools. The current Bill makes improvements to that framework, including—

- *requiring school boards of trustees to develop a strategic plan at least once every 3 years, or, if the Secretary for Education determines, at more frequent intervals, rather than the current 4-year cycle. This amendment will ensure that the time frames are more aligned with board electoral and accountability cycles:*
- *enabling school boards of trustees to ask the Secretary for Education to approve significant amendments at any time:*
- *addressing minor technical issues, including reinstating reporting requirements that were inadvertently removed through the Education (Update) Amendment Act 2017.*

Under the Education (Update) Amendment Act 2017, the provisions establishing the new strategic planning and reporting framework are to come into force no later than 1 January 2019. To enable a smooth transition to the new framework, including the development of associated regulations, the Bill postpones the commencement date to no later than 1 January 2020.

(Education Amendment Bill p.3)

25. NZSTA made substantive submissions on these provisions at the time, and we note that several of the changes proposed in the current Bill address issues that we expressed concerns about at the time (see Appendix 1). NZSTA is pleased to see these provisions being revisited.

Moving the commencement date

26. The Bill proposes to move the commencement date for changes to planning and reporting requirements from 1 January 2019 to 1 January 2020.

27. NZSTA supports this change.

Changing the duration of strategic plans from 4 years to 3

28. The Bill proposes to change the duration of strategic plans from 4 years to 3 years and allow the Secretary to require new plans at more frequent intervals.

29. NZSTA supports this change.

30. It is good practice for the board to review their strategic plan each year, and amend it as necessary. An effective strategic plan must both

- a. provide a relatively stable framework for planning and reporting over the medium-term (three to five years) and
- b. enable adaptive (nimble) responses to changing circumstances over the short- to medium-term, consistent with that overall framework.

31. A three-year cycle where an incoming board spends its first year of office operating under the existing strategic plan, its second year of office reviewing it, and its third year of office embedding the revised strategic plan, is also an important element of board succession planning. This permits an incoming board to acclimatise to and assess the status quo before embarking on any changes it considers desirable.

32. The changes proposed in this Bill create an environment where boards' strategic planning and reporting will be able to accommodate both of these needs.

Expiry of strategic plan

33. The Bill further proposes that if there is no replacement plan when a school's strategic plan expires at the end of 3 years then the existing (expired) plan continues in effect for a period of time determined by the Secretary.
34. NZSTA supports this change.

9A Amending strategic plan

35. The Bill proposes that a board is able to amend its 3-year strategic plan, on condition that the board must get approval from the Secretary for any significant amendments to a strategic plan; and further proposes that the Secretary may require a board to consult on a significant amendment before approving it.
36. Boards retain the right to amend their annual implementation plan without reference to the Secretary.
37. NZSTA supports these changes.

Treatment of board of trustees' subsidiaries

S8 Meaning of parent Crown entity

A Crown entity (A) is a parent Crown entity or parent of another Crown entity (B) if—

- (a) A is a statutory entity or Crown entity company or school board of trustees or tertiary education institution; and
- (b) B is a subsidiary of A, or a multi-parent subsidiary of A and 1 or more other Crown entities, under the definition of Crown entity subsidiaries in the second column of section 7(1)(c).

- Crown Entities Act, 2004

38. The provisions in S21(5) of the Bill propose if a board of trustees has any legal subsidiaries, the board must "*to the extent required to do so by generally accepted accounting practice,*" prepare consolidated financial statements for all its activities, including the subsidiaries.
39. This responsibility will fall on a board, or in a cluster or group of schools, the *lead school* or *fund-holder school*. This may occur for example where a school or group of schools is running a hostel, an alternative education centre or a directly resourced school transport group, where that activity is set up as a separate legal or accounting entity.
40. NZSTA supports this amendment as it reflects an expectation that boards will adopt recognised good practices in their financial management.

2019 Charter accepted as Strategic Plan

41. S21(9) of the Bill proposes that the new clause 7(2) of Schedule 6 is amended to provide that

(2A) If, at the commencement of this section, a board has a charter approved under Part 7 for the 2019 year, the charter will be treated as the board's first strategic plan.

42. NZSTA supports this amendment.
43. NZSTA remains opposed to the removal of the school's charter as the foundation of its contract with the local community and the government. The school charter was the foundational building block of the *Tomorrow's Schools* model, with the strategic plan only one part of it. The abolition of the school charter in favour of a strategic plan further erodes the place of the community as equal partners in the ownership and direction of their schools, and increases the move towards a technocratic rather than a democratic schooling system. (See Appendix 1).

44. We therefore propose that a board that chooses to present its strategic plan in the form of a school Charter in any subsequent year should also be permitted to do so.

Appendix 1: School Charters

1. NZSTA remains opposed to the Ministry's unilateral decision to abolish school charters as part of the Education (Update) Act.
2. NZSTA's position as stated in our submission on the 2016 Bill is as follows. The comments relate to the redrafting of Schedule 6 of the Education Act 1989, as provided in the Education (Update) Act.

