



## Education Report: Cancellation of the Integration Agreement for Kaitaia Abundant Life School (238)

<b>To:</b>	Hon Jan Tinetti, Minister of Education		
<b>CC</b>	Hon Kelvin Davis, Associate Minister of Education (Māori Education)		
<b>Date:</b>	18 April, 2023	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1308378
<b>Drafter:</b>	Kath Corby, Manager, Tai Tokerau	<b>DDI:</b>	9(2)(a)
<b>Key Contact:</b>	Hira Gage, Director of Education, Tai Tokerau	<b>DDI:</b>	09 436 8039
<b>Messaging seen by Communications team:</b>	Yes	<b>Round Robin:</b>	No

### Purpose

This report provides you with the consultation feedback about the proposed cancellation of the Integration Agreement for Kaitaia Abundant Life School (238).

It also seeks your decision on whether you agree with the proprietor, the Kaitaia Abundant Life Centre Trust, that the Integration Agreement for Kaitaia Abundant Life School should be cancelled.

Clause 14 of Schedule 6 of the Education and Training Act 2020 provides for the Minister and proprietor to cancel the Integration Agreement of a state integrated school by mutual agreement, after consultation with other interested persons or groups as they consider appropriate. We have undertaken this consultation on your behalf following your approval on 5 February 2023 [METIS 1303320 refers].

### Summary

1. Kaitaia Abundant Life School (238) is a state integrated, co-educational composite Year 1-13 school located in Kaitaia, Tai Tokerau. The proprietor is the Kaitaia Abundant Life Centre Trust, chaired by (Mrs) Ivy Tan.

2. In December 2022, the Kaitaia Abundant Life Trust contacted you to propose cancelling the Integration Agreement for Kaitaia Abundant Life School by mutual agreement.
3. On 5 February 2023, you agreed to initiate consultation on the possible closure of Kaitaia Abundant Life School [METIS 1303320 refers]. We have now completed this consultation on your behalf.
4. Consultation has been undertaken with the Board of Kaitaia Abundant Life School, and the boards of all state schools whose rolls might be affected. There were no objections to the proposed cancellation of the Integration Agreement and subsequent closure of Kaitaia Abundant Life School. However, one school did request further resources to help support the students they will need to accommodate.
5. We also consulted with education sector groups and local iwi. The Association of Proprietors of Integrated Schools (APIS) supports the cancellation of the Integration Agreement, as does the Post Primary Teachers' Association (PPTA) as it fosters inclusion of LGBTQ+ students in the education sector.
6. As of 14 March 2023, there were 129 students enrolled at the school. We will work with students enrolled at the school and their whānau, to ensure they have a suitable educational pathway moving forward.
7. In the event Kaitaia Abundant Life School closes, several primary and intermediate schools have capacity where students will be able to enrol. A Change Manager will work with both the Ministry and the Board to create a transition plan to ensure students are enrolled at another school.
8. The closure will have an effect on Kaitaia Intermediate School, who have asked for additional resourcing by 5 May 2023. We will work with the school to support their additional resourcing needs to allow them to be ready to accommodate the students at the beginning of Term 3.
9. Kaitaia College is the only secondary school in Kaitaia and currently has available capacity to support Year 9-13 students who may wish to transition from Kaitaia Abundant Life School.
10. The Ministry will also work to support the Board to ensure that no student is disadvantaged by encouraging the development of individual transition plans to help support a smooth transition.
11. Under clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020 (the Act), an Integration Agreement may be cancelled by agreement between you and the proprietor, subject to completing consultation with other interested parties or persons as they think under clause 14 of Schedule 6 to the Act.

12. Under clause 11(2)(c) of Schedule 6 to the Act, when cancelling an Integration Agreement, in the absence of an agreement to the contrary, the school is to be treated as a provisionally registered private school.
13. We recommend you agree with the proprietor that upon cancellation, the school will not become a provisionally registered private school, as the proprietor has indicated that if you agree to the cancellation of the Integration Agreement, the school will close.

