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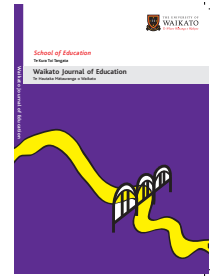
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Unpacking the initial development of New Zealand's charter schools

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Abstract

One of the National-led Government's main educational reforms has been the development of charter schools, which they chose to call Partnership Schools/Kura Hourua. This article concentrates on the initial development of the New Zealand charter school model from December 2011 to September 2013. It looks at the coalition agreement, Cabinet papers, officials' advice from the Ministry of Education and Treasury and responses to requests under the Official Information Act. The article also looks briefly at the international context and how the international discourses of choice underpinning charter schools have been translated and taken up in New Zealand. Despite being small in number, the development of New Zealand charter schools has been highly contentious, both because of the international experience with charter schools and the questionable ways in which the New Zealand model of charter schools initially took shape and was implemented over subsequent years. Overall, the article questions whether there was any genuine evidence to support the introduction of the charter school concept into the New Zealand school system.

Keywords

Charter schools; partnership schools; New Zealand

Introduction

One of the National-led Government's main educational reforms has been the development of charter schools, which they chose to call Partnership Schools/Kura Hourua. These began in the second term (2011–2014) signalled by the National/ACT Party Confidence and Supply Agreement of December 2011 (National Party & ACT Party, 2011). The framework was presented to Cabinet in July 2012, the funding model in February 2013, the enabling changes to the Education Act were passed in June 2013 and the first schools were announced in September 2013. By 2017 11 schools had been authorised over the first three rounds with one, Te Kura Hourua Ki Whangaruru, having already been shut down. Several more are expected to be authorised under rounds four and five, so as to open over 2018–2019.

This article concentrates on the initial development of the New Zealand charter school model from December 2011 to September 2013. It looks at the coalition agreement, Cabinet papers, officials'



advice from the Ministry of Education and Treasury and responses to requests under the Official Information Act. The article also looks briefly at the international context and how the international discourses of choice underpinning charter schools have been translated and taken up in New Zealand. Another article by the author will cover the three year period of ‘implementation’ (2014 to 2016) for the First and Second round schools.

Despite being small in number, the development of charter schools has been highly contentious, both because of the international experience with charter schools and the questionable ways in which the New Zealand model of charter schools initially took shape and was implemented over subsequent years. This article questions whether there was any genuine evidence to support the introduction of the charter school concept into the New Zealand school system. In the absence of evidence, what arguments were being used by advocates to support the introduction of charter schools? The article also asks why charter schools became the preferred model to pursue, rather than any other form of market model or privatisation.

The background to the 2011 Coalition agreement

As part of its coalition agreements with its support partners following the 2008 election, National had agreed “to increase the educational choices available to parents and pupils” in its agreement with ACT (Roy, 2009). During the 2008–2011 term a three-party working group, comprising representatives from National, ACT and the Māori¹ Party was formed to “consider and report on policy options relating to the funding and regulation of schools that will increase parental choice and school autonomy” (Roy, 2010). The National Party members included Hekia Parata, who would later, as Minister of Education, bring in the charter school reforms. The working group produced a report known as ‘Step Change’ (Roy, Parata, & Flavell, 2010). *Step Change* cited the experiences of United States charter schools, England’s academies and Sweden’s free schools. It set out four main principles:

- Choice for students to develop a personal learning plan and for them to choose a learning provider who will meet their needs, interests and goals.
- Flexibility for providers to expand and find staff, curricula and pedagogies that match student needs.
- Quality that is reflected in school leadership, teaching, content and student performance outcomes.
- Accountability that sees providers measured by outcomes pertaining to student success and satisfaction. (Roy et al., 2010)

Step Change focused on the poorest performing 20 percent of students and the top performing 5 percent of students. Accompanying this report was a minority report, “Free To Learn” (Roy & Douglas, 2010). This was issued solely by the ACT Party members of the working group, Heather Roy and Sir Roger Douglas and shared the main concerns of *Step Change*. But in line with the stronger emphasis of ACT on neoliberal ‘choice’ policies in education, it argued that the recommendations would have greater impact if they applied to all New Zealand students.