Schedule 6 Boards of trustees

225. Schedule 6 as drafted has some serious shortcomings.

226. The provisions of this Schedule as drafted show a lack of understanding of the governance function in schools. They are completely lacking in any acknowledgement of boards' strategic governance role, focussing instead on the compliance aspects and annexing all strategic governance responsibility to central government.

227. We have serious concerns about the erosion of the site-based strategic governance role of school boards of trustees. The Bill as drafted appears to completely abandon the concept of a school charter that embodies a school's contract with its two main stakeholder groups, the school community and the government.

228. This is not acceptable.

229. The good news is that we believe these shortcomings can be remedied by restructuring the provisions of Schedule 6 and reinstating the school Charter.

230. We are prepared to accept in good faith the assurances of the former Secretary, Peter Hughes who assured us that such omissions should be viewed as "a cock-up not a conspiracy" and in that light Appendix 6 gives a suggested revision of Schedule 6, including the planning and reporting provisions.

- NZSTA submission: Education (Update) Amendment Bill Page 71/84

Strategic planning and reporting

237. NZSTA strongly opposes these changes as drafted. In particular, we have serious concerns about the absence of any reference to school charters in the revised Act, thus effectively abolishing the mainstay of the present system of self-governing, self-managing schools that has been in effect since 1989.

What our members say:

"We think the lack of consultation around abolition of charters has been a major oversight by the ministry."

"These [school charters] are the founding document of all boards developed with the school community which are unique to each school and its community"

"School charters reflect the aspirations of school communities. The strategic plans that are being proposed will enable the government to determine the direction of every school. There would be little point in having boards as they would have little say in the strategic direction of their school."

“Abolishing schools charters disempowers boards from implementing community focused direction in response to the national vision for education. It is important to have all three levels of documentation [charter, strategic plan and implementation plan] but would support a system that enabled high performing schools to update and submit its charter less frequently e.g. 2 year charter with the long and short term strategic plan most especially for school boards with a proven and robust self-review system as endorsed by ERO. Currently we seem to have a low trust system that is moving even more toward central control and decentralised responsibility.”

“School charters represent a contract between communities and schools and I believe that this contract needs to be maintained.”

“We believe it to be a contradiction to teach our kids about identity without the local community being important enough to feature. The community cannot be left out of the partnership.”

“The Charter is our covenant with the local community.”

“The absence of Charters promotes a ‘one size fits all’ approach and destroys the vital partnership with the community.”

238. We note also that although the section heading refers to planning and reporting, there is no mention of reporting in the body of this section.

7 School strategic plan and implementation plan

239. NZSTA strongly opposes the omission of school charters from the planning and reporting regime.

240. The change from a school Charter to a Strategic Plan is a significant one. Under the current system, the individual character of each school, and how it addresses the needs and aspirations of its local school community are defined in its Charter.

What our members say:

“The school charter remains a guide and sets the scene for the environment the whanau has created. Boards/whanau ensures that the mana is upheld and that the students remain in a nurturing environment. it is a philosophical protection against mainstream views. He tiaki i te hapori reo Maori, Aho matua mo ake.”

“At this stage I do not feel greatly informed to make a strong stance against this but my feeling is that it is currently working within my school setting as a First Time Principal. Basically if it isn't broke, don't fix it. I cannot however speak for others and if the rationale is to replace charters with something more centrally managed for underperforming schools, am not sure whether that is a solution.”

“Because it is the one exercise that a school can go through and actually identify what it thinks it is actually about. It is a very useful exercise for the school, and it should not be abolished for the

241. It is not good practice for a self-governing entity, as schools currently are, to operate without a clear sense of purpose and connection to their key stakeholder groups. The Bill as drafted preserves and enhances the connection to the government as a key stakeholder, but seriously degrades the school's connection to its local community. Instead, it replaces the school's two-dimensional contract with its community and the government through the Charter with a one-dimensional one that omits the contract with the local community entirely.

242. These changes significantly erode the *Tomorrow's Schools* model of a nationally consistent, locally focussed self-governing school system.

What our members say:

As a special character school our charter is a guiding document that outlines our unique special character, which focuses strongly on student led learning and individual achievement that may differ from the Ministry's priorities. Our concern is that abolishing the charter will remove elements of our special character, and cause us to have to act more like every other state school. We want to ensure we continue to have the freedom to set our own direction as a school and be able to assure our students a quality education where they achieve the goals they set themselves.

We feel have developed a robust charter that is well embedded in our strategic goals and understood and supported by staff, students and communities.

The Charter includes a strategic plan but arguably encourages (requires?) school boards to think deeply about the school's specific mission and values. I don't understand the rationale for change. Without this a strategic plan will become a governing document based on national standards attainment.

243. The omission of any visionary strategic component in the strategic planning section of this Bill is particularly ironic.

244. NZSTA was shown an advance version of these provisions, but we were not given the opportunity to consider the provisions of Schedule 6 in context with the other changes proposed in the body of the Bill, so it was not evident to us until the Bill was published that the Ministry was proposing to abolish school charters.

Source: NZSTA submission: Education (Update) Amendment Bill Pages 71 -76

