

Ministerial Briefing

TO:	Hon David Seymour, Associate Minister of Education		
COPY:	Hon Erica Stanford, Minister of Education		
FROM:	Lesley Hoskin, Tumu Whakarae Chief Executive, Teaching Council		
SUBJECT:	Should partnership schools have certificated teachers?		
FOR:	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information

Recommendations

It is recommended that the Minister:

1. note this briefing on the re-introduction of partnership schools, and in particular whether a person should be required to be a certificated teacher to teach in a partnership school,

Agree / Disagree

2. discusses this and other relevant aspects of the policy design of partnership school, including the use of Limited Authority to Teach (LAT) at his meeting with the Council on 12 February 2024.

Agree / Disagree

Proactive Release

Agree that the Teaching Council release this briefing in full once policy decisions on partnership schools have been taken.

Agree / Disagree

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Tumu Whakarae | Chief Executive
Teaching Council of Aotearoa New Zealand
08/ 02/ 2024

Hon David Seymour
Associate Minister of Education

26/5 / 2024

Purpose

3. This briefing is intended to support my scheduled meeting with you on 12 February 2024 to discuss your delegations in the Education portfolio and in particular better understand the vision you have for the reintroduction of partnership schools and the criteria you are considering. This briefing focuses primarily on whether a person should be required to be a certificated teacher¹ or hold a limited authority to teach (LAT) to teach in a partnership school.

Partnership schools - Government policy and previous experience

4. The *Coalition Agreement between the National Party and the ACT Party* commits to “Reintroduce partnership schools and introduce a policy to allow state schools to become partnership schools”.
5. I note that ACT’s pre-election Education policy stated,
Partnership schools enjoy greater flexibility over how they operate and use their funding, in exchange for accountability over outcomes. This may include introducing different staff pay and conditions, offering more extensive school transport arrangements, or offering free uniforms or other learning resources.
6. One requirement on existing State and private schools that is not mentioned in this statement, but which the partnership schools | kura hourua (PSKH) operating between 2014 and 2018 were exempted from, is the requirement for all teaching staff to be registered and certificated teachers.²
7. In practice, monitoring by the Ministry of Education indicated that this exemption was not heavily used in practice by the previous PSKHs. All of these schools opted to employ largely certificated workforces. Some schools did however make use of the flexibility not to have a principal/chief executive who was a certificated teacher.

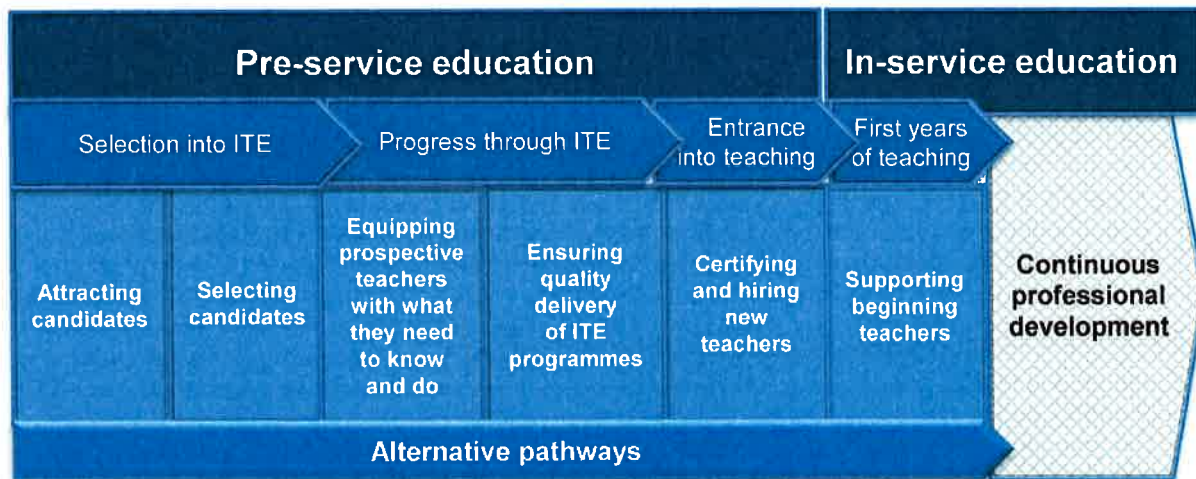
The case in favour of a certificated workforce

8. In this briefing I want to set out a case in favour of partnership schools being required to use either certificated teachers or people with a LAT.
9. From the perspective of Teaching Council | Matatū Aotearoa (the Council), the processes of registration and certification provide important safeguards in relation to both competence and safe stewardship of children and young people. These safeguards come not only from a formalised process of initial teacher education but also from ongoing oversight and accountability against professional norms. These safeguards are particularly important when operating at scale i.e. thousands of teachers in hundreds of schools.
10. The various components of a system for teacher preparation and ongoing development have been usefully summarised in the OECD’s Teacher Education Pathway Model (Figure 1 overleaf).