A Massey University paper on charter schools contains an in-depth discussion of both reports (Massey Education Policy Response Group, 2012). As the Massey Group report noted, these two reports had few noticeable effects in community or policy discourses and on the surface nothing was done to advance either during National’s first term.

¹ Māori refers to the indigenous people of New Zealand.

The 2011 National/ACT Party Confidence and Supply Agreement

For New Zealand's 2011 general election, no political party explicitly proposed charter schools in its education manifesto. The ACT Party advocated for increasing the subsidies for private schools, more Aspire Scholarships for underprivileged children and increasing the autonomy that local principals and staff have in running their schools but did not mention charter schools (ACT, 2011). Given this, it was surprising in some ways that the National/ACT Party Confidence and Supply Agreement of December 2011 set out the intention to implement a charter school system. The agreement (National Party & ACT Party, 2011) stated that the parties had agreed to implement a system, enabled under either sections 155 (Kura Kaupapa Māori) or 156 (designated character schools), or another section if appropriate, of the Education Act, whereby school charters could be allocated in areas where educational underachievement is most entrenched. An annex to the agreement set out further details including the following:

- The proposed charter school system is targeted at lifting educational achievement in low decile areas and disadvantaged communities where educational underperformance has become the norm.
- It is designed to provide greater flexibility in governance and management, including the ability to attract top quality teachers, prepare and inspire children to achieve their potential and be accountable for doing so, and to better meet the particular needs of local communities.
- Initially the system will be implemented in areas such as South Auckland and central/eastern areas of Christchurch. Once successfully established, and as fiscal conditions permit, the system would be extended to other areas of low educational performance.
- The approach is modelled on successful international examples such as the KIPP schools in the US and to some extent on the system of “free” schools currently being introduced in the UK. (National Party & ACT Party, 2011, p. 7)

The agreement proposed an implementation group comprising a private sector chair, and private sector, business, iwi (indigenous peoples extended tribe) and community representatives along with government officials to develop the proposal. On the subject of funding, there was only one brief comment, that [p]ublic funding would continue to be on a per-child basis (National Party & ACT Party, 2011, p. 3). In the annex there was a further comment:

Public funding would continue to be by way of normal operational grant funding and may include funding targeted at disadvantaged groups. Schools may also be eligible for capital funding for school property, although overseas experience suggests use of private capital will be required. Schools may choose to rent, rather than own the school building and hence may instead receive equivalent funding to cover rental costs. (National Party & ACT Party, 2011, p. 8)

Developing the Charter Schools policy

The process began in February 2012 with a paper to Cabinet by the ACT Party MP and Associate Education Minister, John Banks, on ‘Establishing the New Zealand Model of Charter School Working Group (Banks, 2012a) This proposed piloting “a New Zealand model of the international charter school” as a “targeted response to educational underachievement in disadvantaged areas” (point 2), establishing two schools by the end of the parliamentary term in South Auckland and Christchurch (point 3), and establishing a group to “[p]rovide advice to Ministers about the development and implementation of the new New Zealand model” (point 13) (Banks 2012a, pp. 1–2). The New Zealand Model of Charter School Working Group was subsequently established in April 2012. The terms of reference included “identify[ing] and examin[ing] the policy and operational issues related to developing and implementing the New Zealand model of charter school pilot” and make

recommendations on a “detailed blueprint’ including authorising and accountability arrangements, the freedoms that should be granted to such schools and the legislation that would be required (NZMCS Terms of Reference, 2012).

The Working Group was chaired by former ACT Party President Catherine Isaac, and several references to the Working Group were made by John Banks, as the Associate Minister of Education. For example, in the House on 3 May 2012, he made these comments in response to an Oral Question:

What we do know is that the New Zealand model of charter schools will benefit from knowledge of successes and failures overseas;

What we do know is that the new Secretary for Education [Lesley Longstone] understands charter schools, as they exist in the United Kingdom very, very well, and is supportive.

We are not going to take up the worst aspects of any overseas charter schools.

What we do know also is that we have appointed a very able working-group to recommend the precise policy settings and learning from research that the member talks about [KIPP study by the University of Michigan] so that we do not make the same mistakes as have been made overseas. (Hansard, 2012)

The Working Group met several times between April 2012 and March 2013. It met with local education sector groups, including the teacher unions, as well as seeking overseas expertise. This included meeting with Mike Feinberg, founder of the KIPP schools in the USA and William Haft from the National Association of Charter School Authorisers. The Group also produced some newsletters and Isaac attended a small number of public meetings and wrote newspaper op-eds. Published information included its minutes, newsletters and some public material, such as newspaper articles.

