



Submission to: Education and Workforce Select Committee on the Education and Training (System Reform) Amendment Bill

Introduction

1. Thank you for the opportunity to provide feedback through this select committee process.
2. NZEI Te Riu Roa is the professional organisation and union that represents the interests and issues of its nearly 47,000 members. Our members are employed as teachers and leaders in the early childhood education (ECE) and primary sectors (including Kura Kaupapa Māori and Wharekura), support staff in the early childhood, primary, intermediate, and secondary education sectors, school advisers employed by universities, and Learning Support staff employed by the Ministry of Education.
3. The main objective of NZEI Te Riu Roa is to advance the cause of quality public education generally while upholding and maintaining the just claims of its members individually and collectively. NZEI Te Riu Roa is a values-led, Te Tiriti o Waitangi-based organisation. This means that in all areas of work mokopuna Māori are considered first. We call this Mōku te Ao.
4. NZEI Te Riu Roa is one of the largest unions and professional bodies in Aotearoa and has a long history of playing a positive role in the education sector and on wider social issues affecting our members and the tamariki and whānau they serve.
5. Under Te Tiriti o Waitangi we have an obligation to operationalise a system that recognises and uplifts Māori people and their identity. We believe that a system based on rangatiratanga centres children with rights to control their own aspirations and destiny and would work for all children through values of mutual benefit to society.

Statement on System Reform Bill

6. The Education and Training (System Reform) Amendment Bill is an attempt to hijack the public education system of its distinctiveness for the tamariki of Aotearoa. The bill politicises the system, leaving it vulnerable to constant change where politicians, not educators, design our curriculum and set the standards for how our tamariki learn and what they learn.
7. After two years of constant and unpredictable change, the education sector is feeling undervalued, ignored and frustrated. This bill promises 'efficiency', 'clarity' and 'better outcomes'. However, the reality is a bill that pushes Māori voices and te Tiriti further to the margins, removes schools' autonomy to localise the curriculum, centralises power and direct political control and expands avenues for privatisation, and places blame of systems failures on to ākonga, kaiako, and schools.

Changes to setting Curriculum Statements and notification of the Health Curriculum

8. NZEI Te Riu Roa opposes the amendments to section 90 and the insertions of sections 90A and 90B as they will replace what are currently democratically and professionally shaped national curriculum statements under direct Ministerial and political control. This constitutes a profound politicisation of curriculum due to the unprecedented power given to the Minister of Education to unilaterally set curriculum statements.
9. We believe this direct political interference with public education will undermine the teaching profession and leave the education of all tamariki mokopuna vulnerable to the vicissitudes of ongoing politicisation. This makes the system vulnerable to significant policy shifts accompanying changes in government.
10. We are alarmed that a Regulatory Impact Statement (RIS) has not been prepared for this aspect of the bill. The proposed changes fundamentally shift the definition and purpose of national curriculum in Aotearoa. As no problem definition has been provided, we do not know the rationale for these changes. As far as we are aware, the costs, benefits and risks of these changes have also not been made available.

Power to issue curriculum statements

11. NZEI Te Riu Roa does not support the insertion of section 90B, which will give the Minister the power to issue curriculum statements at will. In addition to comments made in points 8-10 above regarding political interference, politicisation of curriculum and Ministerial overreach, the insertion of this section sends a clear message to kaiako, school leaders and principals, and indeed anyone who may submit feedback on proposed curriculum changes, that their views could be ignored and overridden by the Minister of the day, should they choose.
12. The insertion of section 90B undermines consultation processes and the expertise and knowledge given in good faith by the education sector to the Ministry of Education. This is pertinent in light of the six curriculum learning areas that are currently out for consultation until April 2026 and with the experiences within the sector of contributing to rounds of consultation only to have curriculum changed at the last minute, or final curriculum changes that do not resemble what was consulted on.
13. In the absence of an RIS, and without information to the contrary, it appears there has been no consultation on these changes to section 90. It is unacceptable that the education sector, the public, and particularly Māori, have not been consulted on these changes.
14. We believe these changes place mātauranga Māori and te reo Māori in education, which have already been marginalised in recent years, at further risk. The section could in effect remove the ability for schools to implement localised curriculum that is responsive to the specific context of the school and undermine the professional decision making of educators.
15. Education in Aotearoa has a strong tradition of localism, encouraging and supporting kura and schools to be responsive to their communities in all aspects of teaching, learning, and school operations. We are therefore deeply concerned at the significant structural change proposed to both what constitutes curriculum policy statements and how those statements are brought to life in school communities.
16. We are deeply troubled with the ideological shift evident in the rewritten definition of *national curriculum statements* to *curriculum statements*. This change of definition signals a shift from a child-centred understanding of teaching and learning to a

