



Education Report: Reviewing qualification settings for Māori immersion & bilingual education and care services

To:	Hon Chris Hipkins, Minister of Education Hon Kelvin Davis, Associate Minister of Education		
Date:	23 June 2022	Priority:	Medium
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Messaging seen by Communications team:	No	Round Robin:	N

Purpose of report

This paper seeks your agreement to the scope, process and timeframe for reviewing qualification settings for Māori immersion & bilingual education and care services.

Summary

The Ministry is developing a work programme to grow Māori Medium and Kaupapa Māori Education pathways, in conjunction with an independent oversight group (Te Pae Roa). After initial engagement with Māori stakeholders, Te Pae Roa came to the view that a new entity is required, as well as more discussions with Māori about what qualifications and funding settings are appropriate. 9(2)(f)(iv)

The Government also has a commitment to regulate for 80% certificated teachers, as expressed in the Early Learning Action Plan. The Ministry is due to consult with the early learning sector later this year on draft regulations and the implementation timeframe. 9(2)(f)(iv)

The proposed 80% certificated regulation would apply to around 46 Māori immersion and bilingual education and care services. The Ministry considers that these services are at greater risk of not meeting the new regulation than English medium services. This is due to difficulties recruiting and retaining qualified and certificated teachers who are also fluent in te reo Māori. This also has implications for funding of these services – they are more likely to receive less than the 80-99% certificated teacher funding band.

The Ministry therefore recommends reviewing the qualification standards and associated funding settings for Māori immersion and bilingual education and care services. As the Māori medium and kaupapa Māori education work programme is looking broadly at qualification settings for all providers, we have identified two approaches:

Engage in depth
with these
Māori services

- **Approach 1: defer until decisions have been made** on the direction of the Māori medium and kaupapa Māori work programme. This work programme is considering qualification requirements at a systemic and fundamental level, and will likely result in change for Māori immersion and bilingual services. This approach defers detailed work on qualification settings until this broad direction is set, which provides greater coherence. However, the timeframe for implementation is likely to be longer than the mid-2023 implementation of the first tranche of regulating for 80% certificated teachers.
- **Approach 2 (Ministry's preferred approach): hold a separate, parallel process** that focuses specifically on supporting Māori language education and care services. This would focus on interim measures supporting Māori language education and care services to meet the proposed 80% certificated teachers. This approach is the Ministry's preference, given the shorter timeframes of regulating for 80% certificated teachers and the consequence of consistently failing to meet regulated standards is service closure.

Should you agree to approach two, the Ministry would work collaboratively with Māori immersion and bilingual education and care services between now and September. We would look at the implementation timeframe, whether other roles or qualifications should count towards the 80% standard, and how funding settings might need to be adjusted to account for other roles or qualifications. We would also consider the pay parity implications of recognising additional roles or qualifications. 9(2)(j), 9(2)(f)(iv)

It is likely that Māori immersion and bilingual services will want to see the Māori Immersion Teacher Allowance (MITA) extended to their kaiako. The MITA is an additional allowance in schooling for Māori medium teachers. 9(2)(f)(iv)

We would provide advice on the results of this work and next steps in late October/early November.

Recommended actions

The Ministry of Education recommends you:

a. **agreement:**

El HER

- i. Approach 1 – defer until consultation on the Māori Medium and Kaupapa Māori Education Work Programme has concluded and decisions on direction have been made

Agree / Disagree
Minister Hipkins

Agree / Disagree
Minister Davis

OR

- ii. Approach 2 – a separate process parallel to the Māori Medium and Kaupapa Māori Education Work Programme that focuses on supporting Māori language education and care services (*Ministry preferred option*)

Agree / Disagree
Minister Hipkins

Agree / Disagree
Minister Davis

- b. **agree**, if you agreed to recommendation a(ii), that the Ministry work collaboratively with Māori education and care services to consider support for services to meet the 80% certificated teachers regulation, including consideration of:
- the timeframes to meet this regulation
 - what if any cultural roles can count as if they are certificated teachers for funding and regulation purposes in the interim
 - 9(2)(f)(iv) [REDACTED]
 - 9(2)(f)(iv) [REDACTED]
 - whether a new licence type would better recognise the language and cultural provision of these services
 - whether changes to funding settings are required to ensure services are not disadvantaged from adjustments to regulated qualification settings

Agree / Disagree
Minister Hipkins

Agree / Disagree
Minister Davis

- c. **note** that changes to qualification settings for Māori education and care services may be interim, given the transformational changes being considered in the Māori Medium and Kaupapa Māori Education Work Programme


