



Education Report: Definition of Māori immersion early childhood services to be excluded from network management

To:	Hon Chris Hipkins, Minister of Education Hon Kelvin Davis, Associate Minister of Education (Māori Education)		
Cc:			
Date:	25 March 2022	Priority:	High
Security Level:	In Confidence	METIS No:	1284653
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Messaging seen by Communications team:	No	Round Robin:	Yes

Purpose of Report

This paper seeks your agreement to a definition of Māori immersion early childhood services to be exempted from the requirement to seek network management approval before licensing. We seek your joint approval by Wednesday 30 March to enable us to issue drafting instructions to Parliamentary Council Office for a Supplementary Order Paper to be prepared.

Summary

In December 2021, you jointly agreed that the Ministry of Education should progress conversations with Te Kōhanga Reo National Trust and other Māori immersion services about excluding all Māori immersion services from network management [METIS 1278579 refers].

Cabinet agreed in March 2022 to exclude all kōhanga reo chartered to Te Kōhanga Reo National Trust, and to consult further with other Māori immersion services on a definition to exclude them from the requirement to seek network management approval before being able to apply for a licence.

Te Kāhui o Ngā Puna Reo (an informal association of approximately 40 puna reo) has confirmed it wants associated puna reo to be exempted from the requirement to seek network management approval. It has also worked with the Ministry to develop

and agree a definition of Māori immersion services that will not be required to seek network management approval before applying for a licence.

We propose three types of Māori immersion services to be exempted from the requirement to seek network management approval. A proposed service would need to meet one of these criteria:

- A standalone early childhood service teaching its curriculum through te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use **or**
- Māori immersion early childhood services affiliated to a peak body that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education **or**
- Māori immersion early childhood services provided by or associated with an iwi or Māori organisation that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education.

Our proposed approach is designed to exempt services that are committed to using, revitalising and protecting te reo Māori. We also want to prevent services trying to use this exemption to bypass the network management approval process where they have no real intention of teaching their curriculum through te reo Māori.

If you agree to this approach, we propose to seek LEG and Cabinet approval to this definition on 5 May 2022 and 9 May 2022 respectively to enable a Supplementary Order Paper to be introduced at the Committee of the Whole House that will amend the Education and Training Amendment Bill (no 2).

Exempting Māori immersion services from the requirement to seek network management approval before applying for a licence is an important action to support the Māori-medium education / Kaupapa Māori Education (MME/KME) work programme. The intent of the MME work programme is for the Crown to strengthen and grow MME and Kaupapa Māori education.

Recommended Actions

We recommend that you:

- a **agree** to exempt the following proposed services from the requirement to seek network management approval:
- i. A standalone early childhood service teaching its curriculum through te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use **or**
 - ii. Māori immersion early childhood services affiliated to a peak body that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education **or**
 - iii. Māori immersion early childhood services provided by or associated with an iwi or Māori organisation that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education.

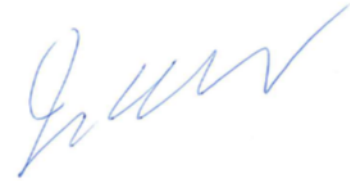
Agree Disagree

- b **agree** that peak bodies and iwi and other Māori organisations would be recognised for this purpose in the New Zealand Gazette by the Minister of Education in consultation with any Minister who holds a specific delegation for Māori Education

Agree Disagree

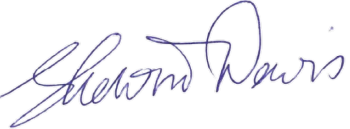
- c **agree** this Education Report is released once the consultation document for network management is released, with any information that may need to be withheld done so in line with the provisions of the Official information Act 1982.

Release Not release



John Brooker
Group Manager
Te Puna Kaupapahere

25/03/2022



Hon Kelvin Davis
Associate Minister of Education

27/03/2022



Hon Chris Hipkins
Minister of Education

30/3/2022

Background

- 1 On 13 October 2021, Te Kōhanga Reo National Trust requested that kōhanga reo be exempt from network management or that an alternative process be provided. Jointly, the Minister of Education and the Associate Minister of Education (Māori Education) agreed that the Ministry of Education should progress conversations with Te Kōhanga Reo National Trust and other Māori immersion services about exempting all Māori immersion services from network management [METIS 1278579 refers].
- 2 In March 2022, Cabinet approved:
 - 2.1 excluding kōhanga reo chartered to Te Kōhanga Reo National Trust from network management
 - 2.2 consulting further with other Māori immersion services on a definition to exclude them from network management [SWC-22-MIN-0017 refers].
- 3 The decision to exclude kōhanga reo and other Māori immersion services from the requirement to seek network management approval before being able to apply for a licence is intended to acknowledge the Crown's obligations under Te Tiriti o Waitangi in relation to partnership and active protection as well as the right of Māori to exercise their authority and agency in education.
- 4 The kōhanga reo movement and other Māori immersion early childhood services are a key contributor to the revitalisation and protection of te reo Māori in early childhood education and t's objectives to strengthen and grow Māori-medium education/Kaupapa Māori Education (MME/KME) pathways that has previously been approved by Cabinet [CAB-21-MIN-0395 refers]. Further information about the MME/KME work programme is set out at the end of this paper.
- 5 Throughout this paper we have used the word 'exclude' to mean excluded from the requirement to seek network management approval.

