

## Working Paper

# Position on Partnership Schools Kura Hourua

May 2012

### Purpose

1. As Children's Commissioner, I have a statutory responsibility to advocate for children's interests, rights and welfare, and to report on any matter, including any enactment or law, that relates to the welfare of children<sup>1</sup>.
2. The purpose of this paper is to outline my position on partnership schools kura hourua, as outlined in the Education Amendment Bill currently before Parliament. I also include my views on the key elements we could implement to support the education success of all New Zealanders.

### Background

3. Following the 2011 general election, the ACT party signed a confidence and supply agreement with the National party as part of the formation of a National party-led coalition government. This agreement contained the following provision:

*With respect to education, the parties have, in particular, agreed to implement a system...whereby school charters can be allocated in areas where educational underachievement is most entrenched. A series of charters would initially be allocated in areas such as South Auckland and Christchurch. Iwi, private and community (including Pacific Island) groups and existing educational providers would compete to operate a local school or start up a new one. Schools would be externally accountable and have a clearly-defined, ambitious mission. Public funding would continue to be on a per-child basis.*

4. In 2012, an Education Amendment Bill containing a range of measures including the legislative framework required to implement such schools (now renamed partnership schools kura hourua) was introduced to the House of Representatives. The Associate Minister of Education's Cabinet Paper "Developing and Implementing a New Zealand Model of Charter Schools" (available on the Ministry of Education's website) makes it clear (although the Bill itself does not) that the learners the new system is designed to benefit in particular are Māori, Pasifika, children and young people from lower socio-economic status backgrounds, and those with special educational needs.
5. The current proposal is for a new type of school - partnership schools kura hourua - to be enshrined in legislation. Partnership schools kura hourua will not be bound by the National

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<sup>1</sup> My powers, functions and responsibilities are contained in the Children's Commissioner Act 2003.

Administrative Guidelines or National Education Goals<sup>2</sup> which set out Government policy for education, and therefore will not be required to:

- implement the New Zealand Curriculum
  - be governed by a Board or have parent, student, teacher or community representatives on any governing body
  - employ only registered teachers or holders of Limited Authority to Teach status.
6. The intention of removing these requirements is to allow partnership schools kura hourua to operate more flexible, efficient and effective institutions that are not constrained by administrative burden.
7. Partnership schools kura hourua will, however, be unable to refuse enrolments and will be required to make provision for children with special education needs similar to provision made by current schools and offer the opportunity to gain a recognized qualification.

## Position Summary

8. Our nation's wealth is our people. The education system is one of the most important levers we have to support our children and young people to realise their potential, both at the age and stage they are today, and as tomorrow's workers, parents and citizens. The effects of a poor education experience can be disastrous, both for individuals and for the communities to which they belong. I therefore strongly support any and all efforts to improve educational outcomes for our children and young people.
9. I believe that every school should be able to support the learning of all its students, whatever their backgrounds. I applaud the desire of the designers of this policy proposal to improve educational outcomes for those that the current system tends to serve poorly.
10. However the current partnership school policy proposals, while well-intentioned, are unlikely to be effective unless they are amended to mandate or support what is already known about the drivers of education success: quality teaching; support for learners from their parents and whānau; and schools that engage meaningfully and effectively with families, whānau and homes.
11. A key part of the rationale for the proposals is to have schools focusing more on outcomes and less on inputs or 'red tape'. This is already happening in many other areas of social service delivery and there is no intrinsic reason that it should not happen in the education system. These partnership school proposals, however, confuse purely compliance or administrative measures with policy settings that that ensure system quality.
12. For example, the partnership school legislation proposes that these schools will not be required to adhere to the current qualification requirements for school teachers, seeing this requirement as unnecessary regulation. However, I see the qualification requirements as essential in ensuring that all teachers have met a requisite professional benchmark. While of course qualifications are only a proxy for quality, they are an important one, used in every jurisdiction and profession.

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<sup>2</sup> See Appendix for listing of the National Education Goals.

13. Qualification means that teachers have not only achieved a level of professional competence and the ability to apply multiple pedagogical strategies, but that they are trained in the identification of special education needs and in behaviour management. Registration gives confidence that a teacher has achieved a known standard in their training and has maintained their professional development. It also provides a disciplinary system. This is a minimum quality standard, not unnecessary red-tape.
14. Similarly, the first National Education Goal, that schools should strive for “the highest standards of achievement, through programmes which enable all students to realise their full potential as individuals, and to develop the values needed to become full members of New Zealand's society” is not a compliance burden. Instead it, and the other National Education Goals (which it is proposed will not be applied to partnership schools kura hourua) are statements of what standards and objectives the education system is expected to meet. In effect, the Goals set out the way in which the education system should contribute to citizenship.
15. In the remainder of this paper I expand on this brief summary.