Agree / Disagree
Minister Hipkins

Agree / Disagree
Minister Davis

- d. **proactively release** this education report with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Release / Not Release
Minister Hipkins

Release / Not Release
Minister Davis


Siobhan Murray
Senior Policy Manager, Te Puna Kaupapahere

23/06/2022


Hon Chris Hipkins
Minister of Education

26/ 7 /2022


Hon Kelvin Davis
Associate Minister of Education

10/07/2022

Background

Government has committed to regulating for 80% certificated teachers

- 1 Action 3.1 in *He taonga te tamaiti: Early Learning Action Plan 2019-2029* is:

Incentivise for 100 percent and regulate for 80 percent qualified teachers in teacher-led centres, leading to regulation for 100 percent.

The 100% certificated teacher¹ funding band was reintroduced in January 2021 for kindergartens² and education and care services³. Regulating for 80% certificated teachers in kindergartens and education and care services is the next step toward achieving Action 3.1.

- 2 Currently, the Education (Early Childhood Services) Regulations 2008 (the Regulations) require that 50% of required staff⁴ in kindergartens and education and care services be an ECE qualified teacher⁵. This requirement is measured by staff employed or engaged by the service rather than staff in contact with children. When ever children are attending, these services must have one Person Responsible for every 50 children present. Persons Responsible must be an ECE or primary qualified teacher holding a current practising certificate.
- 3 In May, Minister Hipkins agreed to a staged approach for regulating for 80% certificated teachers, which involves requiring teacher-led centre-based services to employ or engage:

■ 9(2)(f)(iv)

■ [redacted]

■ [redacted]

The process for regulating will involve Cabinet agreement and then consultation on draft regulations. Consultation will provide an opportunity for the sector to input on the proposed implementation timeline and regulatory standards.

- 4 Minister Hipkins also agreed to receive further advice on developing qualification settings for Māori and Pacific language services. As outlined in advice on regulating for 80% certificated teachers we undertook specific consultation with Māori and Pacific language education and care services. They identified the need for additional support to address the specific challenges they face, including the desire for alternative pathways for meeting the qualification requirements.

¹ A certificated teacher is defined as ECE and primary qualified teachers holding a current practising certificate. An ECE certificated teacher means ECE qualified teachers holding a current practising certificate.

Kindergartens are teacher-led centre-based services that are controlled by a kindergarten association. Certificated teachers employed by kindergarten associations in teaching roles are part of the state sector. As such, the Secretary for Education negotiates, on behalf of the employers, certificated teachers' employment terms and conditions with NZEI.

³ An education and care service is a teacher-led centre-based service that is not controlled by a kindergarten.

⁴ Required staff refers to the number of staff required to meet the minimum adult:child ratios set out in the Regulations, as measured against the maximum number of children a service is licensed for.

⁵ The Regulations define a qualified teacher as a person who holds an ECE qualification that leads to registration with the Teaching Council. One student in their final year of studying towards an ECE teaching qualification can count as a qualified teacher per service.

- 5 This work is important because te reo Māori is a taonga and the Crown has a duty to actively protect te reo Māori.
- 6 Consistent failure to meet regulated standards can lead to the Ministry stopping a service operating. If education and care services are unable to meet the standards set out in Education (Early Childhood Services) Regulations 2008 (the Regulations), they risk being placed on a provisional licence. The Secretary can cancel a licence if a service is in breach of the standards, previously had a provisional licence and is not likely to comply with the standards in future.
- 7 If the regulated qualification standards were to change, we would need to consider how this may affect the funding of these services and align with pay parity. 9(2)(f)(iv)
- 8 This paper provides advice on the scope, process, and time frames for developing qualification settings and associated funding settings to better support Māori immersion and bilingual education and care services. A separate paper has been prepared around this issue for Pacific language education and care services [METIS 1286390 refers].

Cabinet committed to a work programme to grow Māori Medium and Kaupapa Māori Education

- 9 Cabinet has agreed that the Ministry of Education develop a work programme to grow Māori Medium and Kaupapa Māori Education pathways, in conjunction with an independent oversight group (Te Pae Roa). The aim is a target of 30% of Māori learners participating in Māori medium and kaupapa Māori schools and early learning services by 2040, and to grow the kaupapa Māori workforce.
- 10 Te Pae Roa has undertaken initial consultation with Māori. The Associate Minister of Education (Māori Education) reported back to Cabinet on this in April. Te Pae Roa is due to undertake a further period of engagement with Māori in July. 9(2)(f)(iv)

Previous engagements and current work relating to Māori education and care service

Māori language education and care services consider the funding system does not adequately support provision in te reo Māori

- 11 Kōhanga reo provide the majority of Māori immersion provision in early learning – just over 8000 children attended kōhanga reo in 2021. Māori bilingual and immersion education and care services also provide early learning in te reo Māori. According to Ministry data, in 2021 there were 46 Māori immersion and bilingual education and care services and 1558 children attended these services. This paper focuses on Māori bilingual and immersion education and care services that sit outside of kōhanga reo.