prescriptive and Government-dictated approach to education. This change enables the creation of a tightly monitored control of exactly what content is taught and with what methods, regardless of the ākonga and their learning needs and the professional and pedagogical knowledge and expertise of the kaiako.

17. The replacement of section 90(1) will mean kura and schools are actively discouraged, if not prevented from localising curriculum statements for their tamariki and communities, and indeed from self-determining the way curriculum and assessment responsibilities are managed in their schools. This presents risks to how mana whenua, local communities and schools are able to define what learning is important for their tamariki.
18. The process of developing a local curriculum is one of the key mechanisms that each school and kura has to establish and maintain deep connections with their whānau, parent and wider school community.
19. This ideological shift in the purpose of curriculum, of what constitutes important learning, and indeed the purpose of education, is clearly demonstrated in the proposed 90 (1) (a) (i-iii) where the child centered, culturally responsive framing of:
 - a. *‘areas of knowledge and understanding’* to be covered, shifts to *‘what students are to be taught and expected to learn’*, and;
 - b. from *‘the skills to be developed by students’* to *‘how the curriculum is to be taught’* and;
 - c. from *‘desirable levels of knowledge, understanding and skills’* to *‘expectations and priorities for the curriculum...including the design for teaching and learning programmes.’*
20. NZEI Te Riu Roa believes schools have a right to localism to meet the cultural and learning needs of their ākonga. Teachers are skilled professionals who understand that local curriculum is the actualisation of the national curriculum in their specific context. Teachers know their ākonga, their whānau and the community context in which teaching and learning takes place. Indeed, teaching and learning through local curriculum is how teachers know that the teaching and learning programmes they select are the right fit for their ākonga.

21. We are concerned about the implications of new clause 9(2)(b) to differ curriculum statements according to various classifications and designation of schools, including year groups and levels within schools. This new clause raises questions including why the newly rewritten curriculum is not inclusive of all ākonga? Instead of ensuring the curriculum meets the needs of all ākonga, this bill would increase the complexity within the national curriculum.

- a. We do not support this clause as it risks paving the way for a national curriculum structure where different content, knowledge and skills are taught to some ākonga and not others, amounting to streaming at a fundamental level.
- b. Streaming is well documented as harmful fixed ability grouping or banding, whereby students are sorted into different classes, schools or groups and have access to teaching and learning based on teacher perceptions of ability. Research by Tokona Te Raki demonstrates that Māori are more likely to have their educational experiences limited by streaming than other groups.¹
- c. There is however need for the curriculum to be differentiated for ākonga depending on need, for example expanding the curriculum at level 1 for disabled ākonga. The profession should lead this work and where needed, be resourced by the Government.

22. Furthermore, experts have pointed out that ‘our current laws and policies support inclusion for all disabled children in Aotearoa in our education system’² and that the curriculum rewrite should be an opportunity to further its inclusive nature, not splinter and divide it.

Curriculum reviews

23. NZEI Te Riu Roa does not oppose legislating for a regular review and reporting cycle for curriculum as proposed in new section 90A. However, we strongly believe the education sector should work together to determine the framework and processes required. Deep consultation and collaboration on the formation of this review system would provide a welcome opportunity for peak body organisations such as teacher unions, subject

¹ <https://www.maorifutures.co.nz/research/research-item-old/>;
<https://www.maorifutures.co.nz/research/ending-streaming-in-aotearoa-report-march-2021/>

² <https://newsroom.co.nz/2025/11/19/educations-stanford-experiment-not-for-everyone/>

matter associations and principal associations to articulate what has and has not worked over the course of this current round of curriculum re-writing. There is an opportunity here to create a curriculum review system built on trust and high expectations across the sector.