### **What is the problem that partnerships schools are the solution to?**

16. International reports indicate that New Zealand's current education system is, overall, a strong performer when compared with similar countries. New Zealand performs significantly above the OECD average for both educational attainment and literacy (including mathematical and scientific literacy)<sup>3</sup>. In addition, the results of the 2009 Programme for International Student Assessment (PISA), which compares educational outcomes for 470,000 15 year old students across 65 countries (including all 34 OECD nations) confirmed New Zealand's high ranking internationally<sup>4</sup>.
17. However, for some time there has been considerable concern that disproportionate numbers of children from some key population groups struggle to achieve their full educational potential, in particular children who are Māori or Pasifika, or come from lower socio-economic status (SES) backgrounds. For example, around half of Māori rangatahi leaving school in 2011 had not attained NCEA level 2<sup>5</sup>, the minimum qualification benchmark for successful entry into the labour market. The figures for Pasifika and European/Pākeha leavers were 63 percent and 77 percent respectively. The PISA study referred to above also found that the proportion of variation between our high- and low-achieving students that could be explained by differences in their socio-economic status (SES) backgrounds was higher than the OECD average.
18. Having this very differentiated pattern of achievement across socio-economic and ethnic, apparent from the early years of schooling,<sup>6</sup> is unacceptable. Not only does it impact on the lives of individuals, but it burdens the health, welfare, and criminal justice systems, contributing in turn to our persistently low levels of productivity.

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<sup>3</sup> [http://www.stats.govt.nz/browse\\_for\\_stats/government\\_finance/central\\_government/nz-in-the-oecd/education.aspx](http://www.stats.govt.nz/browse_for_stats/government_finance/central_government/nz-in-the-oecd/education.aspx)

<sup>4</sup> Telford, M. and May, S (2010) *PISA 2009: Our 21<sup>st</sup> century learners at age 15*. Wellington: Ministry of Education, page 3

<sup>5</sup> <http://www.educationcounts.govt.nz/indicators/main/education-and-learning-outcomes/1781> accessed 22 January 2013

<sup>6</sup> For example, as measured by year 5/age 10 literacy tests: see

<http://www.educationcounts.govt.nz/indicators/main/education-and-learning-outcomes/748> accessed 22 January 2013

19. Furthermore, such inequitable outcomes do not reflect well on our performance against our obligations under the UN Convention on the Rights of the Child concerning two fundamental rights of children expressed in Articles 28.1 and 29.1(a):
  - to receive education on the basis of equal opportunity (Article 28.1); and
  - to receive education that enables development of the child's personality, talents and mental and physical abilities to their fullest potential (Article 29.1(a)).
20. It is in this context that the Bill seeks to establish partnership schools kura hourua based on “charter school” models implemented in Sweden, the UK and the US.

## Evidence about charter schools from overseas

21. There is a mixed evidence base of overseas experiences of charter schools, which suggests a cautious approach should be taken. This is because it mostly compares students in charter schools with similar students in state schools in those countries.
22. New Zealand has a unique education system that already includes some of the characteristics of some overseas charter school models, such as a large degree of autonomy from central government, and the requirement that each school have a charter *to establish the mission, aims, objectives, directions, and targets of the board that will give effect to the Government's national education guidelines and the board's priorities*, and provide a base against which the board's actual performance can later be assessed<sup>7</sup>.
23. Recently-released Treasury papers state its view that evidence is ‘mixed’ as to whether charter schools increase educational achievement amongst disadvantaged children and are more efficient than state equivalents<sup>8</sup>.
24. A major 2009 study from Stanford University on charter schools in sixteen American states found substantial variation in academic performance between the schools studied, but overall found that “charter school students on average see a decrease in their academic growth in reading of .01 standard deviations compared to their traditional school peers. In math, their learning lags by .03 standard deviations on average. While the magnitude of these effects is small, they are both statistically significant” (p 6).
25. It also found that while children in primary and intermediate schools had higher rates of learning than the controls, those in high schools had lower levels and that black and Hispanic students seemed to do worse in charter schools, while children living in poverty did better<sup>9</sup>.

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<sup>7</sup> Education Act 1989 s61(2)

<sup>8</sup> <http://www.treasury.govt.nz/publications/informationreleases/education/partnershipschools/pdfs/oia-20121116.pdf>

<sup>9</sup> CREDO (2009) *Multiple choice: charter school performance in 16 states*. Center for Research on Education Outcomes, Stanford University.