- 12 Our funding data shows that these services have more difficulty qualifying for the 80-99% or 100% certificated teacher funding rates. From July 2020 – July 2021 (four funding periods), on average 22% of Māori bilingual and immersion⁶ education and care services received lower than the 80-99% funding band. In comparison, around 3-4% of all teacher-led centre-based services receive lower than the 80-99% certificated teacher funding band each funding period.
- 13 We held specific engagements with Māori education and care services about regulating for 80% certificated teachers. The discussion at these meetings was broader than regulating for 80% certificated teachers. Teacher supply was cited as a significant issue with services having to train their own teachers from a limited pool of te reo Māori speakers, often competing with high demand for these skills in the wider labour market. Due to teacher shortages, services can fluctuate above and below 80% at various points.
- 14 Another strong theme was that participants felt that the value and status of their services were not recognised by the Government, in that they are designated as general education and care services. Participants stated that they did not consider teaching qualification as a universal marker for quality. For example, some consider an unqualified kaiako fluent in te reo Māori would be better placed to teach in their service than an ECE qualified teacher without relevant language and cultural skills.
- 15 These discussions are similar to what was heard from Māori education stakeholders during the initial Te Pae Roa engagement round. Te Pae Roa reported that participants felt current qualification standards were too restrictive and should consider alternative positions and skills that are more suitable for kaupapa Māori or Māori medium education settings. For example, kaiāwhina and kaumātua who may not hold a formal teaching qualification but are well versed in te reo and understand the mātauranga and tikanga of local iwi.
- 16 As part of Te Pae Roa's engagement participants stated that there needs to be recognition of the demands on kaiako in kaupapa Māori settings and how they differ from those in English-medium settings. For example, the added responsibility of working with tamariki, their whānau, and wider communities to nurture and protect their language and culture. Funding frameworks were described by participants as being developed for English-medium education with no dedicated funding for te reo Māori provision in early learning, and therefore falling short of recognising and valuing kaupapa Māori education.

9(2)(g)(i), 9(2)(j)

⁶ A Māori bilingual service is where te reo Māori is used at least 51% of the time for teaching, whereas the threshold for a Māori immersion service is where te reo Māori is used at least 81% of the time.

- 20 Under the active protection principle, the Crown has an obligation to protect Māori interests including tino rangatiratanga and taonga. The taonga in relation to this matter is te reo Māori.
- 21 Where Māori have implemented their own initiative to preserve te reo Māori and that initiative is central to the inter-generational transmission of te reo Māori, then it is for the Crown to actively support that initiative given the continued vulnerable state of te reo [METIS 1278579 refers]. This includes systems that reconsider the view of kaiako in early learning, how they are funded and their role in protecting and strengthening te reo Māori among tamariki mokopuna and their whānau.
- 22 The Ministry considers that the same active protection principle that applies to kōhanga reo also applies to Māori immersion and bilingual education and care services.

Government's Work Programme to Grow Māori Medium and Kaupapa Māori Education and what this means for Māori immersion and bilingual education and care services

- 23 Te Pae Roa has held initial engagement with Māori education stakeholders, and has come to the view that key structural changes to the education system are needed. Their interim report proposed establishing Takapau Whaiao, a new entity that connects and supports ara Māori and kaupapa Māori⁷ and enables the exercise of governance rights in these settings.
- 24 To address issues raised regarding workforce qualifications, Te Pae Roa recommended the following:
- better understanding of what types of incentives will overcome barriers that Māori face when deciding to take up a career in Māori education

⁷ Ara Māori is defined by Te Pae Roa as Māori education provided outside of kaupapa Māori education settings. This includes all other education pathways that provide reo Māori, tikanga Māori or mātauranga Māori offerings. Kaupapa Māori is defined as total immersion education that is governed and delivered by Māori (this is an interim definition that Te Pae Roa will refine through further engagement with stakeholders).