¹ A teacher must be registered in order to be certificated so in this briefing the term ‘certificated teacher’ is used to encompass the registration requirement as well.

² Specifically, PSKH were able to use unregistered teachers as part of their teaching staff so long as the staff were appropriately qualified in the subject matter being taught, and had the necessary skills. The number of unregistered teaching staff and staff who hold LATs was specified in each PSKH’s contract with the Ministry of Education. Contracts also specified the percentage of curriculum time to be taught by Registered Teachers and LAT-holders.

Figure 1: The OECD's Teacher Education Pathway Model



Source: OECD (2019), *A Flying Start: Improving Initial Teacher Preparation Systems*, OECD Publishing, Paris, <https://doi.org/10.1787/ef74e549-en>.

11. By contrast, I want to argue that advantages of flexibility from certification requirements can largely be achieved by expanded use of LATs (possibly with some policy adjustments) and perhaps an exemption from the certification requirement for the principal/chief executive of the school.
12. This briefing does not discuss other elements of teacher terms and conditions (including whether partnerships schools would be within scope of existing collective agreements bargained by the Ministry of Education). Requiring partnership school teachers to be certificated would not predetermine decisions on these other considerations.

The requirement to be 'satisfactorily trained to teach'

13. A key requirement on the Council in registering a person as a teacher is that they must have been 'satisfactorily trained to teach' (Education and Training Act 2020, Schedule 3, Clause 2). The Council has put in a place a set of rules and regulations to provide assurance that candidates for registration meet this criterion. It's possible to argue that some of those requirements are unnecessary or conversely that they don't provide enough protection. Nonetheless, the underlying proposition is that teachers have been 'satisfactorily trained to teach', and there is considerable flexibility (more so than in some other jurisdictions) to use alternative pathways (such as an employed based programme like Teach First NZ) to satisfy this requirement.
14. While the international (primarily United States) research about the importance of qualified teachers has been described as 'ambiguous'³ (and there is no recent meta-analysis), a number of key studies have found that qualified teachers produce better education outcomes for students.⁴

³ Burroughs, N. *et al.* (2019). A Review of the Literature on Teacher Effectiveness and Student Outcomes. In: *Teaching for Excellence and Equity*. IEA Research for Education, vol 6. Springer, Cham. https://doi.org/10.1007/978-3-030-16151-4_2.

⁴ Goldhaber, D. D., & Brewer, D. J. (2000). Does Teacher Certification Matter? High School Teacher Certification Status and Student Achievement. *Educational Evaluation and Policy Analysis*, 22(2), 129-145, <https://doi.org/10.3102/01623737022002129>; Darling-Hammond, L., Holtzman, D. J., Gatlin, S. J., & Vasquez Heilig, J. (2005). Does teacher preparation matter? Evidence about teacher certification, Teach for America, and teacher effectiveness. *Education Policy Analysis Archives*, 13, 42, <https://epaa.asu.edu/index.php/epaa/article/view/147/273>; Clotfelter, C. T., Ladd, H. F., & Vigdor, J. L. (2007b). Teacher credentials and student achievement: Longitudinal analysis with student fixed effects. *Economics of Education Review*, 26, 673-682, <https://doi.org/10.1016/j.econedurev.2007.10.002>.

Moreover, studies in this area mainly test standard teacher certification against alternative pathways or emergency certificates.⁵ There is a paucity of studies comparing qualified teachers against those with no form of teacher training – this is perhaps surprising given a now-well-established US charter school sector which, in many states, is able to employ significant proportions of unqualified teachers.

15. As noted above, none of this is to claim that we've got the current requirements around initial teacher education perfect. We have work underway in this area (which will be outlined in a report currently being prepared for the Minister of Education), and we would welcome any feedback on aspects that you consider need reforming. But that is very different from setting aside the requirement that prospective teachers be trained to teach altogether.