## Supporting education success for all New Zealanders

26. There is little evidence that compliance burdens are to blame for the education system's poor performance for the groups it is not currently supporting well: Māori, Pasifika and children from lower SES backgrounds. In fact, there is little evidence that governance arrangements have any significant effects on educational outcomes in general<sup>10</sup>. Internationally, high performing education systems have very variable governance arrangements.
27. There is, conversely, good evidence that what leads to good outcomes for Māori, Pasifika and children from lower SES backgrounds is:
  - quality teaching
  - parents and whānau support
  - home-school partnerships
28. None of these things are mandated or explicitly supported by the current partnership school policy proposals. I believe this is a crucial oversight in terms of their likely effectiveness. These are also elements we could incorporate into our current system, and do not require amendment of the Education Act.

### Effective teaching

29. Highly-skilled and effective teachers are of crucial importance for good outcomes for all learners. Effective teaching is the biggest in-school lever on education success. That means having teachers who focus on achievement, who take responsibility for their students' and their own learning and achievement, who develop good relationships with students and families, and who can employ a range of teaching strategies<sup>11</sup>. Effective teachers are culturally intelligent and able to effectively teach diverse learners.
30. An argument can be made that staff with specific skills (for example, in language or culture, or from other disciplines) can contribute to a quality educational experience. The current system already allows these staff to be registered and employed in state schools through the Limited Authority to Teach (LAT) provision of the Education Act<sup>12</sup>.
31. I do not support the current proposal to allow partnership schools kura hourua to employ unqualified and unregistered teachers. The current requirements for teaching in schools (registration as a teacher or a LAT) should be considered the minimum requirement, and not

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<sup>10</sup> Mintrom, M & Walley R. (2013) Education governance in comparative perspective. In *Education Governance for the Twenty-first century: overcoming the structural barriers to school reform*. Manna, P & d McGuinn, P (eds). The Brookings Institute.

<sup>11</sup> Alton-Lee, A. (2003) *Quality Teaching for Diverse Students in Schooling: Best Evidence Synthesis Iteration* Wellington: Ministry of Education found that quality teaching was as a key influence on high quality outcomes for diverse students, with up to 59 percent of variance in student performance attributable to differences between teachers and classes, but only around 20 percent or less of variance attributable to school level variables. McKinsey & Company (2007) *How the world's best performing school systems come out on top* found that "the available evidence suggests that the main driver of variation in student learning at school is the quality of the teachers" (p12) Bishop, R., Berryman, M., Cavanagh, T., and Teddy, L. (2008). A culturally responsive pedagogy of relations: Effective teaching for Māori students. In A. St George, S. Brown and J. O'Neill (Eds), *Facing the Big Questions in Teaching: Purpose, Power and Learning* (pp 165-172). Melbourne: Cengage Learning. This research reported that good pedagogy includes integrating cultural identity, rejecting deficit theorising, and taking responsibility for children's learning and understanding, and that the relationship between teacher and student is of crucial importance for Māori learners.

<sup>12</sup> Education Act 1989 s 130B

amenable to reduction.

### **Parents and whānau**

32. The home environment and parents and whānau can also have major impacts on educational outcomes, right across the spectrum of early childhood and schooling. Parents can effectively support their children's learning whatever their background. For example, OECD data shows that fifteen year olds who were read to regularly prior to starting school did substantially better on academic tests than their peers who were not read to, as did fifteen year olds whose parents engaged them in discussions (for example, about current events) and who participated in family mealtimes<sup>13</sup>.
33. The current proposals do not acknowledge these facts.

### **Home/school partnerships**

34. Research has clearly shown that effective partnerships between schools and families, whānau and community can improve educational outcomes<sup>14</sup>. Approaches that generate common understandings between home and school about practices, values and expectations, and that meet families' needs in a respectful way, are the most effective. There is also evidence of improved outcomes for Māori and Pasifika students in learning environments that embed or respond positively to the cultures and aspirations of the students and the school community<sup>15</sup>.
35. Not requiring partnership school kura hourua sponsors to engage parents and communities in the governance in the school, as current state schools must, may reduce the likelihood of effective home/school partnerships developing.
36. The research body overall is not only mixed, but tends more to the negative than the positive. It tends to measure what it is easy to measure (such as amount of instructional time), rather than harder-to-measure (such as teacher quality). Mixed, negative or no effects have been found in some studies<sup>16</sup>, and educational benefits have been found that appear to derive from practices that are not linked to the structural features of schools, such as longer instructional time and rigorous behaviour management<sup>17</sup>.