Nevertheless, the Working Group did not produce a formal report nor make any publicly available recommendations. In response to an Official Information Act (OIA) request seeking the evidential base for introducing charter schools, the Ministry of Education made the following points:

The Partnership Schools/Kura Hourua Working Group (formerly known as the New Zealand Model of Charter School Working Group) has not produced any document that sets out the evidential base behind charter schools.

When the Working Group was established, the Ministry provided the members with an initial reading list of articles about charter schools (Ministry of Education, 2012a)

The initial reading list mentioned here was merely a handful of articles on charter schools in the USA, including CREDO 2009, a paper on KIPP, and four other items. The Working Group did not publish any written analysis of these articles nor did it produce any published reports that can be scrutinised.

In response to a later OIA request seeking copies of various documents and records that the Working Group should have produced or maintained, according to its Terms of Reference:

The Working Group did not produce any reports, advice or recommendations to the aforementioned Ministers. However, their views were captured in four documents that were produced by the Ministry of Education (Ministry of Education, 2013a)

The four documents being referred to here by the Ministry included ‘Developing and Implementing a New Zealand Model of Charter School’ (Banks, 2012b), a ‘Regulatory Impact Statement (RIS)’ (Ministry of Education, 2012b) and a later ‘Authorising and Monitoring Report Back (Banks, 2012c) and a further paper on ‘Resourcing Partnership Schools’ (Parata, 2013). These papers are discussed below along with a response from Treasury that is also relevant (Treasury, 2012). It is clear that no documentation exists that sets out the evidential base behind the New Zealand charter school model. Instead, their views were simply “captured” in documents written by the Ministry. As the PPTA pointed out, “... the public is left arguing about the implementation when there should have been a full

discussion about the evidence around charter schools and their applicability in New Zealand beforehand” (PPTA, 2012, p. 7).

Reviewing the documents that supposedly ‘captured’ the Working Group’s views

Developing and Implementing a New Zealand Model of Charter School (Banks, 2012b) was the main paper the Ministry wrote to set out the framework for New Zealand charter schools. It was presented to Cabinet in July 2012, under the name of John Banks, along with supporting papers from the Ministry (the RIS) and Treasury. The paper proposed a change of name to ‘Partnership Schools/Kura Hourua’, although the paper also still referred to charter schools. Some relevant material is quoted below, referencing the paragraph numbers of the paper:

3. Cabinet agreed to open a small number of charter schools in areas of significant educational challenge and underachievement...
4. The most significant difference between charter schools and existing schools (both state and private) is that they will be given more flexibility to make decisions about how they operate and use funding to deliver specific school level targets.
6. There is an emerging body of longitudinal research from overseas that shows well-run, well-led charter schools can successfully lift achievement for learners from minority groups and low socio-economic backgrounds. [This “emerging body of research” is not supported by references.]
7. I expect these schools to have strong leadership and vision, and to be held to account for raising achievement through innovative programmes that more effectively engage their learners.
8. A strong evaluation programme will be put in place that thoroughly examines the impact and effectiveness of the first such schools. This will enable us to make informed decisions about whether or not to open further such schools in the future.
12. The sponsor will be the key mechanism for enabling and encouraging new partnerships for education delivery. Sponsors will be able to bring innovative approaches to teaching and learning, and governing and leading a school. They will also be able to contribute expertise in administration (e.g. human resources, financial management, procurement and property management), as well as additional resources.
17. It also means that Partnership Schools/Kura Hourua will not be subject to the current collective agreements for school staff. This will give sponsors the ability to offer a mix of incentives to encourage quality teaching, and to enable the delivery of innovative teaching programmes. This may include performance pay incentives, flexible starting rates and salary progressions, different hours of work, and different roles. It would, however, not preclude these employees from belonging to a union, or having their own collective agreements.
46. Partnership Schools/Kura Hourua will receive government funding through a per-student grant, covering the resourcing components currently paid to state and state-integrated schools. These are salaries, operations grant and centrally-provided services. Because these schools will draw on students already or forecast to be in the system, the per-student grant will be almost cost neutral. [In a note: There is an estimated minimum cost of \$133,291 that is generated over and above per-pupil funding.]

