

# Submission on the Update of the Education Act

This submission is from the Research team at the New Zealand Council for Educational Research (NZCER). It does not necessarily represent the views of our whole organisation. For further inquiries, contact Jacky Burgon, General Manager, Research and Development.

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## Introduction

The New Zealand Council for Educational Research (NZCER) is an independent research and development organisation. We undertake research and evaluation, and produce evidence-based products and services for schools and the wider education sector. NZCER is a statutory body with its own Act of Parliament and a rich heritage of educational research in this country from our foundation in 1934. We aim to tackle education issues of national significance and to contribute new insights to those issues at both the policy and practice level. We work closely with schools, educators at all levels and with education sector groups.

Our organisation's purpose is to improve education by providing knowledge, advice and resources. We have particular expertise in curriculum, assessment, school leadership and governance, and future-focused education. We have drawn on this expertise to respond to the discussion document. We would welcome the opportunity to meet with the Ministry of Education team undertaking this fundamental work to discuss our comments. This would be an opportunity for the Ministry to draw on our extensive knowledge of the use of assessment to improve student and school performance, and what is needed to improve school and system performance.

The Minister's foreword makes it clear much is expected of this update of the Education Act. It is to shape "what happens in our classrooms and what skills our children take out into the world with them." The discussion document "outlines a number of proposals for raising educational achievement." This means any changes to the Education Act should reflect good evidence about what does raise educational achievement and the quality of schools.

This submission is from the research group at NZCER and is based on what we know about the likely effectiveness of the suggested changes.

## Making sure everyone knows the goals for education

- i. The Education Act should include a short statement of shared purpose for education.
- ii. We recommend that this statement uses the vision in the New Zealand Curriculum, for two reasons.
  - a) The New Zealand Curriculum has been well-accepted by educators, business, and the public. The New Zealand Curriculum goals are ones that enable our education system to focus on the dispositions that can ensure students leave school equipped with the communication, problem-solving and strategic learning skills they need in a fast-changing economy and society, as well as literacy and mathematics skills, and the knowledge they need about our physical and social worlds.

NZCER research found that working with the New Zealand Curriculum led to schools improving their ability to provide student-centred learning (Hipkins, Bolstad, Boyd & McDowall 2014, Hipkins & Cowie et al, 2011, Wylie 2014).

- b) Including the New Zealand Curriculum goals in the Education Act would help provide much needed coherence in our education system. The reverse also applies: if the goals for education included in the update of the Education Act are not those of the New Zealand Curriculum, then the result will be confusion, with time lost as schools try to figure out what is expected of them. We have lost enough time as it is in our education system through a lack of coherence and connection (Wylie 2012).

- iii. Our research and that of others also show that it is not enough to know goals to realise them. Schools have not been sufficiently supported to make the most of the New Zealand Curriculum (Wylie 2014). If the New Zealand Curriculum goals are given the centrality they should have through inclusion in the Education Act, then there also needs to be greater coherence with other parts of the education system that are not included in the Act. The ability of the Act to achieve what is hoped for it by the Government will be very limited without this coherence.

## Establishing national priorities

- i. We would expect that the Education Act would include statements about the adherence of state-funded schools to Te Tiriti o Waitangi; and the Human Rights Act, making it clear that all children have access to good quality education in our schools, including those with special needs. These are enduring national priorities.

However we do not recommend including specific achievement targets in the Education Act, for a number of reasons.