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<sup>13</sup> OECD (2012) Let's read them a story: the parent factor in education; Biddulph, F., Biddulph, J. & Biddulph, C. (2003). *The complexity of community and family influences on children's achievement in Aotearoa New Zealand: Best evidence synthesis*. Wellington: Ministry of Education.

<sup>14</sup> Biddulph et al op. cit

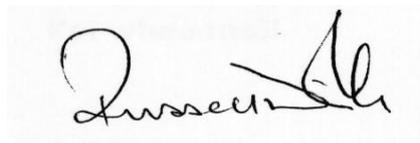
<sup>15</sup> The Government's Māori Education Strategy 2008-2012 *Ka Hikitia – Managing for Success* includes a wealth of research references to this point, such as Bishop, R. et al (2008) op cit

<sup>16</sup> *ibid*, and Gorard, S. (2009) *What are academies the answer to?* Journal of Education Policy 24:1 pp 101-113 found no evidence of better outcomes from academies.

<sup>17</sup> Angris J.D, Pathak, P.A. & Walters, C.R (2012) *Explaining charter school effectiveness*. Massachusetts Institute of Technology Department of Economics Working Paper Series, Working Paper 12/11. This report found charter schools offered more instructional time and were more likely to have a 'no excuses behaviour policy' than traditional schools. Abdulkadiroglu, A, Angrish, J.D., Dynarski, S.M., Kane, T.J. & Pathak, P.A. (2011) Accountability and flexibility in public schools: evidence from Boston's charters and pilots. *The Quarterly Journal of Economics* 126(2): 699-748. This research found that charter schools tended to have lower student teacher ratios and longer instructional time.

## What we need to do next to improve educational outcomes

37. In summary, governance arrangements are not the most important lever on school or student performance, and there is mixed evidence about the performance of charter schools overseas. Therefore, if we were looking to improve the education system from a first-principles basis, new governance arrangements would not be the top priority. Instead, we would draw on and extend what we know works in classrooms, schools and homes.
38. The summary above clearly indicates that educational success, either in the current system or in the proposed partnership schools kura hourua, could be boosted by ensuring all teachers are highly effective, that parents are well-placed to engage with their children's learning starting from birth, and that schools promote powerful home-school partnerships. A review of the Education Act 1989 and its implementation may be useful in identifying which areas need focus and in what order.
39. There is also a need for education policy to focus more on learners at risk of disengaging or being disengaged from education. For example, regulations provide that if a student is absent without explanation for 20 consecutive days they may be summarily removed from the school's roll<sup>18</sup>. The approach of these regulations, the Education (School Attendance) Regulations 1951, misses early opportunities to engage with such students and their families. There are perverse financial incentives on schools to remove from their rolls students with certain characteristics, such as frequent truancy and behaviour issues, rather than to work to retain them. These issues should be addressed in the current system and in any new policies such as partnership schools kura hourua.



Dr Russell Wills  
**Children's Commissioner**

Date: 1 May 2013

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<sup>18</sup> Education (School Attendance) Regulations 1951, cl 11

## Appendix

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### *National Education Goals<sup>19</sup>*

- 1) The highest standards of achievement, through programmes which enable all students to realise their full potential as individuals, and to develop the values needed to become full members of New Zealand's society.
- 2) Equality of educational opportunity for all New Zealanders, by identifying and removing barriers to achievement.
- 3) Development of the knowledge, understanding and skills needed by New Zealanders to compete successfully in the modern, ever-changing world.
- 4) A sound foundation in the early years for future learning and achievement through programmes which include support for parents in their vital role as their children's first teachers.
- 5) A broad education through a balanced curriculum covering essential learning areas. Priority should be given to the development of high levels of competence (knowledge and skills) in literacy and numeracy, science and technology and physical activity.
- 6) Excellence achieved through the establishment of clear learning objectives, monitoring student performance against those objectives, and programmes to meet individual need.
- 7) Success in their learning for those with special needs by ensuring that they are identified and receive appropriate support.
- 8) Access for students to a nationally and internationally recognised qualifications system to encourage a high level of participation in post-school education in New Zealand.
- 9) Increased participation and success by Māori through the advancement of Māori education initiatives, including education in Te Reo Māori, consistent with the principles of the Treaty of Waitangi.
- 10) Respect for the diverse ethnic and cultural heritage of New Zealand people, with acknowledgment of the unique place of Māori, and New Zealand's role in the Pasifika and as a member of the international community of nations.

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<sup>19</sup> [www.minedu.govt.nz/theMinistry/EducationInNewZealand/EducationLegislation/TheNationalEducationGoalsNEGs.aspx](http://www.minedu.govt.nz/theMinistry/EducationInNewZealand/EducationLegislation/TheNationalEducationGoalsNEGs.aspx)