47. There will be costs that arise if government contributes to either the initial capital or set-up costs of Partnership Schools/Kura Hourua. These costs could, however, be reduced if sponsors are required to meet these costs or make a contribution towards them, or if premises are leased. [In notes: Capital costs include providing land and buildings either through purchase or lease, setting up and upgrading IT and data networks, and constructing and maintaining buildings. These vary according to the location, size and type of school. Establishment costs for new state schools include grants for furniture and equipment, IT cabling, learning resources, administration and a salary for the principal to start work before the school opens.]
58. There are no financial implications as a result of this paper. Further advice and modelling on government funding for Partnership Schools/Kura Hourua in the context of Budget 2013.
59. The Crown may need to reprioritise Vote Education baselines to meet the financial implications of implementing the first schools.
63. The Regulatory Impact Analysis Team (RIAT) has reviewed the Regulatory Impact Statement prepared by the Ministry of Education and associated supporting material, and considers that the information and analysis summarised in the RIS partially meets the quality assurance criteria.
64. Although the Partnership Schools/Kura Hourua design elements are clearly described the RIS lacks information on the scale of the costs and benefits of the options considered, and does not assess each option against the policy objectives. The RIS does not include a description of performance monitoring plans so that the success of the pilot can be evaluated.

In summary, the major paper setting out the design parameters for the New Zealand charter school model argued that charter school Sponsors would be given more flexibility to make decisions about how they operate and use funding to deliver specific school level targets. The schools were expected to have strong leadership and vision, and to be held to account for raising achievement through innovative programmes that more effectively engage their learners. A strong evaluation programme was going to be put in place that would thoroughly examine the impact and effectiveness of the first such schools. This was supposedly going to enable Cabinet to make informed decisions about whether or not to open further such schools in the future. Charter schools would not be subject to the current collective agreements for school staff. Funding information was vague but further advice and modelling was going to be forthcoming. The PPTA commented:

Associate Minister of Education, John Banks claims "...that there is an emerging body of longitudinal research from overseas that shows that well-run, well-led charter schools can successfully lift achievement ...". It is not surprising that this claim is not referenced. John Banks made a similar claim in the House and when PPTA wrote to him seeking details of this 'research' he failed to respond. Any school that is well-run and well-led is likely to be effective so this claim on behalf of charter schools is completely meaningless." (PPTA, 2012, p. 8)

Accompanying the Cabinet paper was both a Regulatory Impact Statement (RIS) (Ministry of Education, 2012b) and a paper from Treasury (Treasury, 2012). The RIS made several broad statements, including that New Zealand schools perform very well for many of their learners but international studies also identify a long tail of underachievement. Indeed, New Zealand had one of the widest variations between the performance of its best performing students and its worst. This variation exists both within schools and within classrooms, regardless of socio-economic factors. To address this problem the Government had set a target of 85 percent of students achieving NCEA Level 2 or equivalent by 2017. The government had also identified four priority groups: Māori, Pasifika,

children with special education needs and children from low socio-economic areas. The RIS also asserted that some schools have been slow to acknowledge the changes they could make to accelerate the achievement of their learners. Teachers need to acknowledge and use students' identity, language and culture in ways that would make learning more authentic and relevant. Other factors for success were high expectations for every student and good engagement with parents, families and whānau. These last points referenced an evaluation of the Te Kotahitanga professional development for teachers (Meyer, Penitito, Hynds, Savage, Hindle, & Sleeter, 2010) and a Ministry 'Best Evidence Synthesis' on Quality Teaching (Alton-Lee, 2003).