Oversight and accountability against professional norms

16. Initial teacher education is, however, only the start of what we need and expect from teachers. To go from being a provisional teacher to holding a full practising certificate, a beginning teacher is assessed by their designated mentor and professional leader at the end of a two-year induction and mentoring programme to decide if they now fully and independently meet *Ngā Paerewa mō te Umanga Whakaakoranga | Standards for the Teaching Profession* (Ngā Paerewa | Standards), set by the Council.
17. Based on a recent meta-analysis, evidence for the educational impact of a formalised induction and mentoring system is, if anything, stronger than for initial teacher education.⁶
18. A teacher must also renew their practising certificate every three years. This relies on an endorsement from their professional leader that they continue to meet Ngā Paerewa | Standards relevant to their practising certificate type, and that they have participated in an annual professional growth cycle process, which includes the opportunity for feedback on their practice. (The professional growth cycle approach was recently developed with the profession to replace the old 'teacher appraisal' approach which was widely seen to be an unproductive compliance activity.)
19. A teacher can also lose their practising certificate as a result of serious competence or conduct concerns as assessed by the Council's Competence Authority or Disciplinary Authority.
20. The professional growth cycle process and the complaints processes combine to provide assurance to schools, parents and students that teachers in front of classrooms are fit and proper people and continuing to maintain and develop their professional practice.

The importance of safeguards when operating at scale

21. All of the considerations set out above become particularly important once one takes into account the scale of the teacher workforce. There are approximately 73,000 teachers employed in New Zealand schools. The total number of people holding practising certificates is even larger at around 150,000 (this takes into account relief teachers, early learning teachers and people who may not be currently working but are still maintaining their certification).
22. There is good reason to consider that when operating on the scale, while one is always seeking the attract the best, the prevailing consideration needs to be managing risk. Approaches need to be put in place that ensure that threshold standards of competency are met or exceeded, and that, when someone is deemed unsuitable, they aren't able to simply pop up somewhere else in the system..

⁵ See e.g. Qu, Y.; Becker, B. (2003), *Does Traditional Teacher Certification Imply Quality? A Meta-Analysis*, Paper presented at the Annual Meeting of the American Educational Research Association (Chicago, IL, April 21-25, 2003),

⁶ Keese, J., Thompson, C. G., Waxman, H. C., McIntush, K. & Svajda-Hardy, M. (2023). A worthwhile endeavor? A meta-analysis of research on formalised novice teacher induction programs. *Educational Research Review*, 38, article 100505. <https://doi.org/10.1016/j.edurev.2022.100505>.

23. While it might be effective to maintain standards in this way using careful managerial judgment for a relatively small workforce, when operating at the scale of the teaching workforce there are considerable efficiencies that are gained from having some regulatory norms and enforcement processes operating on a whole-of-workforce basis.
24. These considerations become particularly applicable for partnership schools if there is an intention to move from a carefully-curated selection process to establish a new school to allowing significant numbers of existing schools to transfer into partnership school status.

The signalling effect of a certificated workforce

25. As well as the actual benefits of having a certificated workforce, it also sends a very clear and simple signal that a school (or school system) values good teachers. This may be important for recruiting staff and for reassuring the parents of current and prospective students.
26. Whatever criticisms might be levelled at New Zealand's teacher workforce, it is nonetheless the case that it enjoys widespread public confidence. The Ipsos Global Trustworthiness Index 2023 found that 61% of New Zealanders had trust in teachers, making the third-ranked profession in the survey and giving New Zealand the sixth-highest rating for teachers out of 31 countries.⁷
27. This was likely part of the context in which the previous tranche of PSKHs chose to operate largely certificated workforces, even though they were not required to. This was despite that as start-up schools it might have been easier to have recruited from a wider pool of candidates. (It is worth noting that if the new partnership schools have a significant portion of transfer schools, rather than being all start-up schools, a concern to manage relationships with their existing certificated workforce may prompt even more caution about hiring non-certificated staff.)
28. Nevertheless, despite the choices of the individual schools, that tranche of PSKHs faced adverse impressions from many teachers and some of the wider public because the fact that they were *allowed* to hire uncertificated teachers was more widely appreciated than the fact that they had *chosen not to do so*.
29. It may be worth looking at patterns of behaviour in England, where academy schools, which have similar characteristics to partnership schools, have expanded significantly in number through traditional state schools transferring to become academies. Academies have been permitted since 2012 to employ teachers without Qualified Teacher Status and there has been some media attention to claims that this has driven up the number of unqualified teachers.⁸ However, these claims need to be put in context: official statistics for 2022 shows that only 2.9% of teachers in academies were unqualified (compared to 1.8% of traditional state schools).⁹ Moreover, interviews with leaders of academy schools suggest that this reflects a deliberate caution in hiring decisions, due both to recruitment guidelines that emphasise child protection and some misgivings on the part of academy leavers about teachers who choose not to become qualified.¹⁰
30. Given that Limited Authorities to Teach (LATs) already account for around 2.5% of the New Zealand school teaching workforce it seems reasonable that use of this mechanism could be adapted accommodate a similar pattern of recruitment as in English academy schools.