## Recommended actions

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The Ministry of Education recommends you;

- a) **note** that the proprietor of Kaitaia Abundant Life School, Kaitaia Abundant Life Trust, has proposed cancellation of the school's Integration Agreement by mutual agreement under clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020;
- b) **note** the consultation feedback and consider it within the context of the proprietor's proposal to cancel the school's Integration Agreement;
- c) **agree** to cancel the Integration Agreement for Kaitaia Abundant Life School by mutual agreement with the proprietor, under clauses 11(1)(c) and 14 of Schedule 6 to the Education and Training Act 2020, with effect from 16 July 2023;

☒ **Agree** ☐ **Disagree**

- d) **note** that under clause 11(2)(c) of Schedule 6 to the Education and Training Act 2020, when cancelling an Integration Agreement, in absence of an agreement to the contrary, the school is to be treated as a provisionally registered private school;
- e) **note** that the proprietor of Kaitaia Abundant Life School intends to close the school, should you agree to cancellation of the Integration Agreement; and
- f) **agree** with the proprietor that upon cancellation of the Integration Agreement, the school will not become a provisionally registered private school and the proprietor will close the school.

☒ **Agree** ☐ **Disagree**

If you agree, you are asked to:

- g) **sign** and have witnessed the attached Agreement to Cancel Integration Agreement of Kaitaia Abundant Life School, which also provides that the school will not be treated as provisionally registered private school upon cancellation;
- h) **sign** the attached *New Zealand Gazette* notice; and
- i) **sign** the enclosed letters to the proprietor, the Presiding Member of the Board, and the local Member of Parliament informing them of your and the proprietor's decision to cancel the Integration Agreement for Kaitaia Abundant Life School.

We also recommend you:

- j) **agree** that this Education Report be proactively released. Any information that might need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

**Proactively Release** / Not Release



Isabel Evans  
**Hautū | Deputy Secretary**  
**Te Mahau | Te Tai Raro**

18/04/2023



Hon Jan Tinetti  
**Minister of Education**

06/05/2023

## Background

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1. Kaitaia Abundant Life School (238) is a state integrated, co-educational composite Year 1-13 school located in Kaitaia, Tai Tokerau. The proprietor is the Kaitaia Abundant Life Centre Trust, chaired by (Mrs) Ivy Tan.
2. The maximum roll of the school is 260 students, and its 1 March 2023 roll was 127 students. In 2022, over 74% of its roll was comprised of students who identified as Māori.
3. The school was integrated into the state system in 1996. The special character is stated in the Integration Agreement as being *“determined by the Christian beliefs, values and lifestyles of the Christian church as determined from time to time by the Trustees of the Kaitaia Abundant Life Centre Trust”*.
4. The proprietor wrote to you in December 2022, indicating the Trust’s intention to cancel the integration agreement of the school. The Trust listed several concerns relating to legislation, Ministry policy, and curriculum initiatives.
5. In the Trust’s opinion, these initiatives meant it was no longer possible for them to offer an education determined by the beliefs, values, and lifestyle of the Trust. They state that they were likely to jeopardise their special character on account of legislation, policy and curriculum initiatives including but not limited to:
  - Gender neutral requirements
  - The Conversion Practices Prohibition Legislation Act 2022
  - Curriculum requirements around relationship and sexuality guidelines.
6. The Trust has indicated that it came to this decision following consultation with its community and that a recent survey of the school community showed the overwhelming majority of parents agree “that the new demands placed on (them) by the government go against (their) beliefs and (they) must stand for what (they) believe in”.
7. On 5 February 2023, you agreed to initiate the consultation process over possible cancellation of the integration agreement. We have completed this consultation on your behalf.

## Feedback from the proprietor

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8. The proprietor has provided a poster giving a summary of its consultation and wider communication that was undertaken. The key information is summarised below:

- **1 December 2022 – Proprietor met with the school Board**  
*‘Proprietors discussed the surveys resulting from the consultations and the challenges of new law demands’ impact over and above the integration agreement’s ability to no longer protect our tamariki by upholding our Special Character’.*
- **5-8 December 2022 – Proprietor undertook whānau voice surveys**  
*‘Feedback showed that ALS whānau were not willing to compromise our Christian faith with recent law changes ‘even if’ proprietors made themselves available for ALS whānau to drop in for more info or queries.’*
- **12 and 16 December 2022 – Proprietor met with Ministry of Education**  
*‘Two formal meetings with the Ministry of Education, noting the challenges the proprietor has with new law demands, the direct conflict they have with our special character and whānau voice. It was noted that it gave the proprietor no place to stand legally as abiding by these new law changes would mean breaking our own constitution and statement of faith. Mutually agreed it was no longer tenable.’*
- **16 December 2022 - Proprietor met with Board**  
*‘Following the final Ministry of Education meeting, discussed the outcome of the Ministry of Education negotiations and the final decision regarding the cancellation of our Integration Agreement and with the Ministry.’*
- **16 December 2022**  
*‘Announcement made on the same day to ALS whānau (staff and parents) regarding the outcomes of the Ministry of Education meeting’.*

