

Converting a public school to a charter school – what educators need to know

What is the process of converting from a public school to a charter school?

Under new Government legislation, existing public schools can be converted into privately operated charter schools. A proposal 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.

The legislation clearly outlines a process for conversion, but not for reversion. **Once a public school converts to a charter school, there is no way to change back.**

What are the implications for employees if your school converts to a charter school?

If your school converts, the impact on your employment terms and conditions would be significant.

Employees at a public school converting to a charter school must either accept a new employment arrangement with the private employer or resign without compensation.

The legislation also overrides your existing privacy rights. Your employee information can be passed to the new operator of your school three months before the date of conversion.

If you are covered by a collective agreement at the time of conversion you will keep the same terms and conditions of employment but will lose the right to be covered by your collective agreement. Your terms and conditions will transfer to an individual employment agreement with the new private employer.

If you are covered by an individual agreement at the time of conversion, your terms and conditions will transfer to an individual employment agreement with the new private employer.

NZEI Te Riu Roa Principal and Primary and Area School Teachers' Collective Agreements will be renegotiated in 2025 and negotiations for Support Staff and Kaiārahi i te Reo and Therapists Collective Agreements began in October 2024. You should not expect any changes negotiated in these agreements to be automatically transferred to individual agreements with private charter school employers.

As there is no right to opt for redundancy in the event of conversion, it's best to take a public stand against privatisation of your school before it is proposed.

How you can take a stand now

Because several months of planning goes into the proposal stage, it is best to say NO to privatisation of your school BEFORE it is proposed by making a public stand against conversion. Talk to your colleagues and seek the support of parents, community and your school board about standing up for public education together. Distribute the '*Converting a public school to a charter school—what parents need to know*' resource and the charter schools fact sheet so they understand the impact this will have on their school. You can find all the resources here:

<https://bit.ly/nzeiteriuroacharterschools>

Terms of employment in a privately run charter school

If your school converts to a charter school the terms and conditions of your employment agreement will stay the same until either a new individual agreement or collective agreement is negotiated.

Members of NZEI Te Riu Roa should reach out for assistance with renegotiations. When an individual agreement is renegotiated with a private employer, they will have more bargaining power than you and there is a danger of losing important protections and benefits.

You will have more say and protection for your employment conditions if a collective agreement can be negotiated with your new employer, as these will provide more protections and opportunity than an individual agreement.

However, charter school legislation restricts the type of collective agreements that can be negotiated. Currently, educators can negotiate their terms and conditions as a profession, and be covered by them regardless of which school they work in. **Under charter school legislation, employees can only negotiate a collective agreement with the private employer.** This makes it more difficult to negotiate system-wide issues like resourcing and could mean your collective agreement ends up out of step with what employees in public schools receive.

These restrictions on negotiating collective agreements are a deliberate legislative tactic to reduce the influence of union members in charter schools. Official advice is that it breaches New Zealand's international employment law obligations and NZEI Te Riu Roa has raised a complaint to the International Labour Organisation.

The legislation is deliberately vague about educators transferring between the public school and the charter school system. It is not clear if service across both public and charter schools will be counted, or if sick leave accumulates the same way or if it can be carried between public and charter schools.

The legislation provides limited options if the private operator of your school is not successful in reaching its contractual obligations or runs into trouble – your school could close.

What to do if a proposal is made to convert your school to a charter school

Contact NZEI Te Riu Roa immediately. Email nzei@nzei.org.nz or call 0800 693 443.

Make sure you have an active NZEI Te Riu Roa membership so you can access advice and support.

Get parents on side. The shift to private operations means they will no longer have a direct democratic voice in their school, your school will not need to teach the New Zealand curriculum or Te Reo Māori, and their school will face the threat of closure if the new operator doesn't meet the requirements of their charter school contract.