Education Report: Application to consult on an application for Finlayson Park School (1275) to become a designated character Year 1-8 school

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<th>To:</th>
<th>Hon Chris Hipkins, Minister of Education</th>
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<td>Date:</td>
<td>4 December 2019</td>
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<td>Priority:</td>
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<td>Messaging seen by Communications team:</td>
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Purpose of Report

The purpose of this report is to seek your decision on consultation on a proposal by the Finlayson Park School Board of Trustees to change the designation of its school from an ordinary state school to become a designated character school. The board also proposes that it recapitulate to operate as a Year 1-8 school if redesignation is approved.

Both changes would require formal consultation with the boards of all state schools whose rolls might be affected by the proposed change.

We recommend you decline to initiate consultation on these proposed changes.

Summary

1. Finlayson Park School is a Year 1-6 contributing primary school established in 1979 in Manurewa, Auckland. The school delivers four language pathways through its enrolment scheme special programmes. These include both te reo immersion and bilingual settings within the school. Other language learning is provided at the school outside of its approved special programmes.

2. The Finlayson Park School Board of Trustees has applied to change the designation of its school from an ordinary state school to become a designated character school. It has also applied that as a designated character school it operate as a Year 1 - 8 school.
Recapitation to a Year 7 – 8 school

3. We do not support the recapitation of the school to become a Year 1 - 8 school. Finlayson Park School can legally retain Year 7 - 8 students in its Māori Level 1 full immersion unit, its bilingual Māori unit and its bilingual Samoan unit. Recapitation would allow the school to legally retain all its Year 7 and 8 students, adversely impacting the local intermediate school network. Concern has been raised from other schools within the network that Finlayson Park School has been retaining all Year 7–8 students rather than those progressing through approved language immersion programmes.

4. As the school has been allocated five additional teaching spaces to meet roll growth we will work with the school to ensure it regularises its enrolment practices so that the additional spaces are used within its approved year levels.

5. In 2015, the Manurewa area was part of a pathway review to ensure that the Manurewa schooling network provided effective educational pathways that are viable into the future. At that time it was proposed that no changes would be made to the structure and year levels of the network, and an emphasis was placed on strengthening language provision at all schools.

Redesignation

6. The board comments that the application to become a designated character school is to formalise the existing character of the school and the range of language learning opportunities it provides.

7. The school has a strong bicultural and bilingual culture. Its philosophy is to nurture languages, specifically: Māori, Samoan, Tongan and, more recently, Kiribati. Special pathways for learning and teaching in these languages have been an integral feature of the school as a result of strong parent and community support and involvement.

8. Both proposed changes would require formal consultation under section 157 of the Education Act 1989 (the Act) with the boards of all state schools whose rolls might be affected by the proposed change. This consultation is not required if you decide not to progress the proposed changes.

9. We do not support the application to become a designated character school as it is considered that the philosophy of the school, as outlined in its application, is able to be preserved by means other than a re-designation. This includes the use of the existing special programmes as operated by the school.

10. We also consider that the designated character as proposed does not meet the criteria set out in the Act as it would only apply to a little more than half the student population. The provision in the English medium unit is not education of a kind that differs significantly from the education available at an ordinary State school.

11. Should approval be given for the school to become a designated character school, if local families did not want to enrol at Finlayson Park School they would have to enrol at other local schools, most of which have enrolment schemes, so this might not be possible for all students.

12. We are also concerned that it would set a precedent for any school that operated a bilingual programme to apply for designated character status. This is not the purpose of the relevant legislation.
Conclusion

13. Overall, we recommend you decline initiating formal consultation over the proposed changes.

Recommended Actions

We recommend you:

a. note that the Ministry has received an application from the Board of Trustees of Finlayson Park School in Manurewa, Auckland, to become a designated character school, and to recapitulate to become a Year 1-8 School;

b. decline the application to change the designation of Finlayson Park School (1275) from an ordinary state school to a designated character school, under section 154A of the Education Act 1989 (the Act);

c. decline the application to recapitulate Finlayson Park School from a Year 1-6 school to a Year 1-8 school, under section 150 of the Act;

d. note that the Ministry will work with Finlayson Park School regarding the retention of its Year 7 and 8 students in its Tongan unit so that this retention is approved;