⁷ https://www.ipsos.com/sites/default/files/ct/news/documents/2023-11/2023_GlobalTrustworthinessIndex.pdf.

⁸ See e.g. Martin George, "Academy use of unqualified teachers 'widens inequality'", *tes magazine*, 14th August 2019, <https://www.tes.com/magazine/archive/academy-use-unqualified-teachers-widens-inequality>.

⁹ Analysis based on 'Teacher characteristics - school level - 2022-23', <https://explore-education-statistics.service.gov.uk/data-catalogue/school-workforce-in-england/2022>.

¹⁰ Mathou, C., Sarazin, M.A.C., Dumay, X. (2023). Reshaping the Teaching Profession: Patterns of Flexibilization, Labor Market Dynamics, and Career Trajectories in England. In: Menter, I. (eds) *The Palgrave Handbook of Teacher Education Research*. Palgrave Macmillan, Cham.

Use of flexibility within a certificated workforce

31. If there were a policy preference for the new tranche of partnership schools to be able to employ some teachers who haven't come through either of the traditional or employment-based initial teacher education routes, this could be managed without the need for the same sort of full exemption as previously.

Use of Limited Authority to Teach (LATs)

32. As noted above, there are already, within the state system, a significant number of unqualified teachers operating with a LAT. The statutory basis for LAT is that it can be granted for a period of up to three years to a person of a suitable disposition who:
- has the skills and experience appropriate to advance the learning of a student or group of students; or
 - has skills that are in short supply (Education and Training Act 2020, Schedule 3, Clause 16).
33. The Council's policy *Requirements for Teacher Registration, Practising Certificates, and Limited Authority to Teach* has interpreted these provisions as applying to either:
- *A specialist skill:* A skill which requires a high level of expertise in a specific subject area that is not widely available among registered teachers, for example, musical instrument, language or guidance counselling, or
 - *A skill that is in short supply:* Teaching positions which should be filled by a registered teacher but for which there are currently no such teachers available because of supply issues in a geographic location. The need for these positions must be demonstrated by an employer and will be considered within a regional context.
34. We would be happy to discuss with you whether you would like to Council to consider any changes to its policy in relation to LATs, either for all applicants or as a specific provision in relation to partnership schools. Our initial assessment is that there would be scope for changes to be made without needing any amendment to the legislation.
35. Another important statutory restriction however is that since LAT-holders do not hold a practising certificate, schools are prohibited from appointing them to a permanent teaching position (Education and Training Act 2020, section 92(2)). (PKSHs were not subject to this provision.)
36. LAT-holders are not bound by the Ngā Paerewa | Standards but they are expected to attest to the Code of Professional Responsibility | Ngā Tikanga Matatika for the teaching profession and are subject to the Council's disciplinary procedures in relation to conduct. We see these as important safeguards, which would also be in the interests of partnership schools.
37. Under current collective agreements, LAT-holders are paid in accordance with the salary scale for untrained teachers, and these lower rates may discourage some potential candidates. Individual schools can, however, 'top up' these rates if they choose and if their finances permit. If partnership schools have more flexibility around the use of their finances this may make it easier for them to do this; moreover, we anticipate that there might be an intention that partnership schools would not necessarily operate with these collective agreements.

Possible exception for the principal/chief executive

38. I understand that a particular aspect of the previous exemption that was used by some PSKHs was the ability for the leader of the PSKH not themselves be a practising teacher who held a practising certificate.
39. There are some longstanding reasons why both state and private schools in New Zealand have had a requirement for their principal to be certificated. Nevertheless, we would be happy to discuss with you how some form of exemption from this requirement might work for partnership schools. In our

view, however, in such a circumstance it would be important for that school to have a designated 'leader of learning' who was certificated (this would include responsibility for endorsing the teaching practice of certificated teachers).

More information

40. We would be happy to provide more information, or to discuss any specific elements of the teacher preparation and certification system in which you are interested.