- ii. We do not see that including specific priorities in the Education Act will achieve the aim of improving performance over and above the improvements to planning and reporting that are recommended in the discussion document, which we support.
- iii. We would particularly recommend against defining priorities in the form of specified student performance targets like the United States No Child Left Behind legislation. These targets have not been achieved, and not just because they were not feasible within a very short time frame. They appear to have narrowed educational experiences without reducing the ethnic and socio-economic gaps in educational engagement and achievement which was one of their intentions (Nichols, Glaass & Berliner 2012, Reardon, Greenberg, Kalogrides, Shore & Valentino 2013, Strauss 2015). The ‘high stakes’ use of school achievement data against targets has not improved the quality of schools, since it was not accompanied by sufficient measures to tackle the variation between schools in terms of the quality of teaching and learning (Welner & Mathis 2015). Making priorities into high stakes targets in legislation has not been an effective strategy.
- iv. Measures that are used for accountability or status purposes will focus schools’ attention, but not to the benefit of all students. Systems with defined performance levels that decide whether a school will be defined as ‘coasting’ or ‘failing’ for example, have seen gaming behaviour that favours students just below the acceptable level, as compared with those with existing high or low levels of performance. High stakes measures can provide skewed results when used for assessing school progress/value add (Bryk et al 2010) Value-added approaches have proved problematic, particularly when used to make high-stakes judgements of individual schools or individual leaders and teachers, because often the measures available for easy (if not always affordable) use are not valid or reliable (AERA 2015, Berliner 2014, *Educational Researcher* 44 (2), 2015). Systems that have taken such approaches, such as the USA and England, do not show any system-wide gains as a result.
- v. It is also crucial to note that currently we cannot measure all the aspects of student performance that matter. Some, but not all aspects of student performance towards the goals for education given in the New Zealand Curriculum can be measured. The National Standards are limited to reading, writing, and mathematics. The National Monitoring study is extending the measures we have. Yet these do not cover all aspects of the skills and knowledge we need children of this age to be acquiring. ‘Soft skills’ – the key competencies – have been shown in longitudinal studies to make significant contributions to

student outcomes (Heckman & Kautz 2014, 2010, Olsson, McGee, Nada-Raja & Williams, 2012). Of two students achieving at the same level in reading and maths in early adolescence, for example, it will be the student with higher levels of key competencies who will later do better in school qualifications (Wylie & Hodgen 2011).

- vi. Substantial work would be needed to develop robust measures of the other curriculum areas, and to show what progress over time looks like, particularly since progress does not always follow a linear path (growth of knowledge and skills is not measurable in the same way as the growth of a tree).
- vii. These measures would also need to be contextual. Digital technology allowing comparisons of student performance over time offers promise here, but as yet we do not have – anywhere in the world – robust frameworks to measure progress for a child on some of our key curriculum goals (Duckworth & Yeager 2015).

## A process to set national priorities

- viii. It could be useful to include in the Education Act a process to set national priorities for the system as a whole that bring all the parts of the New Zealand education system together. This would show that while the Education Act is focused on schools, they are part of a national system that should be more interactive and working in partnership than it has been, to achieve continual development of student learning and improvement of student achievement.
- ix. For example, if these priorities are related to social groups who have underachieved historically, such as the priority students given prominence in current school reporting requirements, then the practices and structures which are associated with what is known about how best to improve their educational opportunities would need to be addressed at the same time. NZCER national surveys show that specifying the reporting of achievement of Māori, Pasifika, and students with special needs in school annual reports has raised schools' attention to these students, but our surveys also show that many schools are struggling to understand how they can improve their practice for these students.
- x. A good process to set national priorities would involve a regular review of evidence about the quality of learning and achievement, and progress towards the improvement of achievement for the social groups who currently underachieve. It would analyse evidence for students from schools and the national monitoring of educational achievement data. It would put that alongside other evidence about the contributors to student quality and progress, such as: how well teaching uses inquiry to improve, how well schools are engaging parents and whānau in their children's learning, how engaged students are in school and learning, and how supported schools are to keep developing. It would identify schools and areas making particular progress, to distil and share their approaches. Such a process would be transparent, develop and use trust, and build the kind of 'learning system' that New Zealand needs if we are to make real progress.

## Supporting boards to focus on what's important

### Board responsibilities and roles

- i. Much of what is included in the outline of board roles and responsibilities is what boards are already doing or trying to do.

- ii. Asking boards to have the role of ‘ensuring all learners reach their highest possible standard of educational achievement’ is asking them to take on something which cannot be reasonably evaluated. Who knows where the final point of learning is for any single student?
- iii. NZCER national surveys show that trustees identify their key role as setting the school’s strategic direction, followed by supporting the principal and staff, and representing parents in the school. They are least likely to identify their being an agent of government or representing government interests as a key element in their role. Thus the specification of roles and responsibilities in the updated Education Act needs some careful thought.

