

# Charter Schools Legislation Submission Guide

The Education and Training Amendment Bill proposes some of the most significant changes to the provision of public education in Aotearoa New Zealand in decades.

Most notably the Bill proposes that public schools can be converted into charter schools.

Following a first reading on Wednesday 26 June, the bill is now before the Education and Workforce Select Committee. Submissions are open for only a short period until Wednesday 17 July.

You can have a say on this legislation by making an [online submission](#).

## What does the Bill propose?

### **Establishment of charter schools**

The Bill proposes introducing a new type of school, publicly funded but outside of the state system, called charter schools. These could be new schools or the conversion of existing public schools into charter schools.

The process to convert a public school to a charter school can be instigated by the Minister, an individual in the school community or the school board.

Charter schools will be privately operated but state funded. In some cases, the legislation allows for charter school operators to charge parents, in the form of e.g. property fees. Charter schools do not have to have parent governance. Expectations for their operations will be set out in a contract with a new body, the Charter Schools Authorisation Board.

### **Obligations of charter schools**

Unqualified and unregistered people can be permanently employed into teaching roles at charter schools, and will not have competency oversight from the Teaching Council.

Charter schools will not need to teach the New Zealand curriculum and do not have the same obligations as public schools to give effect to Te Tiriti o Waitangi.

### **Implications for employees**

The Bill proposes that employees of charter schools will initially be employed on individual employment agreements.

Employees at a public school converting to a charter school would either have to accept the new employment arrangement or resign without compensation.

A fuller explanation of the proposed charter schools legislation and links to the Amendment Bill can be found below.

## **Making a submission**

It's important that your opposition to charter schools is heard and the best way to do this is to make a submission against the Bill. It is also how you can publicly raise important questions about the impact and motivation for proposing charter schools.

Submissions are open until Wednesday, 17 July. Written submissions can be made as an individual or a group. We have opted not to create a generic submission template for members, and instead we urge you to take the time to create individual submissions which will be more impactful.

Written submissions can be made online by uploading a file or answering the two questions in the online form:

- Do you have any comment?
- Do you have any recommendations?

### **[Online submission form.](#)**

You do not need to address every aspect of the Bill. Short submissions focussing on your main concern(s) are fine.

In addition to making a written submission you can ask to make an oral submission to the select committee. This is a powerful opportunity to amplify your message. If you opt for an oral submission you will be contacted by the select committee about how this will occur (e.g. online or in person).

### **In the comments section it is suggested that you include:**

*Who you are*

- Are you writing as an individual or a group? If you are writing as a group, who do you represent and how many of you are there?
- Outline your experience and credentials, your role in your school, and how long you have been involved in education.
- Remember that your submission will be publicly available as part of the submissions process, so do not include any information you do not want to be publicised.

### *What is at stake*

- What is at stake if charter schools are introduced?
- This is where you can share your experience and perspectives as an educator and member of your school community. What will the introduction of the legislation mean to you, your students, your community, the public education sector?

### **In the recommendations section:**

Identify what you are asking the select committee to do. This could be an inclusion, omission or change to the Amendment Bill. Some examples of changes that you could suggest are below.

Keep each ask to a new paragraph and keep this succinct.

Address each ask and explain your reasons for it. You could include research, references, and/or the experiences of you and your colleagues.

Keep your language factual and professional.

## **Changes that could be made to mitigate the impacts of the proposed legislation**

NZEI Te Riu Roa members have raised concerns about the proposed charter schools legislation and its impact on the quality of education, the public education system, and employment rights. Some of these impacts could be mitigated by amending the Bill. Some examples of possible recommendations for your submission are below.

### **Te Tiriti o Waitangi**

Public schools must give effect to Te Tiriti o Waitangi by working to ensure their plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori; taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and achieving equitable outcomes for Māori students.

Sponsors of charter schools do not hold these same responsibilities, so tamariki Māori could find their school converting to a charter school that does not give effect to Te Tiriti.

An example of how this could be addressed in a submission.

*I/we recommend that the requirements for school boards to give effect to Te Tiriti o Waitangi under section 127 (1) d of the Education and Training Act also apply to charter schools as a required charter school contract provision.*

### **Protecting Public Education**

Public schools thrive from strong community connection established through parent elected school boards and the requirements that schools consult with parents. The Amendment Bill threatens this by allowing an individual community member, sponsor, or the Minister to instigate the process of converting a school to the charter model.

*I/we recommend that clause 40 of the Amendment Bill removes the pathway for state schools to convert to charter schools.*

### **Wasteful spending**

The government has allocated \$153 million over four years to establishing charter schools, citing the need for diversity in schooling options. This funding could instead be used in much needed areas such as learning support.