Proposed definition for excluding Māori immersion services

- 6 We propose that Ministers should take a broad, inclusive and future proof approach to excluding exempting Māori-immersion services from the requirement to seek network management approval. This approach recognises and signals the importance of growing MME / KME, promotes the right of Māori to exercise their authority and agency in education, and simplifies processes for establishing new Māori immersion services.
- 7 Our proposed approach focuses on services that can demonstrate that they will revitalise and protect te reo Māori. We want to avoid services using this exclusion to bypass the network approval process that have no intention of delivering the curriculum through te reo Māori.

- 8 There are three likely scenarios for how new Māori immersion early childhood services could be established and we propose the exclusion should cover all three.
- 8.1 A standalone early childhood service teaching its curriculum through te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use or
- 8.2 Māori immersion early childhood services¹ affiliated to a peak body or
- 8.3 Māori immersion early childhood services¹ provided by or associated with an iwi or Māori organisation
- 9 Our proposed approach supports the objectives of the MME/KME work programme to strengthen and grow the MME/KME pathway. It also recognises that there is a current teacher supply constraint of kaiako with fluency to teach in te reo. The proposed approach for limbs 8.2 and 8.3 focuses on a commitment to provide te reo Māori immersion. Services that come within paragraphs 8.2 or 8.3 may not teach the curriculum through te reo Māori all the time. In our view the affiliation to a wider peak body or an iwi or Māori organisation provides reasonable assurance that the services will be supported to grow te reo Māori capability so that the early learning service will develop into being able to teach the curriculum through te reo Māori. The requirements that a peak body/iwi/Māori organisation would have to demonstrate to provide that assurance are outlined below.
- 10 For a standalone early learning service to be excluded from the requirement to seek network management approval they will need to be able to demonstrate at the time of applying for a licence to operate that they have employed qualified teachers and workforce that can teach the curriculum in te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use. If this cannot be demonstrated, then the applicant will first have to apply for network management approval.
- 11 The criteria for peak bodies or organisations within paragraphs 8.2 and 8.3 to be gazetted is still to be developed. However, a service aligning to a constitution (of a peak body) provides more assurance that the service will move towards full immersion.

Our approach is supported by Te Kāhui o Ngā Puna Reo

- 12 Te Kāhui o Ngā Puna Reo (an informal association of approximately 40 puna reo) has confirmed it wants associated all new puna reo to be excluded from the requirement to seek network management approval and supports our proposed approach set out in this paper. We have not consulted directly with any other entities in the timeframe available.

¹ Māori immersion early childhood service is a service that teaches in te reo Māori the majority of the time (at least 51% of the time).

A standalone service teaching its curriculum through te reo Māori

- 13 In line with the *Tau mai te reo* strategy this part of the definition focuses on services that can support ākonga to a high Māori language proficiency and deliver the curriculum through te reo Māori. Given the current shortages of teachers fluent to teach in te reo we do not expect many new standalone services will be able to meet this definition initially.

Māori immersion early childhood services affiliated to a peak body

9(2)(f)(iv)

- 16 There are currently no formal entity peak bodies. Te Kāhui o Ngā Puna Reo is currently working towards being established as a formal entity and has indicated it may shortly change its name. To provide flexibility in the future we recommend gazetting these entities, rather than listing them in primary legislation. A process for doing so will be developed for inclusion in legislation.

Māori immersion early childhood services provided by or associated with an iwi or Māori organisation

- 17 To meet our Te Tiriti o Waitangi obligations, it is important that the exemption from the requirement to apply for network approval is broad enough to include services provided by or associated with an iwi or Māori organisation. These groups may not wish to affiliate to a peak body and under Te Tiriti o Waitangi it is important we cater for the interests of iwi and hapū more directly.
- 18 As indicated above, a process for Gazetting iwi and Māori organisations will be developed for inclusion in the legislation.

Overview of the types of services

- 19 Table 1 below provides an overview of the three proposed types of Māori immersion services to be exempted from seeking network management approval.