- more discussions with Māori about what roles, skills and support are needed to create fit-for-purpose roles to meet the skills and expertise Māori believe they need to better serve tamariki
- new funding models and frameworks that will deliver fit-for-purpose funding that values kaupapa Māori and ara Māori education and all those that work within the continuum.

25 Te Pae Roa aim to test high-level options with Māori education stakeholders in June/July 2022 and will use this as the basis of a second report and subsequent recommendations to the Associate Minister of Education (Māori Education). 9(2)(f)(iv)

[Redacted text block]

26 The implications of the establishment of Takapau Whaiao would be significant for Māori education and care services, with specific implications for qualifications requirements. Subject to Cabinet decisions, this could potentially see them sit under a different system and structure. This could include having workforce qualifications set by Takapau Whaiao, which would mean that the qualification standards in the Regulations may no longer apply. They may also be funded in a different way. These matters are not yet decided.

Supporting Māori bilingual and immersion education and care services to meet 80% certificated teacher regulations

27 The Māori Medium and Kaupapa Māori Education work programme looks more widely at barriers hindering the growth of Māori education, including but not limited to issues around qualification standards

28 To date, the work to regulate for 80% certificated teachers is narrower and on a more defined timeframe – it proposes requiring services to:

9(2)(f)(iv)

[Redacted text block]

29 Recognising the differences in scope and timeframes of each of these workstreams, we have identified two options for review the qualification settings for Māori language education and care services.

- **Approach 1:** defer until Te Pae Roa's work has concluded and decisions on direction have been made
- **Approach 2:** hold a separate process parallel to Te Pae Roa's work that focuses specifically on supporting Māori language education and care services (*preferred approach*).

30 In assessing these approaches, we consider the following important:

- timing of implementation
- coherence and connection across work programmes

- benefits for mokopuna and kaimahi in Māori medium and kaupapa Māori education settings.

Approach 1: defer until decisions on the work programme to grow Māori Medium and Kaupapa Māori Education have been made

- 31 This approach provides better coherence across work programmes. However, the timing of the Māori medium and kaupapa Māori work programme is less certain and likely to be longer term than regulating for 80% certificated teachers. The work programme is intended to benefit mokopuna and kaimahi in the long term by providing a system that better supports Māori education. Regulating for 80% certificated teachers could lead to the closure of some Māori language education and care services in the medium term. This would have negative consequences for the whānau who use these services
- 32 The Māori medium and kaupapa Māori education work programme is exploring ways that qualification standards can be reconsidered, including under a new system of entity separate to the Ministry of Education. Te Pae Roa's approach focuses on change that is transformative and systemic. It aims to give Māori the autonomy to define their educational and cultural aspirations and outline how they think these could be achieved.
- 33 The scale of changes being considered is wide reaching and complex due to the level of engagement, analysis, implementation, and legislative changes required. This is therefore on a reasonably long-term timeframe. Possible public consultation is likely later this year, leading to legislative change in the new year and a set of arrangements introduced over time.
- 34 The proposals may mean that the Regulations no longer apply to kōhanga reo and Māori immersion and bilingual education and care services in future. Given the breadth of this work, it is unlikely addressing issues like regulating for 80% certificated teachers will be included in the public consultation this year. Regulating for 80% certificated teachers only affects a small part of the Māori medium system.
- 35 Under Approach 1, the Ministry would defer engaging with Māori education and care services until there is certainty on the future qualification system that will apply to them. The Ministry would then build on relationships that Te Pae Roa has already established and avoid duplicating engagement processes. This will help to minimise the risk of consultation fatigue with the sector and enable better alignment of work across the Ministry.
- 36 This approach may also reduce sector confusion. The Ministry would not be discussing amendment to qualification standards with Māori services at the same time as consulting on a different system for qualification requirements, quality assurance and funding with those same services.
- 37 The risk is that this approach will take longer than the proposed first step to regulating 80% certificated teachers, 9(2)(f)(iv) [REDACTED]
Our view is that preparing services to meet the proposed regulations is an immediate priority to avoid disadvantage from not being able to meet the regulations once implemented.
- 38 Concerns around the workforce qualifications raised during the 80% certificated teacher consultation may still be addressed through the growing Māori medium and kaupapa Māori education work programme. But it is unlikely that the necessary actions will be

implemented in time to support Māori language education and care services to meet the proposed 80% certificated teachers' regulation 9(2)(f)(iv)

Approach 2: separate engagement parallel to Te Pae Roa's work that focuses specifically on supporting Māori language education and care services (Ministry's preferred approach)