*I/we recommend that the select committee recognise the diversity of schooling options already available in Aotearoa/New Zealand and that this bill proceeds no further.*

### **Quality of Education**

Charter schools are not required to have a principal, nor do they need to employ qualified and registered teachers in all teaching roles. Unqualified and unregistered people may be permanently employed in charter schools. The Teaching Council will not have competency oversight of people holding Limited Authority to Teach in charter schools.

*I/we recommend that the use of Limited Authority to Teach in charter schools be subject to the same Teaching Council approval process as applies to state schools. I/we also recommend that the reference to setting the percentage of teaching roles that can be filled by people with Limited Authority to Teach be removed from the charter school contract provisions set out in clause 40 of the Amendment Bill.*

### **Privatisation of public education**

The explanatory note for the Amendment Bill states that a charter school sponsor could be a body corporate, corporation sole, limited partnership, or institution. This allows the privatisation of public education including by for-profit operators. These operators will receive state funding to run their schools and in some cases be able to charge additional fees such as property fees. This presents the risk of state funding for schooling could be used to create private profit rather than being spent on education.

*I/we recommend that the clause 40 amending 212I of the Education and Training Act be amended to specify that charter schools cannot be run on a for profit basis.*

### **Employment rights**

Public schools that convert to charter schools are new employers outside of the public service. It is proposed that employees of public schools covered by collective employment agreements would lose this coverage if their school becomes a charter school. Employees of public schools converting to charter schools would have to accept the new arrangement or resign without compensation.

*I/we recommend that the Transfer of employees of converted school to charter school be amended to state that employees of a state school converting to charter schools that do not wish to take up employment in the charter school may elect to deem their employment to be ended with access to the relevant employment protections afforded by their current employment agreement and the Employment Relations Act.*

## **Adding Weight to your Submission**

By making a submission you can have direct impact on the charter schools legislation and by sharing your views you can raise important questions that your colleagues and community may not have considered about this the long-standing effects of this proposal.

## Contact your local MP

Share your submission with your local MP and tell them why this issue is important to you. If they are a government MP ask them to raise your concerns in caucus and with the Minister. If they are an opposition MP ask them to help raise your concerns and commit to returning charter schools to the state if they are elected.

## Share with your online community

Post on social media why you are submitting about charter schools and encourage others to submit.

## Speak with your school colleagues

Share your concerns about charter schools with your school colleagues including school management and your school board. A strong collective view that you and your colleagues do not want to convert to a charter school will be important if it is proposed that your school converts as this needs to be considered by the charter schools Authorisation Board.

# Further Explanation of the proposed legislation

[The full Education and Training Amendment Bill can be found here.](#)

## Establishment of charter schools

[The introduction of a new type of school – charter schools.](#) We already have a wide range of schooling types... like Kura Kaupapa, integrated, distance schools, special character schools) and private schools.

[A process to enable state schools to be converted to charter schools.](#) This process can be initiated by a school board and a proposed charter school operator (sponsor) or by any individual in the school community with the support of a sponsor

[State schools can also be compelled to apply to become a charter school](#) at the sole discretion of the Minister

## Operation of charter schools

Charter schools will be approved and overseen by a new body, the Authorisation Board, not the Ministry of Education. The contracts to be agreed with sponsors do not preclude the sponsor making a profit from the public funding they receive.

Charter schools will be operated by a sponsor who has complete discretion to manage the school as they see fit. They do not require parent governance. Boards of public schools converted to charter schools will be dissolved.

## Differences between public and charter schools

Charter schools do not have the same requirements to employ qualified registered teachers as public schools.

Unqualified and unregistered people can be granted authorisation to teach permanently in charter schools even if their skills are not in short supply. Unqualified teachers in charter will not be subject to competency oversight from the Teaching Council.

Charter schools are not required to teach the New Zealand curriculum or follow public school requirements relating to the mode of curriculum delivery.

The Official Information Act does not apply to charter schools.

The Education and Training Act obligations to give effect to Te Tiriti o Waitangi that sit with school boards do not apply to sponsors of charter schools.

## Implications for school employees

The Bill overrides the employment protections in employment agreements or the Employment Relations Act that currently apply to workers in schools. This means an employee of a public school that converts to a charter school would not have any right to redundancy compensation. They would retain their base pay and most of the conditions of employment upon transfer but lose collective agreement coverage. Despite the bill professing that the transfer of employment will happen on terms that are “no less favourable overall”, some Collective agreement entitlements will not survive the transfer. As an example, study leave is unlikely to survive the transfer (because it is contingent on a study award that charter school employees are

ineligible for). Kāhui ako teachers may be another group of employees who will potentially be disadvantaged, because it is not clear if/how their role, pay and associated release time will be transferred.

## More Resources

Parliament has more information on making a submission here  
<https://www.parliament.nz/en/pb/sc/how-to-make-a-submission/>