### Cancelling the integration agreement

9. Clause 14 of Schedule 6 of the Act allows for the Minister and the proprietor to cancel an Integration Agreement under clause 11(1)(c) of Schedule 6 of the Act by mutual agreement, after consultation with other interested persons or groups as they see fit.
10. Under clause 11(2)(c) of Schedule 6 to the Act, when cancelling an Integration Agreement, in the absence of an agreement to the contrary, the school is to be treated as a provisionally registered private school.
11. The proprietor has indicated that if you agree to the cancellation of the Integration Agreement, they wish to close the school. To enable this, we recommend you agree that upon cancellation, the school will not become a provisionally registered private school. The proprietor can then close the school.

### Consultation

12. The Ministry consulted on your behalf with 26 schools whose rolls might be affected by the closure of Kaitaia Abundant Life School. Replies were received from three schools:

School	Response
Pukenui School	Had no further questions.
Oturu School	Had no concerns or issues, but hoped the process would be as seamless as possible for their tamariki and staff.
Kaitaia Intermediate School	Closure will have an effect on their school and asked for additional resourcing in the form of staffing and funding by 5 May 2023. This timing would allow them to be ready to accommodate the students at the beginning of Term 3.

13. The Ministry also consulted with the education sector and with iwi about the application. Communication was sent to the Post Primary Teachers Association (PPTA), New Zealand Educational Institute (NZEI), the New Zealand School Trustees Association (NZSTA) and the Association of Proprietors of Integrated Schools (APIS). Feedback was received from APIS and PPTA in support of the closure of the school. No further feedback was received.

### Ministry comment

14. Analysis of the students currently enrolled at Kaitaia Abundant Life School, indicates that there are currently 15 students in Year 7 and 8 that may seek to enrol at Kaitaia Intermediate School. We will monitor enrolment patterns and continue to work with Kaitaia Intermediate School regarding the impact that the closure may have on its roll.

### Network Implications

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15. Because of its special character, Kaitaia Abundant Life School attracts students from a large geographical area. Should Kaitaia Abundant Life School close, primary and intermediate age students will have several schools where they will be able to enrol.
16. Kaitaia College is the only secondary school in Kaitaia and currently has available capacity to support Year 9-13 students who may wish to transition from Kaitaia Abundant Life School. We note that some students may travel to Taipa Area School, which is about a 25 minute drive from Kaitaia.
17. The March roll data shows that there are 57 Year 1-6 students, 15 Year 7-8 students and 55 Year 9-13 students enrolled at Kaitaia Abundant Life School. The Ministry and Change Manager will actively work with students enrolled at the school and their whanau to ensure they have a suitable educational pathway moving forward including supporting transitional planning.
18. Kaitaia College is the only secondary school in Kaitaia and currently has available capacity to support Year 9-13 students who may wish to transition from Kaitaia Abundant Life School. Although the closure will have an effect on Kaitaia Intermediate School, they have asked for additional resourcing by 5 May 2023, which we would look to support to allow them to be ready to accommodate the students at the beginning of Term 3.



19. We anticipate that some whānau may seek home education for their children. We will process any home-schooling applications received from whanau of Kaitaia Abundant Life students as per the normal application process.
20. During the consultation process we have been approached by other groups who are supportive of maintaining Christian education in Kaitaia and who have expressed an interest in establishing and integrating a Christian school at some time in the future. Any application received would be considered on its merits and the relevant process followed.

### Financial implications

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21. If you agree to the cancellation of the integration agreement, the estimated operational savings to the Crown in the first year after cancellation is approximately \$362,000. This does not include staffing. Over ten years, the cancellation will save the Crown approximately \$3.6 million in operational funding.
22. If the school closes, the Education Development Initiative (EDI) cash grant generated will be \$747,000. This amount is based on the school's July 2022 roll of 174 students, in accordance with the EDI policy.
23. The Ministry will negotiate an EDI memorandum of agreement with the Board. This will detail where the Crown's assets and EDI funding will be distributed following the closure.