24. NZEI Te Riu Roa supports the request of the newly established He Rau Ringa (The Joint Subject Associations of Aotearoa New Zealand) for the Ministry to of Education to restore confidence in the curriculum change process by³

- a. Pausing and establishing clear and transparent mechanisms that allow for genuine engagement and accountability.
- b. Holding open, respectful forums where subject experts can work collaboratively with curriculum developers.
- c. Committing to a co-design approach, developed with the profession through structured pilots, classroom trails and transparent feedback processes.

25. Contrary to the Minister's claims⁴ of stabilising curriculum change through the informed review process promised in 90A, the insertion of 90B undermines the entirety of sections 90-90B. Instead, committing curriculum and the sector to unpredictable politicised curriculum change at the behest of the Minister of the day, without the need for review or a report from the Secretary of Education.

Boards must inform school community about delivery of health curriculum

26. NZEI Te Riu Roa sees this change to section 91 of the Act in the context of the Government's decision to remove the Relationships and Sexuality Education Guidelines, which supported schools to deliver an inclusive and supportive curriculum for tamariki of all identities.

27. NZEI Te Riu Roa urges the Ministry of Education to commit to practices of deep community engagement in all curricula change processes.

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<https://www.facebook.com/photo/?fbid=1429531385425877&set=gm.2041257750042395&id&vanity=1674330266735147>

⁴ Education and Training (System Reform) Amendment Bill first reading retrieved 5/12/25
https://www3.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20251118_20251118_56

28. However, for schools themselves, when the RSE guidelines were in place, there was a strong argument for schools to be able to inform, rather than consult on the delivery of the Health Curriculum, as there were instances of schools being lobbied by xenophobic anti-trans groups and those with political agendas regarding the RSE guidelines.
29. However now that the RSE guidelines have been removed, the opposite argument may be presented, that this change could leave the education of relationships, sexuality and identity to chance, potentially putting the wellbeing of rainbow tamariki at risk if a community consultation opportunity is removed. On the other hand, this change may reduce the chance of schools being targeted for their approach to delivering the health curriculum.

Removing the professional functions of the Teaching Council

30. This proposed change places significant political control of the standards setting mechanisms for teachers and initial teacher qualification standards into the hands of the Minister. We see this as a profound power grab by the Minister that will turn teaching standards into political instruments. This means that the standards will lose the political neutrality and consistency they currently enjoy and will become liable to be changed at the whim of the government of the day. In this sense these changes are similar in spirit to the changes to section 90 of the Act concerning curriculum statements outlined above.
31. This new section signals a profound shift in the regulation of the teaching profession by moving powers of standard and criteria setting for qualifications, practice and certification from the Teaching Council, a democratically elected council of teaching professionals, to the Ministry of Education which answers to the Minister. This new section also shifts the balance of power within the Teaching Council by reducing the overall number of members, a majority of which to be Ministerial appointments.⁵
32. This is a direct attack on the professional autonomy of the teaching profession and a clear politicisation of education. No other professional body (e.g., nurses, doctors, lawyers) suffers this level of direct political interference and indeed it would be

⁵ Clause 33 replaces section 475(1) to change the membership of the Teaching Council. Currently, the Teaching Council must have 13 members (6 Minister-appointed members and 7 elected members). Under new section 475(1), there must be at least 7 members but no more than 9 members (4 to 6 Minister-appointed members and 3 elected members).

unthinkable in many other professions that a government Minister could dictate professional standards.