It was claimed in the RIS that some schools were doing really well for their students, including those from the priority groups. Here there was an inference that evidence-based approaches etc. were making a difference, but no attempt to provide any evidence of which schools succeeded or failed, and why. There was no evidence put forward of any sort that supported the argument that charter schools were likely to make a difference in the New Zealand school system. There was also this unsupported assertion:

Current school accountability mechanisms are organised around outputs such as developing and implementing policies rather than outcome measures, such as information on what students have achieved. Some schools feel the law, policy and administration restricts them ... A pilot of a New Zealand model of charter school will allow an evaluation of whether new approaches that couple high accountability requirements based on outcomes targets with more freedom to govern and manage the school produces good results for learners. (Ministry of Education, 2012b, p.3)

The RIS proceeded to analyse options for seven of the design elements of the model. Those addressed were the decision maker for the establishment of a charter school, secular education, enrolment, suspension and expulsion, teacher registration, curriculum, and qualifications. Each design element was analysed by looking at the impact on three sets of stakeholders: the sponsors, the students, and the Crown (as both the policy owner and funder of charter schools). No external evidence or references of any sort were used to support the views expressed as to which option within each design element was the preferred option.

Finally, the RIS concluded with this statement:

The first charter schools to be set up are to be a pilot. They are likely to open in 2014. An evaluation process will be set up for the pilot. It is likely to first evaluate the processes for choosing and establishing charter schools, looking to see how these can be improved. Evaluation of the student outcomes from charter schools will need to wait until the schools have been established for several years. Overseas research indicates that students in their second and third years do better than in their first year. (Ministry of Education, 2012b, p. 19, referencing CREDO, 2009).

The July 2012 paper from Treasury to the Minister of Finance had several sections redacted at the time of publication but a clean version has been obtained under a recent OIA request. The report provided advice on the key features of the New Zealand model of charter school as outlined in the Cabinet paper and noted where Treasury intended to focus its efforts as the charter school policy work moved toward implementation. It also made the recommendation to support the Ministry of Education preferred recommendation on requiring all teachers at Partnership Schools/Kura Hourua must be registered teachers. The Treasury paper did not provide specific external references but did make some introductory observations on charter schools in introductory comments:

4. The overseas evidence is generally mixed on the impact of charter schools on student achievement. There is not a wealth of studies which move to look at which charter schools raise achievement and why, but certain design parameters appear to be more influential than others (e.g. a strong learning ethos)—although it is unclear in many cases whether these are correlational or causal factors.

5. Additionally, the findings from overseas school systems are not necessarily directly transferable to New Zealand, due to the nature of our education system; we have one of the most devolved/decentralised education systems in the world. Consequently, the difference between state schools and charter schools will not be as pronounced as in other school systems (e.g. the United States). (Treasury, 2012)

Treasury stated that it could see the key benefit of implementing a pilot was to test and progress a number of desirable approaches in the schooling sector:

Contracting for outcomes (a shift away from the current largely input-driven funding system) and using value-add data to measure school performance (i.e., measuring growth in student achievement over the course of their schooling) ... It is still unclear, however, whether the potential costs and risks of introducing the charter school model outweigh the potential benefit of trialling these new approaches via charter schools (and not, for example, within the existing state school system). (Treasury, 2012)

To sum up, by July 2012, only seven months after the December 2011 Coalition Agreement, Cabinet had been asked to approve the design elements of the New Zealand charter school model. In that time, there had been no attempt to document any evidence to support the introduction of the charter school concept into the New Zealand school system. The Working Group produced no written report or evidential base to support the concept. The Ministry's framework paper did not cite any external references that supported the concept or the key design elements. Treasury stated that the overseas evidence was generally mixed but did not cite any references to support even that view. In particular, it was never made clear how the addition of a fourth type of school to the NZ school system would impact on student achievement. In essence, what does the policy allow Partnership Schools to do that the other three types of school apparently could not or would not do themselves?

Other steps in the initial policy development phase took place while the enabling legislation was progressing through parliament. In November 2012, John Banks reported to Cabinet on progress on the initial application process and proposals to establish an Authorisation Board to evaluate Partnership School applications and monitor performance (Banks, 2012c). In February 2013, Minister of Education, Hekia Parata, presented a paper to Cabinet, 'Resourcing Partnership Schools' (Parata, 2013). This paper set out the shape of the funding model to be used to fund the First Round schools.