OR

e. agree to initiate consultation under section 157 of the Act on a possible change of designation of Finlayson Park School from an ordinary state school to a designated character school under section 154A of the Act;

f. agree to initiate consultation under section 157 of the Act on a possible recapitulation of Finlayson Park School from a Year 1-6 school to a Year 1-8 school, under section 150 of the Act;

g. note that an alternative letter will be developed for your signature;
AND IN EITHER CASE

h. agree that this education report be proactively released when a final decision is made. Any information that might need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Katrina Casey
Deputy Secretary
Sector Enablement and Support
3.12.2019

[Signature]

Hon Chris Hipkins
Minister of Education

[Signature]

17.12.19
Background

1. Finalyson Park School is a decile 1, Year 1–6, state primary school, located in Manurewa Auckland. The school’s 1 July 2018 roll was 1022 students, of which 44% were Māori, 49.3% Pasifika, 5.3% Asian, 0.9% Pākehā and 0.5% other. Its July 2019 roll was 951 students.

2. The school operates several language pathways for its students. The following have been classified as special programmes under its enrolment scheme.

   - Māori Level 1 full immersion unit. The Te Huringa unit was established in 1989 and offers immersion education for Year 1–8 students.
   - Bilingual Māori unit. Te Roopu Reo Rua unit opened in 1998 and offers bilingual Māori education for Year 1 – 8 students.
   - Bilingual Samoan unit. The O Le Taiala unit opened in 1996. It offers total immersion Samoan for students in Years 1–3 and then teaches bilingually from Years 4 to 8.
   - Tongan Bilingual unit. The Sia Mo’ui Unit was established in 2011.

3. A Kiribati unit has also recently been developed to offer bilingual provision for children through this language. At present this is not operating as an approved special programme under the Finalyson Park School enrolment scheme. We note that there is no local pathway for this language provision into Year 7 or secondary schooling.

4. Provision in English is through its Ngā Hau e Wha pathway and since 2013 Mandarin as a language has been taught. Approximately half the student population is enrolled in this programme.

5. The school has permission to retain Year 7–8 students within the Māori Level 1 full immersion unit, the bilingual Māori unit and the bilingual Samoan unit. No permission has been given for retention of Year 7–8 students in the Tongan bilingual unit, however our data for students in this unit indicates that the school is also retaining these students.

6. The school’s philosophy strongly supports the nurturing of languages, particularly first languages.

Legislative requirements

Redesignation

7. Under section 154A of the Education Act 1989 (the Act), you have discretion to redesignate an existing state school as a designated character school.

8. For a designated character to be assigned to the school it must meet the requirements in section 156(4) of the Act. These are the same as for establishing a new designated character school. The three key requirements are that:

   a. the designated character school will have a character that is different from the character of ordinary state schools

   b. it is desirable for students (whose parents wish them to do so) to get such an education

   c. students at the school will get education of a kind that differs significantly from the education they would receive at an ordinary state school.

Change of year levels

10. Under section 150(1) of the Act you may, from time to time, determine which primary schools are to be contributing primary schools. If you agree that a primary school cease to be a contributing primary school (i.e. that it recapitate to a Year 1-8 full primary as requested by the board) you can effect this by giving written notice to the board under section 150(2) of the Act.

11. Before making such a change you must undertake consultation under section 157(3)(c) of the Act.

No consultation required under section 157 unless you intend to make changes

12. You are not required to undertake either consultation if you decide not to approve the respective changes.

Proposal to re-designate as a designated character school and to recapitate

13. We have received a proposal from the Board of Trustees of Finlayson Park School to change the designation of its school from an ordinary state school to become a designated character school.

14. As well as proposing a designated character, the application is also for the school to change the year levels that it offers to become a Year 1–8 full primary school. If approved it would mean that all students could legally be retained through to Year 8, not just those in the existing special programmes.

Purpose of the application

15. The primary purpose stated in the application is to safeguard the school’s current character. The board cites the demise of the bilingual units at Richmond Road School following a change in principal and board (along with similar losses of provision at other schools) as the basis for its concerns. The board also identifies a number of other schools that have lost bilingual units in this way.

Designated character

16. The intention of the application is to formalise the existing education philosophy that the school provides through its range of first language learning opportunities and programmes. This philosophy includes a strong bicultural and bilingual foundation within the school.

17. The school’s philosophy is to nurture languages for all ethnicities, particularly in Māori, Samoan and Tongan. Defined pathways for teaching and learning in these languages at primary school level have been an integral feature of the school as a result of strong parent and community support and involvement since 1989.