- 39 Under approach two, the Ministry would work with Māori bilingual and immersion education and care services to understand what additional support they would require to meet the 80% certificated teacher regulation and to grow their workforce.
- 40 This work would happen in parallel with the wider consultation process on the Māori Medium and Kaupapa Māori work programme. We recognise that supporting these services to meet the proposed 80% regulation will not address all the needs and aspirations articulated by Māori. However, this approach allows the Ministry to attend to the immediate needs identified by Māori education and care services that may prevent them from meeting the regulation once implemented. It also allows us to work with these services to determine the appropriate standards.
- 41 We recommend that this work focuses on the move towards complying with the proposed 80% certificated teacher regulation. Given the growing Māori medium and kaupapa Māori education work programme that is underway if you agree to Approach 2, we recommend that any options and outcomes that are developed from this process be implemented as an interim measure.
- 42 This work will consider:
- the timeframes to meet the proposed regulatory standard. This may result in a different implementation timeframe
 - what, if any, cultural roles can count as if they are certificated teachers for funding and regulatory purposes in the interim. 9(2)(f)(iv)
 - 9(2)(f)(iv)
 - any kaiako pay implications, 9(2)(f)(iv). Staff at these services need to have proficiency in te reo Māori me ōna tikanga, which is not currently recognised in the early learning funding system
 - whether a new licence type would better recognise the language and cultural provision of these services. In previous engagements, puna reo representatives have raised the invisibility of their services in Ministry reporting, which is based on licence types. A new licence type would require careful consideration for the interaction with network management.
- 43 Any changes to qualification standards for regulatory purposes may affect the funding these services receive through the current framework, which incentivises higher proportions of certificated teachers. The Ministry will consider whether changes to funding settings are required to ensure services are not disadvantaged from adjustments to regulated qualification settings.

- 44 This would account for the broader work being undertaken through the Māori Medium and Kaupapa Māori Education Work Programme, while ensuring that Māori bilingual and immersion education and care services are not disadvantaged by regulating for 80% certificated teachers.
- 45 There is a risk that some parts of the early learning sector may negatively perceive Māori services as receiving special treatment, particularly the notion of compromising quality. The approach is not intended to undermine the current ECE teaching qualification, but to acknowledge that Māori education and care services often serve a different purpose from mainstream services and require additional skills and competencies.

Process and timeframes of Approach 2

- 46 Should you agree to approach two, the Ministry would engage with Ngā Puna Reo o Aotearoa (a newly established peak body for puna reo) to seek agreement to collaborate. The Ministry would be clear that this work is in parallel with the engagement on the Māori medium and kaupapa Māori work programme.
- 47 The Ministry has information on other Māori bilingual and immersion education and care services and would use this list to identify and engage with those services that do not affiliate with Ngā Puna Reo o Aotearoa. We would work with the regional offices to determine the best approach to facilitating engagement and to understand the context in each location.
- 48 The table below outlines the indicative key project deliverables and timing identified to date. This table assumes agreement to the scope and purpose outlined in the paper.

9(2)(f)(iv)

9(2)(f)(iv)

- 49 Public consultation on the implementation of the proposed 80% certificated teachers' regulation is planned to take place later this year. As part of this consultation, the Ministry will include clear messaging to the sector about the work to support Māori education and care services. If approach one is preferred, we will include messaging that links to the Māori medium and kaupapa Māori work programme, but make it clear that the 80% certificated teacher regulation applies until the work programme is implemented.

Budget implications of Approach 2

Broader definition of qualified and certificated

50 9(2)(f)(iv)

Funding beyond the scope of this work

55 In previous engagement with puna reo they consider they should receive the Māori Language Programme Funding (MLPF) that kura kaupapa Māori receive. The early learning equivalent of MLPF is Equity C which is considerably less than MLPF. Equity C provides a flat rate of \$5,300 (incl GST) per service per year for any service delivering education in a language other than English at least 51% of the time. It is not specifically for Māori language services

56 Funding outside of staffing is outside the proposed scope for this project, but it will be considered as part of the Māori medium and kaupapa Māori education work programme. However, teacher salaries are usually services' largest expense, and most of the additional cost associated with Māori immersion and bilingual provision relates to the additional skills staff need to have. These services have identified attracting and retaining teachers with te reo Māori is a key challenge. Addressing staffing-related funding issues is a priority.

57 9(2)(j) [Redacted]
[Redacted] 9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]
[Redacted]

58 9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Proactive release

- 59 It is recommended that this Education Report is proactively released, with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Proactively Released