1. Partnership schools will be fully funded schools outside the state system, accountable to the Crown for raising student achievement through a contract to deliver a range of specified school-level targets.
2. A model for funding these schools should allow for flexibility for sponsors to manage all their resources; provide a broadly similar level of funding to that for schools and students in the state system; be transparent; and allow the Crown to manage fiscal risk.
3. The model that I propose to meet these criteria has the following funding streams:
 - An annual sum for property that will allow the sponsor of a Partnership School to, for example, rent facilities for a school based on a formula already used in the school system for some schools;
 - An annual salaries and operations sum made up of base funding to ensure the viability of the school and per student funding that will depend on roll numbers;
 - An annual per student amount that is a proxy for centrally-funded support to state schools (with the exception of support for high and moderate special needs students who will continue to receive support from existing services). (Parata 2013)

In the period between May 2013 and the time the initial five contracts were signed in September 2013, the Ministry gave advice to the Minister on elements of the performance management system to be used (Ministry of Education, 2013b). It also set out for the Minister the initial performance standards to be used in the contracts, which were signed in September 2013 (Ministry of Education, 2013c).

Charter schools, innovation and school choice

In some ways, the most interesting aspect of the New Zealand charter schools policy is how charter schools became the preferred model to pursue, rather than any other form of market model or form of privatisation, as discussed in the Step Change or Free To Learn reports. What did the advocates perceive to be the most appealing features of the modern charter school model, not to mention the ‘worst’ features that were apparently going to be avoided? And, in the context of the New Zealand education system, commonly regarded as one of the most decentralised school systems in the world, how would charter schools make a meaningful difference?

Pure market models, such as vouchers, differ from the charter school model in several important aspects, including their history and development, as well as how they operate in practice. Vouchers were advocated by Milton Friedman as far back as the 1950s (Friedman, 1955). Friedman advocated that parents should be free to choose their school and that education funding should follow the student, by way of a voucher given to the parent. This means the government gives the cash (i.e., the voucher) to the parents and they choose where to apply for schooling. (Whether they get into their school of choice is a different question.) Under the voucher model, the education provider would normally need to put their own capital at risk and invest to create the offering necessary to enter the market, as they do not get paid until the parent chooses their school and ‘cashes in’ the voucher. By the same token, their income falls as soon as any parent removes a student from their school. In essence, with vouchers, the customers pick the winners and losers and this creates a pure market model of education. The main form of accountability therefore lies in the power of market forces. Supporters of the vouchers model, such as the ACT Party, argue that government regulation should be light-handed and focus primarily on setting out the general guidelines required for registration as a school.

In contrast, charter schools are set up under a contract between the government and a private sector organisation (the sponsor). The most significant differences are that the cash goes to the supplier, not the customer, and the government determines which sponsors get, or keep, contracts, i.e., it is the government that picks the winners and the losers. The day-to-day operation of the charter school model is also influenced significantly by key elements stipulated in the contract: school operating parameters, such as curriculum and staffing, funding, performance management, reporting requirements, contract dispute, etc. Therefore one of the major factors influencing the operation of a charter school model, as opposed to a pure market model, is the approach taken by the government as to how rigorously—or not—it sets out the sponsor’s contractual obligations and then how it monitors and enforces the contracts.

The term “charter” had been coined by Professor Ray Budde of Massachusetts, as far back as the mid-1970s. Budde was interested in the concept of organisational change and advocated for the “... necessity of placing more decision-making at the school level, close to the classrooms” (Kolderie, 2005). The concept of “charter schools” was originally envisaged within the US education sector in the late 1980s. Supporters included education sector leaders, such as Albert Shanker, then President of the American Federation of Teachers. What Shanker proposed would form an important part of the public education system and mainstream schools would both learn from, but also support, the charter schools. Shanker envisaged that unions would play a strong role in both types of school.

In a 1988 address, Mr Shanker outlined an idea for a new kind of public school where teachers could experiment with fresh and innovative ways of reaching students. Mr Shanker estimated that only one-fifth of American students were well served by traditional classrooms. In charter schools, teachers would be given the opportunity to

draw upon their expertise to create high-performing educational laboratories from which the traditional public schools could learn.” (Kahlenberg & Potter, 2014)

Education sector supporters therefore saw the original charter concept as a means of giving more autonomy to schools and teachers but saw them as very much a part of the public education system. The original response from Conservatives was unenthusiastic (Kahlenberg & Potter, 2014). Nevertheless, charter schools morphed into a very different form of provision as conservatives began to promote charters as part of a more open marketplace from which families could choose schools. Charter school critics argue that the charter school educational model has simply become a vehicle for privatisation (Ravitch, 2013). Charter school supporters might argue that charters are, in effect, a market model, as they argue that the government will close down a school that is not successful. However, there is significant evidence that underperforming charter schools can remain open for some considerable time without having their charters revoked.