18. The proposed designated character for the school includes a holistic approach to teaching and learning. The learning programmes reflect the aspirations and values of the community. Students’ home languages, cultures and identity are affirmed and the school curriculum draws on contexts that are culturally relevant.
19. Finlayson Park School is one of the key schools in the wider Auckland school network that nurtures first language learners. However there are other schools that also run immersion and bilingual language programmes, and Finlayson Park School is not significantly different in this regard.

20. The school gives equal status to the English-based New Zealand Curriculum, and the Māori curriculum, Te Mātauranga o Aotearoa. The curriculum strongly affirms the identity of Māori and Pacific learners. Both the Māori immersion and bilingual units enable Māori students to succeed as Māori.

The statutory requirements

21. The application is to formalise the existing special character, “uniquely offering a variety of First Language Learning opportunities and programmes. With a strong bicultural and bilingual foundation in adherence to Te Tiriti of Waitangi, the school’s distinctive philosophy is to nurture languages for all ethnicities, specifically in these languages: Māori, Samoan and Tongan. Special pathways for learning and teaching in these languages have been an integral feature of the school as a result of strong parent support and community support and involvement since 1989.”

22. This definition only applies to the special programmes, which account for just over half the student population. It does not, and cannot, apply to the English medium unit, which operates largely as an ordinary state school would, meeting the needs of parents who do not seek the special character of the school’s bilingual programmes.

23. To the extent that students in the English medium unit experience a multicultural and/or multilingual environment within the wider school setting, this is common throughout Auckland schools, and particularly South Auckland schools. This would tend to indicate the education is not of a kind that differs significantly from that at other ordinary state schools.

24. Moreover, the specified focus is on the special programme provision, within the wider school. Many schools have immersion or bilingual programmes, some for more than one language. If Finlayson Park School were to be approved as a designated character school on this basis, any school offering a language immersion unit could qualify for designated character status.

25. This is not the purpose of the legislation. To meet the statutory criteria for designation as a designated character school, the identified “different character” must apply to the school as a whole. If it did not the requirement that “students at the school will get an education of a kind that differs significantly from the education they would get at an ordinary State school” could potentially only apply to some students, not all. That would make designated character status meaningless, as such a school could potentially be no different from an ordinary state school offering an immersion or bilingual programme.

26. Accordingly, we do not consider that the proposed designated character meets the criteria set out in section 156 of the Act.

27. We are also concerned that, if this application were approved, it would set a precedent for every school that operates a bilingual or immersion unit.
28. Further, should approval be given for a change to designated character, the school would operate under an overall maximum roll. The board would need to manage its language pathways very closely as it might restrict the number of local children that could be enrolled. This would in turn undermine the philosophy of the school to serve the local community. If local families did not want to enrol at Finlayson Park they would have to enrol at other local schools, most of which have enrolment schemes, hence there is no guarantee they could do so. Cabinet Guidelines require that there must be an ordinary state school that students can attend if their parents do not agree with the designated character of the proposed school.

Perceived risk to the special programmes
29. The board cites the demise of the bilingual unit at Richmond Road School following a change in principal and board as the primary basis of its concerns that without designated character status the same could happen at Finlayson Park School. However this could also happen with designated character status as any new board, after engaging with its school community, would be free to request a change to, or removal of, the designated character.

30. There were other factors at Richmond Road School that led to the discontinuation of its bilingual unit, which do not apply to Finlayson Park School.

Alternative approach
31. Finlayson Park School’s special programmes are an intrinsic part of its character, rather than being a minor part. They account for around half its total roll. Accordingly we consider there to be a very low risk that a new board would attempt to disband them. Moreover, as doing so would require a significant amendment to the school’s enrolment scheme it would require thorough public consultation and the Ministry’s approval, before such a change could be made.

32. The philosophy of the school is supported by the Ministry, however we consider that re-designation of the school is not the only means to preserve this (if it met the statutory requirements for designation).

33. The existing use of the special programme component of enrolment scheme legislation enables the school to provide language programmes. For these programmes to change there is a set process that involves community consultation and approval from the Ministry.

34. We consider that this legislative process ensures that the philosophy of the school to nurture languages for all ethnicities, particularly in Māori, Samoan and Tongan is protected, as long as the community the school serves supports this approach.