Table 1: Overview of proposed types of service

Type of service	Comment	Next steps
1. A standalone service teaching its curriculum through te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use OR	Focus is te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use to align with the tau mai te reo approach in <i>Tau Mai Te Reo</i> , the Māori Language in Education Strategy	<ul style="list-style-type: none"> A service would apply for a licence to operate directly but need to provide evidence of ability to teach through te reo Māori at a high level
2. Māori immersion early childhood services affiliated to a <u>peak body</u> OR	Definition enables multiple peak bodies (e.g. Ngā Puna Reo o Aotearoa and any other entities that establish)	<ul style="list-style-type: none"> Peak bodies, iwi and Māori organisations would first need to be gazetted
3. Māori immersion early childhood services provided by or associated with an <u>iwi</u> or <u>Māori</u> organisation	Definition is enabling to allow multiple iwi and Māori organisations to use this pathway	<ul style="list-style-type: none"> A service would demonstrate association with the entity when applying for a licence to operate

We will need a power to gazette entities and set criteria for gazetting

- 20 We recommend that the gazetting of any peak bodies and Iwi and Māori organisations should be done by the Minister of Education in consultation with any Minister holding a specific delegation for Māori Education. This approach would facilitate joint consideration of education, Māori education and Te Tiriti implications for these entities and would also be consistent with the new expectations in sections 4 and 9 of the Education and Training Act 2020.
- 21 To support the gazetting process the Minister will need the ability to set criteria for recognising entities in the New Zealand Gazette.

Process from licensing

- 22 To ensure we can enforce this definition at the point an applicant applies for a licence we propose to consequentially amend the Education (Early Childhood Services) Regulations 2008, in particular
- 22.1 Regulation 6 to require evidence to meet the exclusion
- 22.2 Regulation 22 to set a condition on the licence to remain a Māori immersion service; also to set a condition to maintain the exclusion definition until the service is fully licensed. The requirement to be associated to a peak body or iwi or Māori organisation would not be required after the service is fully licensed (one year after issue of probationary licence).
- 23 Our proposal under paragraph 22.2 means that a service could end association with a peak body, iwi or Māori organisation after a year.

Alignment with MME/KME work programmes

- 24 In 2021 the Associate Minister of Education (Māori Education) advised Cabinet of the work programme to strengthen and grow MME/KME provision. The work programme is still being developed. However, we consider that excluding Māori immersion services from the requirement to seek network management approval is an important action to support the MME/KME objectives.
- 25 To support the MME/KME work programme, the Ministry is developing criteria so that in the future it has a framework to assess how well initiatives meet the work programme's objectives. The intent of the MME/KME work programme is for the Crown to strengthen and grow MME/KME towards a target of having 30% of ākonga Māori in Māori-medium education. This includes ensuring that ākonga Māori and whanau can access MME/KME pathways. It is also about Māori being able to exercise their authority and agency across the education system and set the future direction.
- 26 The Crown is enabling this by providing the right settings and arrangements to do so. It is therefore not necessary for the Crown to also consider these services through a network management process.
- 27 Alongside its role in the revitalisation and protection of te reo Māori, the Crown is obliged to actively protect tino rangatiratanga and support hapū and iwi to participate in and make decisions about the education of Māori learners.
- 28 As with the proposed priority for hapū/iwi-owned services (we have provided you with advice on the Government priorities [METIS 1282744, refers]) excluding iwi/Māori organisations may also support better Māori-Crown relationships if Māori are able to exercise rangatiratanga over establishment.

Next steps

- 29 If you agree to the proposed definition, we will seek policy and legislative approval of the definition on the following timeline. Our proposed approach is to introduce a Supplementary Order Paper for ETAB (No 2) at the Committee of the Whole House.
- 30 Note you have received approval from the Attorney General to instruct Parliamentary Counsel Office (PCO) to draft a Supplementary Order Paper (SOP) to amend ETAB (no 2).

Cabinet agreement to introduce SOP	
Issue drafting instruction to PCO for the SOP	Wednesday 30 March
Draft LEG paper to Minister to approve for consultation	Wednesday 6 April
Joint Departmental and ministerial consultation	Monday 11 April – Friday 21 April
Final paper to Minister for approval of lodging	Wednesday 27 April
Lodged	By 10am Thursday 28 April
LEG	Thursday 5 May
Cabinet confirmation	Monday 9 May
Timeframe for the Education and Training Amendment Bill (No 2) including SOP	
Bill reported back to the House	2 May 2022
Second reading	Before 9 May 2022
Committee of the whole House	ASAP after 9 May
Enactment and Commencement	between 9 May and 1 June

Implementing the Māori immersion exclusion regime

- 31 Following your approval of the proposed definition, we will develop the policy, process and criteria to implement the exemption for inclusion in the Education and Training Act 2020 to support the gazetting process and removal of entities from the New Zealand Gazette.
- 32 The criteria for gazetting and removal would focus on advice and support to early childhood services to teach the curriculum through te reo Māori. To be consistent with the approach agreed in December 2021, the intent of the exemption regime is not to create systems and processes that effectively means it is an alternative network management pathway (which Ministers did not agree to). We therefore will endeavour to make sure the requirements are not onerous.

33 This policy will need to cover:

- What is required for a standalone entity to demonstrate at the time of licensing that it can deliver the curriculum in te reo
- How an entity demonstrates it is a peak body, including being a legal entity and having a focus on te reo Māori
- How a service demonstrates affiliation with a peak body, iwi and Māori organisation
- How peak bodies are removed from the New Zealand Gazette.