New Zealand is rare in its dependence on voluntary school boards to make decisions that impact substantially on the quality of individual schools. While principals are generally positive about their boards, our national surveys show that 48 percent of primary principals (2013) and 34 percent of secondary principals (2015) thought that their board required a lot of support from the principal and school management. There are also ongoing tensions between governance and management that can distract adults from the focus on students. Our dependence on school boards makes it harder to provide school leadership with the support and challenge it needs from those who have educational and system knowledge. One of our chief researchers has made a strong case that we do not need boards to employ principals. Instead we need better linkages with the Ministry of Education through stronger districts employing and working with school leaders. The opportunity costs of our fragmented education administration have been too high (Wylie 2012).

- iv. Working with other boards and education services is a new expectation. It is a real – and welcome – departure from the inward-looking focus of schools and their competition for students that has marred the period since the passing of the 1989 Education Act. It is not clear to us how the update will enable boards to carry out this new role and their existing roles more coherently or capably. Would these roles be included in board self-review, and their annual report to community and the Ministry of Education?

## Planning and reporting

- v. Improvements to planning and reporting processes and cycles are timely, as the Taskforce on Regulations Affecting School Performance made clear. Strategic planning needs to provide momentum forward, rather than be the compliance exercise it has too often been.
- vi. Schools are more often using student engagement and achievement data in their planning and reporting. However we have seen in various research projects and in our advisory support to school leaders and school clusters that New Zealand schools (like many in the world) are a long way off gaining the data analysis capability that is needed if we are to use student engagement and achievement data to improve learning. Simply including expectations of boards (schools) in legislation will not suffice to bring about the substantial change that is needed.

## The development of robust indicators and measures

- vii. We see some advantages in schools having more consistent approaches to reporting so that the metrics they use are valid and consistent across time.
- viii. However, we would recommend that any reference to nationally consistent measures and indicators in the update to the Education Act be at a high level only, so that they can be developed properly.

- ix. The development of school performance indicators and measures is a substantial piece of work that cannot be achieved within the timeframe for the update of the Education Act. It should be undertaken by a working group that brings together educators, researchers, assessment experts, the Ministry of Education (policy and district staff), ERO and Educanz.
- x. Such a working group would need to consider the recently developed ERO School Evaluation Indicators (based on research about effective leadership, teaching and learning, engagement of parents and whānau in their children’s learning and governance), current and desirable measures of student progress and achievement, and student engagement and wellbeing. It would need to consider what measures and indicators are valid for Māori-medium education. It would need to consider evidence from the experience of other countries, particularly looking for evidence around the effectiveness of such approaches to improve student learning and progress, and the contexts and conditions in which such indicators work well. It is unlikely that a high-stakes context will achieve the desired aim of improving student learning. The results of such work would need trialling to ensure the outcome is workable within existing resources, and supports schools to keep improving in a valid way.

### Giving schools doing well additional freedom

- xi. We do not recommend giving schools that are doing well additional freedoms and decision-making rights, for these reasons:
  - a) This would imply that a framework set up to support continual improvement is undesirable – that the Education Act is actually only about compliance, or high stakes judgements. This would really undermine its purpose. An update of the Education Act provides an important opportunity to show that we are a single education system, serving the national good, and to assert each school as both contributor and beneficiary of belonging to a strong learning system.
  - b) New Zealand’s problem is not over-centralisation. The problem is one of too much autonomy, and lack of connection to keep strengthening practice: this is one of the core issues that the government’s Investing in Educational Success policy is tackling. Giving some schools more autonomy could well undermine and distract from the implementation of this policy, and the collaborative work that is needed to reset the system.
  - c) Schools that are doing well do not necessarily continue on the same trajectory. Only 56 percent of the schools assessed at ERO’s highest level, the 4–5 year return between 2012–2015 remained at that level when they were reviewed again (ERO 2015, p. 18).
  - d) What kinds of freedoms and decision-making rights are envisaged? What do we know about the evidence base for their effectiveness? There is very mixed evidence from overseas about the effectiveness of giving schools ‘freedom’ from national legislation, in terms of improvements in educational performance at the individual schools, and the consequences for educational provision around them. Giving individual schools greater freedom is not an effective policy lever to lift system performance overall or close the gaps we wish to close.
  - e) What could really lift our educational performance is designing the frameworks for reporting and support in such a way as we recommend, so that the update of the Education Act is truly enabling.