33. We note the removal of parent and community consultation requirements at clause 34, which amends section 476 concerning the Ministerial power to appoint members of the Teaching Council.
34. Changes to the purpose of the Teaching Council at clause 35 are revealing of the Minister's general attitude towards teachers. In this clause the Minister is proposing to remove 'raising the status of the profession' from the description of the Teaching Council's purposes. Additionally, the functions of the Teaching Council, set out in section 479 of the Act, are significantly modified, including the removal of functions 'to provide direction for teachers', 'to enhance the status of teachers', and 'to identify and disseminate best practice in teaching and foster the teaching profession's continued development in light of research and evidence of changes in society and technology'.
35. It is unclear what problem the Education Minister could possibly have with raising the status of the teaching profession. Raising the status of the teaching profession contributes to numerous education sector goals and aspirations. A teaching profession with a raised status will be able to deliver better educational outcomes for tamariki. Moreover, a raised status for the teaching profession would support a shift away from a now longstanding trend for alarmingly low Initial Teacher Education enrolments toward the profession once again being seen as desirable and attracting our best and brightest. While NZEI Te Riu Roa will continue to work hard to raise the status of the teaching profession – through advocacy, partnership, collaboration, and indeed industrial action – it remains concerning that this bill appears to have the effect of discharging this responsibility from the Crown's remit.
36. If this change is to go ahead, then the responsibility for raising the status of the teaching profession should become a Ministerial responsibility so that it is not left to only teachers and their unions.
37. It is perhaps clearer why the Minister wants to end the Teaching Council's function, at 479(1)(c) of the Act, 'to identify and disseminate best practice in teaching and foster the teaching profession's continued development in light of research and evidence of changes in society and technology'. Seen in light of changes to section 90 which, as covered above, give the Minister the sole power to unilaterally dictate what is taught in

schools and how this is taught, it seems clear that the Minister is comfortable ending this function of the Teaching Council because she considers herself an expert in educational practice despite having no formal training or experience. Why have a democratic group of education experts and leaders 'identify and disseminate best practice and foster the teaching profession's continued development' when this can be dictated by a Minister whose educational wisdom is both infallible and springs eternal? The hubris and arrogance driving this change is palpable.

Section 45 replacement - Exemption of student from attendance

38. This amendment replaces section 45 of the Act to subsume the judgement of principals to issue attendance exemptions (45(1)) to new rules outlined in section 46. The clause for exemptions being 'no more than 5 days' is removed in the proposed clause. In essence, the change removes the discretion held by principals to issue attendance exemptions (for periods of no more than 5 days) and shifts this power of discretion to the Secretary of Education. The policy objective, as outlined in the RIS, is to 'remove the discretionary nature of section 45' (p.4⁶).
39. The new rules for attendance exemptions are at the discretion of the Secretary of Education but must set out (1) the grounds on which a principal may grant an exemption from attendance, (2) specifying the type of evidence a principal may receive before granting an exemption, and (3) specifying the duration of an exemption that a principal might grant. These rules will be secondary legislation; the bill does not set out specifics.
40. This policy objective implemented with the yet to be seen rules, risks oversimplifying what is by its very nature, complex, relational and needs-based decision making.
41. As the attendance exemption rules won't be set out in the Act, it is difficult for NZEI Te Riu Roa to have assurance as to what we are giving feedback on. As such, we do not support the replacement of section 45 in the Act in this way.

⁶ <https://web-assets.education.govt.nz/s3fs-public/2025-11/RIS%20Changes%20to%20provisions%20for%20attendance%20exemptions%20%28section%2045%20of%20the%20Education%20and%20Training%20Act%29.pdf?VersionId=sRG5y0vw1Dkr3jy8ljXEas4L6VNFRA3a>