### Staffing

24. Kaitaia Abundant Life School has a present staffing entitlement of 12.8 Full Time Teacher Equivalents (FTTEs).
25. Due to the terms and conditions of the Area School Teachers Collective Agreement, permanent teaching staff positions are effectively disestablished at the start of the next school year (in this case 27 January 2024). Teachers in permanent roles will therefore continue to be paid through to that date. They can then select their surplus staffing option.
26. During this period, the Ministry will effectively become the staff employer and we will work with teachers to support them to either support the wrap up of the school or teach at one of the schools where students have enrolled through to the end of the year.
27. There are also 11 FTE staff in non-teaching roles who are employed by the Board. The Board will give notice to these staff following your decision to cancel the integration agreement. This is a two month notice period for permanent non-teaching employees.
28. The notice period for the principal is three months.

## Property and transport

29. As Kaitaia Abundant Life School is an integrated school, once the Integration Agreement is cancelled, the property (land and buildings) will become the responsibility of the proprietor. The ongoing use of the land and buildings will be at the proprietor's discretion.
30. If the cancellation of the integration is agreed and the school closes, remaining students will attend other local schools from the beginning of Term 3, 2023. School transport assistance will be provided for eligible students within policy.

## Conclusion

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31. It is recommended you agree to cancellation of the Integration Agreement and that this takes effect on 16 July 2023.

## Next steps

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32. If you agree to cancel the Integration Agreement for Kaitaia Abundant Life School, please sign the agreement between the Crown and the proprietor agreeing that the integration will be cancelled and that upon cancellation, the school will not become a provisionally registered private school (Annex 1), the attached letters (Annex 2) and the *New Zealand Gazette* notice (Annex 3).
33. We will work with the Board and proprietor to implement the closure of the school. A Change Manager will be appointed to support the board through the closure process.

## Proactive release

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34. It is recommended that this education report be proactively released. Any information that might need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

## Annexes

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Annex 1: Agreement to Cancel Integration Agreement

Annex 2: Letters to proprietor, Presiding Member and local Member of Parliament

Annex 3: *New Zealand Gazette* notice

Proactively Released

Proactively Released

# Hon Jan Tinetti

Minister of Education  
Minister for Women  
Minister for Child Poverty Reduction



Ivy Tan  
Kaitaia Abundant Life Centre Trust  
11 North Road  
Kaitaia

Tēnā koe Ivy

Thank you for your letter proposing the cancellation of the Integration Agreement for Kaitaia Abundant Life School, and your advice that if I agreed to your proposal, you would subsequently close the school.

After considering all the information provided to me, I am satisfied the Integration Agreement for Kaitaia Abundant Life School should be cancelled by mutual agreement, as provided for in clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020.

I have enclosed the Agreement to Cancel the Integration Agreement of Kaitaia Abundant Life School, which I have signed. I have also agreed that upon cancellation of the Integration Agreement, the school will not become a provisionally registered private school.

As you are aware, the cancellation of the Integration Agreement will be gazetted and take effect on 16 July 2023.

I have also written to the Presiding Member of the Board, thanking board members for their service, and acknowledging that the members of the current and previous board, and staff, have given significant time and effort to Kaitaia Abundant Life School and the education of its children.

Nāku noa, nā

Hon Jan Tinetti  
**Minister of Education**

cc. Dr Kevin Shore, CEO, Association of Proprietors of Integrated Schools

# Hon Jan Tinetti

Minister of Education  
Minister for Women  
Minister for Child Poverty Reduction



Juliet McLean  
Presiding Member  
Kaitaia Abundant Life School  
PO Box 246  
Kaitaia 0441

Tēnā koe Juliet

I have received a letter from Ivy Tan on behalf of the Kaitaia Abundant Life Centre Trust, the proprietor of your school, advising me that it wishes to cancel the school's Integration Agreement. I note that the proprietor will also close the school at the same time.

After considering all the information provided to me, I am satisfied the Integration Agreement for Kaitaia Abundant Life School should be cancelled by mutual agreement, as provided for in clause 11(1)(c), of Schedule 6 to the Education and Training Act 2020. The cancellation of the Integration Agreement will be gazetted and take effect on 16 July 2023. I note that the proprietor will also close the school on this date.