## **Enabling collaboration, flexibility & innovation**

- i. Having a common purpose and trust is most likely to encourage school boards to work together. Again, what would be useful is to think of the Education Act update as something that enables continual improvement and development, rather than being constraining or overly focused on compliance. What legislation currently prevents boards from sharing knowledge or resources? We think the barriers may not be legislative, but the absence of purpose for sharing and support to share, and examples of what can be gained. Positive experience through Communities of Learning over the next few years could be what is needed to raise awareness of realistic ways to widen individual school board horizons.
- ii. Flexibility to take new entrants as a group rather than individually raises the question of the alignment of this new approach with local ECE provision, so that children can remain in ECE past their fifth birthday if the school or kura they are going to uses cohort entry. Also to be considered is how far before a child's fifth birthday they could be taken within a cohort. Some guidelines around this would be essential.
- iii. There is no clear evidence about whether individual or cohort entry is better for individual children and their peers. We think system improvement will come from greater use of well-framed inquiry, so we would recommend that schools that move to cohort entry evaluate its effects on transition and subsequent progress through school. One way for the system to learn from this move – and others like it – could be for schools and kura trying new approaches to be connected through 'evaluation hubs', working with evaluators who can support identification of valid measures and the use of data to track student engagement, wellbeing, and progress over time.
- iv. In principle, it makes sense for school and kura attendance to be compulsory from the age of starting school. However, it raised for us the question of how schools and kura currently use the legislation as a lever where they have concerns about irregular or poor attendance. It brings home the importance of ensuring coherence between the Education Act update and the advice and support available to schools and kura. It would be useful if we had available good evidence of the strategies used by schools and kura who have successfully worked with parents and whānau to overcome irregular student attendance so that the use of the legislation is very much last resort.

## **Making every school and kura a great one**

- i. Schools and kura cannot become effective or sustain their effectiveness working in isolation, or without being part of coherent systems. The discussion document obliquely addresses the current limits on the government's powers to work with a school where there are concerns. These limits come from the autonomy given to self-managed schools. In effective systems elsewhere, it is easier for those ultimately responsible for an area's education to work with schools. They employ the principals and interact with them on a regular basis, looking at the progress of the school and issues arising (Wylie 2007). It is this relationship that needs attention, so that issues can be picked up and worked on with the school before they reach the level of needing statutory interventions. The planning and reporting framework can be used this way, if the Ministry of Education has the knowledgeable staff needed in the numbers needed. Other supports that would address these issues in a more timely way include ensuring easy access to well-founded advice and networks. There is promise in the new principal

advisory positions which are able to connect isolated or struggling school leaders with really useful and timely knowledge (Burgon & Stevens 2015).

- ii. The outcomes of the Ministry and Sector Working Group's review of statutory interventions in state schools and state integrated schools (2014) are also germane to the update of the Education Act.
- iii. Any triggers for additional Ministry of Education attention before statutory intervention should be valid, and the action that follows include coherent and aligned support rather than simply an improvement notice. The aim should not be to 'blame and shame' through a publically notified act or one that could be used to cast doubt on a school, but to ensure that there is a clear process for improvement with realistic timeframes before the more public invoking of statutory intervention.

## **Making best use of local education provision**

- i. We agree that our system is currently limited in its ability to ensure that the provision of state-funded compulsory education in an area matches the needs of its students, and that all students can access a school that is believed to be of good quality. The social segregation of students has increased under the current system over time, making it harder for those schools and kura serving students from low-income homes. It also makes our system less efficient because we do not get the gains for students that come from having fair socio-economic mix in our schools and kura (Schmidt et al 2015).
- ii. We agree with the need to develop strategies for local areas, and national principles for decisions affecting the supply of schools and kura. Part of the ability to ensure a match between provision of state-funded education and student needs depends on decisions on enrolment schemes. We also see the need for the Ministry to play a more active role in the setting of zones in an area to counter or at least temper some of the social stratification that our system has allowed. The Ministry also needs to lead the work on area strategies, independent of political influence on decisions in local areas. It should do so working with stakeholders from the area that include, but are not limited to, schools and kura.
- iii. Again we recommend a national working group to create a set of national principles, so that these principles will be well-grounded and backed. Such an approach would considerably support the ability of district Ministry of Education staff to develop viable area strategies with stakeholders. One way to test draft principles would be to model the difference they would make in the short and long term, to a group of different areas.
- iv. We would underline again the importance of ongoing relationships, the development of trust, and regular review so that the process of looking at local education provision is seen as an ongoing part of our education system; and so that people feel included and able to take some ownership of it.

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