42. NZEI Te Riu Roa supports the status quo whereby principals can use their professional discretion to exempt students from attending school for periods of time for numerous reasons including cultural, learning and wellbeing, and distance needs.
43. This amendment failed its RIS quality assurance.⁷ This assessment corresponds to the limited evidence available to support robust analysis of the impacts, cost and benefits of the proposed options, and lack of consultation on the proposals imposed by the timeframe. Given these constraints we consider that insufficient information and analysis has been provided to support this change.
44. We believe there is a risk that this change will disadvantage Kaupapa Māori and Māori medium schools by removing their right to manage attendance through te ao Māori approaches. For example, there is no assurance in this proposed amendment that the new rules will include tangi leave as a legitimate absence justification.
45. The RIS suggests that these changes ‘could be most keenly felt by those students and families already at the margins of the system and more vulnerable to not returning to school regularly’ (p.9).⁸ There is a risk that this amendment, coupled with the implementation of Attendance Management Plans could lead to higher rates of punitive measures taken against Māori and Pasifika whānau and other at risk groups.
46. It makes professional sense for principals to have guidance to support their decision making rather than to legislate for all principals to follow the same attendance exemptions rules regardless of the community they operate in and the needs of their students.
47. In the immediate term, this proposed change creates uncertainty for both principals and whānau as the rules are unknown. There also appears to be no limit on the ability of the Secretary of Education to change these rules on a whim or at the direction of the Minister.
48. The implementation risks are that some schools may refuse to heed the amended section 45 and its governing rules. This could be amplified amongst Kaupapa Māori and

⁷ <https://web-assets.education.govt.nz/s3fs-public/2025-11/RIS%20Changes%20to%20provisions%20for%20attendance%20exemptions%20%28section%2045%20of%20the%20Education%20and%20Training%20Act%29.pdf?VersionId=sRG5y0vw1Dkr3jy8ljXEas4L6VNFRA3a>

⁸ Ibid.

Māori medium providers who may see the tightening of the section as removing their right to manage non-attendance through a te Ao Māori approach as is their right under Te Tiriti o Waitangi, that does not align with 5 days exemption and tighter use of it.

49. The repeal of section 44 relates to the provision of education for children who live a considerable distance from their local school. Their needs must be considered alongside school transport options available to them.

State schools of ‘serious concern’

50. The bill inserts new sections 170A-C to introduce the language of ‘schools of serious concern’ to the Education and Training Act and gives the Chief Review Officer (ERO) the power to inform the Secretary and Minister of Education that they have formed a view that a particular school is ‘of serious concern’.
51. Upon identifying a school ‘of serious concern’, the Chief Review Officer then has 28 days to give a written report to the Secretary and Minister detailing (1) whether the school is still ‘of serious concern’ and (2) recommendations for statutory interventions. The Secretary then has 30 working days to report to the Chief Review Officer and Minister on specific actions taken to intervene.
52. We strongly oppose this addition to the Act and the punitive approach to ‘supporting schools’ it suggests. It will create further mistrust between schools and ERO and a culture of fear in the education sector.
53. The language of ‘schools of serious concern’ is ultimately performative and has no place in a public education system. The term will place blame for any number of problems on schools rather than the education system.
54. It is notable that the bill does not define what it means for a school to be of ‘serious concern’. This leaves a lot of room for interpretation on behalf of ERO for what this might mean and opens the door to the influence of the bias of the Chief Review Officer when making judgements about particular kinds of schools and student populations.
55. While we do not recommend going forward with this change, if it is to happen then ‘school of serious concern’ needs to be defined in section 10 of the Act.

56. Finally, NZEI Te Riu Roa are concerned that this amendment opens the door for forced charter school conversions, whereby the labelling of a school being of ‘serious concern’ is then used to justify its forced conversion into a charter school, as afforded at 212G (1) of the Act.

Changes to the charter school model

Replacement of converted school with State school

57. This bill creates a tenuous legislative pathway for state schools that have converted to charter schools to reconvert back into a state school. While we are supportive of creating pathways for converted charter schools to return to the public system, we have major concerns with this pathway as currently written and have suggestions for improving the bill. Many of those who made submissions on the Education and Training Amendment Bill (2024) recommended creating a legislative pathway for converted schools to return to state schools, while this advice was ignored by the Minister and a majority of the Select Committee at the time, we are glad to see this now being heeded.

58. While we agree that creating a legislative pathway for converted schools to return to the state sector is a positive change, we have major concerns with the pathway as currently written in this bill, namely that the power to make this decision ultimately sits with the sponsor and Authorisation Board, and not the school community. We furthermore have concerns about transition arrangements, namely that the reconversion process will end the employment of all staff at the school, and that the transfer of assets will be set out in charter school contracts which are not subject to public scrutiny. While existing staff will be given priority in reapplying for their jobs, employment at the reconverted school is not guaranteed.