Impact on the schooling network
35. The school has operated an enrolment scheme since May 2010. The scheme includes four language pathways as special programmes. These special programmes enable the school to draw from the wider Manurewa local board area (which is wider than its home zone).
36. All of the language programmes recognised through the enrolment scheme have set maximum rolls (equal to the property capacity). These rolls have been set in conjunction with the school, based on demand for the provision and the optimum roll outlined in the enrolment scheme. The rolls that have been agreed are:

- Māori Bilingual Special Programme (Te Huranga) 240 students
- Māori Immersion Special Programme (Te Huranga) 170 students
- Samoan Immersion/Bilingual Language Unit (O Le Taiala) 230 Students
- Tongan Bilingual Language Programme (Sia Mo‘ui) 100 students

37. As at March 2019, approximately half of the students attending Finlayson Park School resided within the school’s enrolment scheme home zone. Of these students approximately half attended one of the above special programmes that the school offers. Approximately 400 students who attend Finlayson Park School live outside the school’s home zone but within the wider Manurewa area from which its special programmes draw students.

38. In 2019 there were about 400 students not enrolled in the special programmes at Finalyson Park School. These students learn through English medium.

39. Finlayson Park School has approval for Year 7–8 retention for students within three of its four special programmes. Analysis shows that approximately 50% of Year 7–8 students within the home zone were retained for English medium education (which the school cannot legally do).

40. The school is also retaining Year 7 – 8 students in its Tongan unit.

41. Concern has been raised by other schools within the network that Finlayson Park School has been retaining Year 7–8 students throughout its programmes rather than just those students in the approved special programmes. This concern includes the impact that this is having on the wider network of schools as these (approximately 100) Year 7 – 8 students should be transitioning into the existing intermediate network.

42. There are three intermediate schools within the network: Manurewa Intermediate, Waimahia Intermediate and Greenmeadows Intermediate. The impact of the retention of students can be seen in the roll of Waimahia Intermediate. Waimahia Intermediate currently operates with a large surplus of student places.

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<th>Table 1: Manurewa area intermediate schools - July rolls</th>
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<tr>
<td>Manurewa Intermediate</td>
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<td>Waimahia Intermediate</td>
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<td>Greenmeadows Intermediate</td>
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43. In 2015, the Manurewa area was part of a pathway review to ensure that the Manurewa schooling network provided effective educational outcomes and was viable into the future. At that time it was proposed that no changes would be made to this network and that an emphasis would be placed on strengthening language provision at other schools – particularly Waimahia Intermediate.

44. We consider that the application for recapitation should not be supported. This is due to the findings of the pathway review and the ongoing need for Finlayson Park School to transition its Year 7 – 8 students that are not approved to be retained into the existing network of intermediate schools.
Language provision

45. There is currently provision for Tongan language learning at three other schools in Manurewa. These are Hillpark School, Roscommon School and Rowendale School.

46. We propose that we work with Finlayson Park School to formalise its Tongan language programme so that retention of its Years 7 – 8 students in its Tongan unit is legal.

47. Within Manurewa there is also provision for Māori immersion education at Roscommon School, Te Kura Akonga O Manurewa, TKKM o Manurewa and Wiri Central School.

48. Bilingual Māori Medium education in Manurewa is also provided for at Clendon Park School, Homai School, Manurewa East School and Weymouth School.

49. Samoan language learning is offered in Manurewa at Clendon Park School, Roscommon School, Te Matauranga, Waimahia Intermediate School and Wiri Central School, as well as at Finlayson Park School.

50. There is a need to strengthen language learning pathways for Year 7 and 8 students within the intermediate network and the Ministry will continue to work with schools regarding this.

Property implications

51. Finlayson Park School is situated on a 2.4ha site in Manurewa. All buildings are predominantly single level relocatable buildings, with the exception of Te Huringa (Māori Medium) which is a two storey permanent block.

52. The site is fully congested with school buildings. In the 2017 Demand Analysis Report there were 42 teaching spaces counted, providing accommodation for approximately 904 students. With an October 2019 (provisional) roll of 982 students the school was operating at 109% of its current capacity, creating a deficit of 78 student spaces.

53. Five roll growth classrooms have been allocated to the school through Budget 2019. These will bring the number of classrooms up to 47. These classrooms will be delivered over a four year timeframe and will bring the capacity of the school to 1140 students.

54. Before the school receives these teaching spaces we will work with the school to ensure it regularises its enrolment practices so that the additional spaces are used within its approved year levels.

55. The maximum rolls for the language programmes offered by the school will help ensure that there is sufficient property provision going forward.