I appreciate that the closure of Kaitaia Abundant Life School will not be easy for the Board and the school community. I would like to take this opportunity to thank you for the service that board members and staff have given to Kaitaia Abundant Life School and to the education of its children.

Please continue to work with NZSTA, the teacher unions and the change manager in the period before the cancellation date and closure of the school.

Nāku noa, nā

Hon Jan Tinetti  
**Minister of Education**

# Hon Jan Tinetti

Minister of Education  
Minister for Women  
Minister for Child Poverty Reduction



Hon Willow-Jean Prime  
Member of Parliament for Northland  
Parliament Buildings  
Wellington

Tēnā koe Willow-Jean

In December 2022, the proprietor for Kaitaia Abundant Life School proposed that we cancel the Integration Agreement for Kaitaia Abundant Life School, by mutual agreement. The proprietor has indicated that following the cancellation of the agreement, they will close the school.

On my behalf, the Ministry of Education has consulted with the Board of Kaitaia Abundant Life School and the boards of state and state integrated schools whose rolls might be affected if the school closes.

After considering the information provided to me, I have agreed that the Integration Agreement for Kaitaia Abundant Life School will be cancelled by mutual agreement. This will take place on 16 July 2023. The Ministry will work with the school to support the closure process.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'J. Tinetti'.

Hon Jan Tinetti  
**Minister of Education**

**Cancellation of Integration Agreement for Kaitaia Abundant Life School (238)**

Under clause 17 of Schedule 6 of the Education and Training Act 2020, I hereby give notice that the Minister of Education on behalf of His Majesty the King in right of New Zealand, and the proprietor Kaitaia Abundant Life Centre Trust have mutually agreed to cancel the integration agreement for Kaitaia Abundant Life School (238) with effect from 16 July 2023.

This agreement was signed on \_\_\_\_\_, 2023, by the Minister of Education on behalf of His Majesty the King in right of New Zealand, and the proprietor.

Dated at Wellington this \_\_\_\_\_ day of \_\_\_\_\_.



Hon Jan Tinetti  
**Minister of Education**



## AGREEMENT TO CANCEL INTEGRATION AGREEMENT

This agreement is made on the            day of            2023

**Between:**

**His Majesty the King in right of New Zealand acting by and through the Minister of Education (“the Minister”)**

and

**Kaitaia Abundant Life Centre Trust (“the Proprietor”),**

## together the Parties

in relation to **Kaitia Abundant Life School** (“the School”).

## Background

- A By an Integration Agreement dated 29 March 1996, between the Minister and the Proprietor ("Integration Agreement"), the School was established as a state integrated school.
- B The Proprietor and the Minister have agreed to cancelation of the integration agreement, as the Proprietor considers the School can no longer maintain its special character and uphold the legal requirements around the health and safety of students that are required.
- C The Parties now wish to cancel the Integration Agreement under Schedule 6, clauses 11(1)(c) and 14 of the Education and Training Act 2020 ("the Act").

## Agreement

1. Under Schedule 6, clauses 11(1)(c) and 14 of the Act the Integration Agreement is cancelled with effect from 16 July 2023 and the school shall cease to be an integrated school upon that date. The respective rights and obligations of the parties that arise owing to the integration agreement cease to have effect on that date.
2. Despite Schedule 6, clause 11(2)(c) of the Act the School will not be treated as provisionally registered as a private school upon cancellation of the Integration Agreement. The Proprietor has agreed that it will close.

**Execution**

Signed on the \_\_\_\_\_ day of \_\_\_\_\_ two thousand and twenty-three (2023) for  
and on behalf of \_\_\_\_\_

**Ivy Tan**

**Kaitaia Abundant Life Centre Trust**

and its Common Seal affixed in the presence of:

Trustee: \_\_\_\_\_

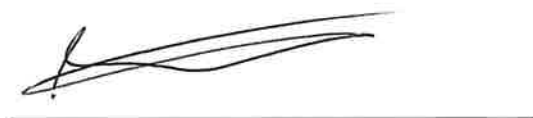
Trustee: \_\_\_\_\_

Signed on the 8<sup>th</sup> day of May 2023 for and on behalf of

His Majesty the King in right of New Zealand by:



**Hon Jan Tinetti**  
**Minister of Education**  
in the presence of:



(Signature)

Name: Melina Webster

Occupation: SPS

Ordinary place of residence: Wellington  
(town/city)