59. Unless a school is forced to convert by the Minister, the decision to convert a public school into to a charter school is made by the school community. As such, the community should be central to decisions for reconverting a charter school to a public school. As currently written, a charter school reconversion process may only be triggered if the sponsor provides written notice of termination of its charter school contract to the Agency and Authorisation Board, or written notice that the sponsor will not seek right of renewal of the charter school contract, at which point the Authorisation Board ‘must take reasonable steps to find a replacement sponsor’. There is no provision for community voice in this process and no opportunity, for example, for the community

to express the community's desire to return the school into the public system, or to express no confidence in the Authorisation Board's choice of sponsor.

60. To address this oversight in the bill as currently drafted, we recommend adding subsection (c) section 212ZEA(1) to read:

This section applies if—

- a) the sponsor of a converted school gives written notice of termination of its charter school contract to the Agency and the Authorisation Board; or
- b) the sponsor of a converted school gives written notice to the Agency and Authorisation Board that it will not exercise any right of renewal of the contract; or
- c) 1 or more members of the school community give written notice to the Authorisation Board requesting the termination of the current sponsors contract, and the Authorisation Board is satisfied that there is community support for the application to have the sponsors contract terminated.

61. We then recommend changing proposed section 212ZEA(2) to read:

(2) After receiving notice under subsection (1), the Authorisation Board must consult with the school community to determine the course of action.

(a) on the basis of community consultation, the Authorisation Board will then—

- i. take reasonable steps to find a new sponsor, or
- ii. write to the Minister requesting the school be reestablished as a state school.

62. As currently drafted, any reconversion process would be disruptive to a school because it effectively involves closing a charter school and opening a new public school. As

shown in the RIS,⁹ the legislative options explored only considered the option of closing a charter and opening a new public school, and did not consider transferring staff, assets and liabilities back to the Crown. This approach will introduce considerable disruption to any converted schools that seek to reconvert and will end the employment of all staff at the school (see RIS, p.9). It is unclear why the Minister did not consider protecting the employment of qualified teachers in charter schools converting back to state schools. Addressing this issue is important to minimise any disruption of learning that may occur.

Multi-school charter school contracts

63. This amendment allows for charter school sponsors to hold multiple charter school contracts and run multiple schools. We have major concerns that this opens the door to a system developing that is similar to the ‘multi-academy trust’ model in the UK. Under such a system large corporate apparatuses can develop and draw increasingly large portions of school revenue, known as ‘top-slicing’. The National Education Union in the UK has identified a trend of increased proportions of school funding going to the top slice.¹⁰

64. As the legislation currently stands, there will be no public transparency for how much top slicing a sponsor engages in. As such we propose an amendment at section 212S, inserting (3) after 212S(2), to read:

(3) The financial statements will be published on the Agency’s website within 1 month of being filed.

Establishment of a New Zealand School Property Agency

65. This part of the bill moves responsibility for school property from the Ministry of Education to the Board (appointed by the Minister) of a new New Zealand School Property Agency (NZSPA). NZEI Te Riu Roa is tentatively supportive of this change albeit with some remaining concerns.

⁹ <https://web-assets.education.govt.nz/s3fs-public/2025-11/RIS%20Pathway%20for%20charter%20schools%20to%20revert%20back%20to%20State%20sector.pdf?VersionId=GwzMrG3EuuwLVKI5jXQYfpoYiwqLx.00>

¹⁰ <https://neu.org.uk/advice/your-rights-work/pay-advice/pay-bargaining-toolkit/school-funding-multi-academy-trusts-mats>