Managing the school roll

56. As a designated character school the school would have a set maximum roll. This would apply to the total roll. There are currently individual roll caps for the special programmes. This would effectively set a default cap for the English medium unit, although this could potentially be exceeded if there was reduced demand in any of the special programmes.
57. As an ordinary state school there would be no overall roll cap, but the individual special programme roll caps would remain. The overall roll of the school would need to continue to be managed through its enrolment scheme.

Financial implications

58. If approved, the application to become a designated character school and recapitation will not result in any immediate costs to the Crown, as we would set the maximum roll at the current property capacity. However, if any future increase in maximum roll were unavoidable, through in-zone growth, it would require funding to implement a multilevel solution.

Initial engagement

59. We have initially engaged with 15 schools regarding the application. One response was received. Te Matauranga replied in support of the application.

60. Finlayson Park School also consulted with its own community regarding the application. The application notes that the school received written feedback from 500 of its 600 families. Of these, 483 families supported that application and 11 did not.

Ministry comment

61. The Manurewa pathway review saw this area undergo two rounds of consultation on proposed changes to the schooling network and the challenges and opportunities presenting in this network. It is possible that schools did not respond to the engagement opportunity because they might have felt that the review consultation and the robust discussions at the time meant their views had already been heard. The final outcome recommended that no changes to the schooling network be made. This was based on community feedback.

62. Finlayson Park School board representatives and the school community strongly support the school's education philosophy and the application for re-designation. The Ministry also supports the school's philosophy but suggests that the programmes and philosophy can be maintained and extended using the existing special programme provisions.

Risks and Mitigations

63. If the application is approved, there is a high risk that the change would be seen to undermine the work done and the agreement that was reached during the Manurewa pathway review. At that time it was proposed that no changes would be made to the network of which Finlayson Park School is a part.

64. It is likely that, if approved, other schools within this network will apply to change the structure of their schools. Applications for structural changes were received prior to the pathway review and were the catalyst for the review.

65. Alongside undermining the pathway review outcome, if this application were approved there would likely be a further negative impact on the roll of Waimahia Intermediate School. The school has had a declining roll since 2009 when it had 463 students, with the roll stabilising around 200 students in recent years. The July 2019 (provisional) roll was 188 students.
66. The decline at Waimahia Intermediate is in part due to the number of Year 7-8 students being retained in neighbouring Year 1-6 schools for bilingual language provision.

67. It is likely that the board and community of Finlayson Park School would be disappointed by a decision to decline the application. However, it is considered that the school's character is able to be preserved via the operation of the special programme component of its enrolment scheme. The school is able to retain Year 7-8 students that are enrolled in the units it has permission to retain for. Students in Year 7-8 that are in the English medium unit should be transitioning into the existing network of intermediate schools.

Conclusion

68. We consider that consultation on the application for recapitulation and for the re-designation of Finlayson Park School as a designated character school should be declined for the following reasons:

- Should the application for Finlayson Park to change to a Year 1-8 school be approved it would negatively impact the network of schools.

- In particular, there would likely be a further negative impact on the roll of Waimahia Intermediate School.

- This network has been the subject of a pathway review, whereby the finding was to retain the current structure of contributing primary schools and Year 7-8 schooling provision through the current intermediate schools. The other outcome was the need to strengthen language provision at other schools within the network.

- The proposed designated character does not meet the criteria in section 156 of the Act.

- Re-designation would set a precedent for other schools with bilingual units.

- The application to become a designated character school is based on the school's wish to preserve its language pathways. We consider that the schooling pathways offered at Finlayson Park School are able to be preserved via the enrolment scheme legislation. Each of the language programs recognised by the enrolment scheme has a maximum roll, which will ensure that it has sufficient property. The programmes cannot be disestablished by a future board without community consultation and the agreement of the Secretary for Education, as such would be a non-minor amendment to the school's enrolment scheme.

- Redesignating the school as a designated character school would not protect its language pathways as a future board could seek to have the school's designated character removed or changed, just as this board is seeking to have it implemented.

Next Steps

69. If you agree to decline the application you are asked to sign the attached letter to the board chairperson (See Annex 1).

70. We will continue to work with Finlayson Park School to clarify that it should only retain Year 7-8 students from its special programmes. This will include formalising the retention of Year 7-8 students in its Tongan unit.
71. If you wish to consult on the proposals we will provide an alternative letter for your signature.

Proactive Release

72. We recommend that this Education Report be proactively released as per your expectation that information be released as soon as possible. Any information that might need to be withheld will be done so in line with the provisions of the Official Information Act 1982.