The charter school research field is a mini industry in its own right, with vast amounts of resources deployed on both sides of the pro and anti-charter school debate. Lubienski has concluded

charter schools elevate choice and competition to foster educational innovations. Indeed, these market-style mechanisms are intended to challenge standardized practices associated with district administration of schools. However, a comprehensive review of practices in charter schools indicates that, although some organizational innovations are evident, classroom strategies tend toward the familiar. Although reformers assume that competition and choice necessarily lead to innovations within schools, a more complex examination of competitive institutional environments suggests that mechanisms employed by reformers may actually undercut their intended purposes. The discussion highlights the potential for choice and competition to constrain opportunities for educational innovation and to impose pedagogical and curricular conformity. (Lubienski, 2003, p. 1)

It is debateable whether organisational changes associated with charter schools, such as different forms of governance and management, are truly innovations or whether they are simply reflecting the model itself. That is, it is Parliament that made these changes, not charter school sponsors. A more recent United States of America charter school industry overview suggests that “... most charters do not employ particularly innovative instructional approaches” and that “most significant charter innovations have been organizational rather than instructional” (Bellwether, 2015, p. 18).

At the time of writing, Partnership School applications are into the fourth round. A presentation pack includes a slide stating, “Freedom from constraints imposed on regular state schools in exchange for rigorous accountability for performance against agreed objectives.” The next slide sets out a list of items with the statement ‘Freedom to innovate’ at the bottom:

- Cashed-up per student funding;
- school day & year;
- school organisation;
- curriculum;
- teacher pay/teaching practice;
- privately provided/secular or faith based.

An obvious question is whether these ‘freedoms to innovate’ would bring about higher student achievement outcomes. As the PPTA noted:

... the Charter Schools Working Group has been unable to name a single example of an “innovation” that lifts achievement that isn’t already operating in a New Zealand public school. If the charter school advocates have knowledge of “innovations” that

have been shown to consistently raise achievement, why has this not been publicly announced so all schools may adopt the practice and all New Zealand children may benefit? (PPTA, 2012, p. 8)

Regardless of what the stated policy driver is, the main driver of the charter school initiative in practice seems to be the desire to simply “increase educational choices”, as the 2008 Coalition Agreement had stated. But school choice is an emotive term that appeals to parents who feel they want to select a different school from their local public school but may not do so. In the USA, most public school systems do not permit parents to choose their public school. This arises because public education is provided at State or Local level and not by the Federal Government. As such, it is predominantly funded by property taxes and other local sources of revenue. In many cases the right to attend a local school is given only to those whose properties are within that zone and whose taxes have contributed to that revenue stream. In Ohio, one parent caught as a zone cheat was charged with the felony offence of ‘Grand Theft’. Why? Because she was effectively stealing the property taxes of other people (Lenz, 2011). So, for USA parents, their children attend local public school or they pay to go private. Several films, such as ‘Waiting For Superman’ (2010), by Davis Guggenheim, portray the desperate attempts of parents to escape what are portrayed as horrible, low achieving public schools.

The position in New Zealand is quite different. Schooling is provided by central government and every student has a right to attend any state school, under Section 3 of the Education Act 1989: “Except as provided in this Act or the Private Schools Conditional Integration Act 1975, every person who is not an international student is entitled to free enrolment and free education at any State school or partnership school kura hourua during the period beginning on the person’s fifth birthday and ending on 1 January after the person’s 19th birthday.” Hence parents may choose an alternative to their local state school if they wish, as they are provided and funded on the same grounds. Only when demand exceeds supply does zoning, by way of an enrolment scheme, come into effect. Zoning gives students living within their local school zone the right, but not the obligation, to attend that school. Should parents wish to choose a different school they are entitled to do so, as long as the other school lets them in. If their desired school is not zoned, then parents have a right to choose that school; if the desired school is zoned then admission is governed by the terms of the enrolment scheme of that school. Yet the practical effects of zoning are often misrepresented by those who advocate for ‘school choice’. In 2013, John Boscawen, then President of the ACT Party, argued:

She [Dame Iritana Tawhiwhirangi] explained how those from lower socio-economic areas lacked the resources that more affluent parents had to send their children to private schools. School zoning captured young Māori in poorer performing state schools. (Boscawen, 2013)

New Zealand also has further differentiated state school provision by offering schools set up to teach in Māori immersion (Section 155 Kura Kaupapa Māori) or specially designated character schools (Section 156 Designated Character). These were the two sections specifically referred to in the Coalition Agreement. At present, there are approximately 74 kura under Section 155 and 28 designated character schools under Section 156. Furthermore, New Zealand’s public school system also has another school type, the state-integrated schools. Although introduced initially to assist the Catholic schools, the model now has in excess of 330 schools across a wide variety of providers, with total enrolment of approximately 89,000 students, or about 11.3 percent of the student population. Tucker (2012) has argued in the *Washington Post* that “the country with the most aggressive school choice system in the world is probably New Zealand”. He argues that “the effect of choice systems is to draw students whose parents have higher expectations, more income and higher education levels away from the lowest performing schools only to leave high concentrations of the poorest students in those lowest performing schools”. Tucker’s remarks come in stark contrast to those who advocate for the charter school model on the grounds that New Zealand does not offer ‘choice’. Gordon (2015) paints a similar picture.

Another perspective is provided by research on New Zealand parent perspectives. The New Zealand Council for Educational Research (NZCER) reports from a recent primary survey that only six percent of parents said their child was attending a school that was not their family's first choice (Wylie & Bonne, 2013). Meanwhile the most recent secondary survey (Wylie & Bonne, 2015) reported that (most) parents and whānau (89%) said their youngest child attending secondary school was at their first choice of school, the same as in 2012.

A final argument for the charter school model is simple: the inherent hatred of unions. Teachers' unions are a prime target for the education reform movement, as it is commonly known in the USA. Teachers are deemed to have captured the education system, with the unions acting in the interests of their members, so as to shield them from any means of accountability. Charter schools have therefore been built up predominantly on non-unionised teaching workforces. Teachers often experience very long working hours, little job security and high turnover. Organisations such as Teach For America have been closely associated with supplying young graduates into charter schools.

A twist in the tale is that there have been several examples recently of charter school teachers seeking to organise and join existing unions and even threatening to strike. One significant example was the recent move to unionise teachers following a bitter dispute at one charter school network in Cleveland, Ohio (O'Donnell, 2016). At the time of writing there was news of what would have been the first planned teacher strike ever to take place at a USA charter school. Teachers at the Passages Charter School in Chicago complained that they were paid "rock-bottom" salaries in the \$30,000 to \$40,000 range—well below Chicago Public Schools teachers and low even for charter schools—while the current and former CEOs of the stand-alone school earned a combined \$540,000 in the year ending June 30, 2016. (Fitzpatrick, 2017) However, according to press reports, the strike was cancelled after an agreement reached at 11:00 pm the night before!

Conclusion

It is clear that no documentation exists that sets out the evidential base behind the New Zealand charter school model. It is not clear what the advocates perceived to be the most appealing features of the modern charter school model, not to mention the 'worst' features that were apparently going to be avoided. It was never made clear how the addition of a fourth type of school to the NZ school system would impact on student achievement.

Here are some questions asked by Ravitch of the USA education reform debate:

As the charter school movement continues to grow, with the unwavering support of the US Department of Education, major foundations, Wall Street, big corporations, think tanks, school choice advocates, and politicians in both parties, important questions are unasked: What is the endgame? Will charter schools contribute to the increasing segregation of American society along lines of race and class? Will the motivated students congregate in charter schools while the unmotivated cluster in what remains of the public schools? Will the concentration of charter schools in urban districts sound a death knell for urban public education? Why do the elites support the increased stratification of American society? If charter schools are not more successful on average than the public schools they replace, what is accomplished by demolishing public education? What is the rationale for authorizing for-profit charters or charter management organizations with high-paid executives, since their profits and high salaries are paid by taxpayers' dollars? (Ravitch, 2013, pp. 178–179)

Given such deep concerns in the US it is perhaps not surprising that those supporting the introduction into New Zealand of the charter school concept have avoided debate on the merits of the concept *per se*, instead pushing on with developing the New Zealand model and passing the enabling legislation.

But we might also ask the same question of New Zealand's charter school policy: what is the endgame?

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