66. We have two major concerns with this aspect of the bill. First, with the powers granted to the NZSPA that allow the imposition of costs onto schools (or 'regulated entities' as in the bill). Second, around the interaction of these powers of imposition and the Tiriti provisions at 517F(1)(h)(i-ii).
67. Our principal concern has to do with the power for the NZSPA to force costs onto schools. Our concern is that such costs may be imposed at the expense of teaching and learning. Schools have very limited budgets. Anecdotally, schools have for some time been forced to make decisions between, for example, school maintenance and learning support. While such situations are unfortunate, they are the result of decades of underinvestment in schools.
68. Two sections of the bill, at clause 42, particularly raise such concerns:
- 517I Recovery of money expended for necessary repairs and maintenance.
 - 517K Interventions in State school by NZSPA
69. Our concern is that this power might be exercised in an instance that the recovery of money, or the taking on of liability (e.g., at 517K(1)(a)), has the unintended effect of reducing the amount of money available for delivering education. Such imposed costs are likely to impact a schools operation grant, increases to which often fail to meet CPI inflation, let alone the actual cost inflation for schools of e.g., energy, maintenance, and construction costs, which often exceed that of CPI.
70. We would like to see some assurances that a schools overall financial position and the level of student need at the school is taken into account by the NZSPA, and that appropriate arrangements are made between NZSPA and regulated entities so that no recovery of money or imposition of cost is done so at the expense of teaching and learning.
71. Concerning the Tiriti provisions at 517F(1)(h)(i-ii), the bill gives NZSPA powers to require information, undertake 'interventions', and impose 'action plans' on schools. The NZSPA can instigate 'specialist audits' and issue 'performance notices' to schools regarding their ability to comply and attend to directives from the NZSPA. For Kaupapa Māori and Māori medium settings, this agency is another Crown-controlled body placed between Māori and the land and space they require mana and rangatiratanga over to educate

their tamariki. We believe the NZSPA Tiriti obligations need to be significantly strengthened in the bill, so that in particular the NZSPA Tiriti obligation of partnership in decision making is clearly stated as limiting the powers of the NZSPA to take information, undertake interventions, impose action plans etc without meaningful consultation with, and the consent of, Māori.

72. Finally, we would like to see language in the bill added that identifies limitations on the NZSPA ability to dispose of public assets, so that the NZSPA does not become an agent of privatisation.

System monitoring studies

73. NZEI Te Riu Roa sees the value of international and national sampling surveys to monitor the health and effectiveness of the education system. However, at this stage, we do not support this new subpart (4A of part 6) which would compel schools to participate in system monitoring studies regardless of the fidelity of the study or usefulness to the students and school.
74. As kura and schools are not yet fully resourced to run optimally for the benefit of all tamariki, we do not agree to imposing more workload on them. We support the status quo where schools have discretion as to which monitoring studies they participate in. Schools are able to use their professional judgement as to whether the timing of the study, purpose or management of the study is suitable for their students and schools.
75. It is concerning that the RIS explains that no specific consultation on this proposal has occurred. We urge the Ministry to undertake substantive consultation with schools on this issue as they hold the information as to why schools do or do not participate in system monitoring studies. We note that the Ministry intends to have informal conversations with key stakeholders about this proposal. This approach does not enable the sector at large to become better informed about this proposal in order to provide feedback.
76. The benefits of compelling participation as outlined in the RIS includes that 'the studies reveal what influences student achievement', which is 'essential for the government to make informed decisions about policies and investments that improve student outcomes'. This sounds encouraging, however, system studies such as PISA already provide rich data on the factors that have the most influence on student achievement

internationally, such as fostering students' curiosity, strengthening student-teacher relationships, addressing staff shortages and encouraging and enabling a sense of belonging for each child. These findings are yet to figure in the education policies of the coalition Government. For this reason, it is hard to be sure of such purported motivations behind this proposed approach to system monitoring studies.

77. For example, the PISA 2022 results reports specifically on the Kōkirihiā initiative to end the practice of streaming by 2030 in Aotearoa New Zealand. Māori social innovation organisation Tokona Te Raki tracked 70,000 Māori youth moving through the education system to understand the barriers they faced in education through to employment. The most significant barrier identified was the negative impacts of streaming. Since 2022 rates of 15-year-olds experiencing streaming in Aotearoa have dropped from 90% to 67%. This initiative is worthy of enhanced Government funding to achieve the goal of no streaming barriers for ākonga by 2030.¹¹ If using PISA results to lift student achievement is the Minister's aim, then funding this initiative for a further five years is a good place to start.

78. The argument that compelling schools to participate in the studies will increase understanding of the 'system' is flawed as kura and other schools who do not provide instruction in the study language are rightfully exempt. This new requirement proposal should at the very least make clear that it seeks to better understand the English medium part of the schooling system, at this stage.

79. Furthermore, we are concerned that this new subpart enables the Minister to set the parameters of what is deemed important system monitoring and what is not, as well as what is achievement success and what is not, while excluding schools and the system as a whole from determining what success looks like. This is of particular concern to Māori, who have rights to determine what success means for them through Te Tiriti o Waitangi.

80. This change also opens the door to further mandatory testing such as a standardised national testing system, for example through the new SMART tool, and recent experience in Aotearoa with National Standards, which research shows does not

¹¹ PISA 2022 results (Volume 11) OECD 2023, pg 158

increase student achievement and can be detrimental to the wellbeing of teachers and ākonga.

Proposal to shift ECE regulatory functions to Education Review Office

81. This proposal was introduced in an unorthodox way after this bill had already been referred to select committee, and with marginal notice, on the 15th of December 2025. This is a highly irregular way to introduce such a consideration into a select committee process and indeed to create legislation. It is unclear why the Government felt the best way to make this change was by tacking it onto an existing bill. It is a shambolic and haphazard way to make law and both the education sector and wider New Zealand public deserve better from their elected representatives.
82. The proposal itself is not included in the bill however the Government has signalled that this will be introduced via an amendment paper. We suppose that signalling such amendments is preferable to having them introduced without warning, such as the shameful removal of school board obligations to give effect to te Tiriti at the committee stage of the Education and Training Amendment Bill (No.2) in November 2025. That being said, we still hold that this is contrary to best practice and falls short of the expectations of voters.
83. NZEI Te Riu Roa has previously submitted on the Education and Training (Early Childhood Education Reform) Amendment Act¹², which introduces the role of the Director of Regulation for ECE. The issues raised there remain true with the present proposal and as such we reiterate them here.
84. In our previous submission we raised concerns the amendment regulations were missing detail for how compliance obligations and the Director of Regulation role will be operationalised. Apart from answering what agency will be responsible, because this component is not written into the bill, we are none the wiser now as to how this function will be operationalised.
85. It is not clear to us that ERO will be adequately resourced to perform this function. Their remit is already large and growing and it is clear from some of their outputs, for example

¹² Available at https://www3.parliament.nz/en/pb/sc/submissions-and-advice/document/54SCEDUW_EVI_d2a652af-e4b1-42af-4240-08ddcd89e002_EDUW14493/nzei-te-riu-roa-sup-1

their research reports which are clearly undertaken at pace and with variable quality, that they are not well equipped to produce high quality work without sustainable resourcing.

86. We further reiterate that as there was no Regulatory Impact Statement for the amendment regulations, the impacts of this proposal are unknown and appear to have not been considered by the Government. This is a dangerous game to play considering ECE regulations concern the health, safety, and education of some of our most vulnerable citizens.

87. Furthermore, as we stated in our submission on Education and Training (Early Childhood Education Reform) Amendment Act, we are concerned that the possible impacts of these changes include diluting quality early childhood education; that many of the proposed amendments to the regulations may lead to compromised health and safety of tamariki; that such changes may impact the workplace health and safety rights of kaiako and kaimahi, and that, overall, the amendment regulations will encourage even less accountability for early childhood education providers and their transparent use of public funds by raising the threshold for services' licence downgrade, suspension or cancellation.

Oral submission

88. Thank you for taking the time to consider our submission. NZEI Te Riu Roa would welcome the opportunity to make an oral submission to the Committee.

A handwritten signature in black ink, appearing to read 'Stephanie Mills', with a stylized, cursive script.

Stephanie Mills
Korimako Tangiata | National Secretary
January 12 2026