



## Education Report: Consultation on the cancellation of the integration agreement for Kaitaia Abundant Life School (238)

<b>To:</b>	Hon Jan Tinetti, Minister of Education		
<b>CC:</b>	Hon Kelvin Davis, Associate Minister of Education (Māori Education)		
<b>Date:</b>	2 February 2023	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	13033 0
<b>Drafter:</b>	Pat Conrad Education Adviser Tai Tokerau	<b>DDI:</b>	9(2)(a) [REDACTED]
<b>Key Contact:</b>	Kath Corby Manager Education Tai Tokerau	<b>DDI:</b>	09 436 8039
<b>Messaging seen by Communications team:</b>	Yes	<b>Round Robin:</b>	No

### Purpose of Report

The purpose of this report is to seek your approval to initiate consultation on the proposal from the Kaitaia Abundant Life Centre Trust, the proprietor of Kaitaia Abundant Life School (238), to cancel the integration agreement for the school by mutual agreement with you, under clauses 11 and 14 of Schedule 6 to the Education and Training Act 2020.

Once consultation is complete, we will provide a second Education Report informing you of the outcome of this process and seeking your final decision on the proposal.

### Summary

1. Kaitaia Abundant Life is a decile 2, state integrated, Christian, co-educational, Year 1-13 composite school located in Kaitaia, Tai Tokerau. The proprietor is the Kaitaia Abundant Life Centre Trust (the Trust), and the chairperson of the Trust is Mrs Ivy Tan.
2. Kaitaia Abundant Life School was established in 1988 and was integrated into the state system on 29 March 1996.
3. In 2021, the school was impacted by the mandate requiring all teachers to be vaccinated against COVID-19, as several of the staff refused to be vaccinated. As these teachers could not attend the school and teach their classes, it resulted in the roll dropping from 251 students (as of July 2021) to 174 students (as of July 2022).

4. In December 2022, the Kaitaia Abundant Life Trust informed the Ministry that they intended to cancel the integration agreement, listing several concerns relating to legislation and government and Ministry policy, and curriculum initiatives.
5. In the Trust's opinion, the new initiatives for schools meant it was no longer possible for them to offer an education determined by the beliefs, values, and lifestyle of the Trust. They state that they were likely to *jeopardise their special character on account of government and Ministry legislation, policy and curriculum initiatives including but not limited to:*
  - *Gender neutral requirements*
  - *Conversion Practices Prohibition Legislation Act 2022*
  - *Curriculum requirements around relationship and sexuality guidelines*
6. Following further communication between the Ministry and the Trust it was agreed the cancellation of the integration agreement and closure of the school would be by mutual agreement under clauses 11(1)(c) and 14 of Schedule 6 to the Education and Training Act 2020 (the Act).
7. You have sole discretion to agree with the proprietor that an integration agreement can be cancelled. Your decision must follow a period of consultation with other persons and groups as you think fit. The Ministry will carry out that consultation on your behalf.
8. If you agree to initiate consultation on the proposed cancellation, our next report to you will include the feedback from this process and seek your final decision on the proposal.
9. Given the views of the proprietor, we support progressing to consultation on the proposed cancellation of the integration agreement.

## Recommended Actions

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The Ministry of Education recommends you:

- a. **note** that the proprietor of Kaitaia Abundant Life School (238), the Kaitaia Abundant Life Centre Trust, has proposed cancellation of the integration agreement of the school by mutual agreement under clauses 11(1)(c) and 14 of Schedule 6 to the Education and Training Act 2020 (the Act);
- b. **note** that this is in preparation to close the school as the proprietor believes it is no longer possible for them to offer an education determined by their beliefs, values and lifestyle, and comply with government legislation and Ministry policy and curriculum initiatives; and
- c. **agree** that consultation on the proposed cancellation of the integration agreement and possible closure of Kaitaia Abundant Life School under clauses 11(1)( ) and 14 of Schedule 6 of the Act with relevant parties and groups, who might be affected by this change.

Agree  Disagree

If you agree, you are asked to:

- d. **sign** the attached letters to the proprietor and the Presiding Member of the board, notifying them of your decision to consult; and
- e. **agree** this report will be proactively released. Any information that may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Proactively release  Not release



Isabel Evans  
Hautū | Deputy Secretary  
Te Mahau | Te Tai Raro

02 / 02 / 2023



Hon Jan Tinetti  
Minister of Education

05/02/2023

## Background

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1. Kaitaia Abundant Life School is a decile 2, state integrated, Christian, Year 1-13 composite school located in Kaitaia, Northland.
2. The proprietor for Kaitaia Abundant Life School is the Kaitaia Abundant Life Centre Trust.
3. The school was established in 1988 and was integrated into the state system in 1996. The integration agreement notes that the special character is *determined by the Christian beliefs, values and lifestyle of the Christian church as determined from time to time by the Trustees of the Kaitaia Abundant Life Centre Trust.*
4. The July 2022 roll was 174 students and was comprised of the following ethnicities: 74.7% Māori, 14.4% European, 5.7% Pasifika, 2.3% Asian and 2.9% students from other cultures.
5. The proprietor's representative is the Chairperson of the Kaitaia Abundant Life Centre Trust, (Mrs) Ivy Tan. Mrs Tan communicated with the Ministry in December 2022, indicating the Trust's intention to progress the proposed cancellation of the integration agreement. The Trust listed several concerns relating to government legislation and Ministry policy, and curriculum initiatives.
6. In the Trust's opinion, these initiatives meant it was no longer possible for them to offer an education determined by the beliefs, values, and lifestyle of the Trust. They state that they were likely *to jeopardise their special character on account of government and Ministry legislation, policy and curriculum initiatives including but not limited to:*
  - *Gender neutral requirements*
  - *Conversion Practices Prohibition Legislation Act 2022*
  - *Curriculum requirements around relationship and sexuality guidelines.*
7. The Trust has indicated that they came to this decision following consultation with its community and that a recent survey of the school community showed the overwhelming majority of parents agree *"that the new demands placed on (them) by the government go against (their) beliefs and (they) must stand for what (they) believe in"*.
8. It is proposed that if you approve the cancellation of the integration agreement and the school is closed, it could occur at the end of Term 2, 2023 (16<sup>th</sup> July 2023).
9. On 6 December 2022, the Trust informed its community of their decision to progress the possible cancellation of the school's integration agreement. Media interest was generated after the release of a letter from the proprietor to the whanau, outlining the decision to progress possible cancellation of the integration agreement. This message was also shared in a media release from Mrs Tan on behalf of the Trust on the same date.

## Legislative requirements

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10. Schedule 6, clause 11(1)(c) to the Education and Training Act (the Act) allows you and the proprietor to cancel an integration agreement by mutual agreement following consultation, under Schedule 6, clause 14 of the Act with other interested persons or groups as each party thinks fit. This will include the Association of Proprietors of Integrated Schools (APIS), the New Zealand Educational Institute (NZEI) and Post Primary Teachers' Association (PPTA) and iwi.
11. It is the Ministry's understanding that upon cancellation of the integration agreement, it is the proprietor's preference that the school will close rather than revert to being private school (with provisional registration).
12. As closure of the school is proposed, we recommend consultation with the Board of Kaitaia Abundant Life School and the boards of all state schools whose roles might be affected by the closure. This consultation will be undertaken by the Ministry and a list of schools to be consulted is attached as Annex 2.

## Request for cancellation of the integration agreement

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13. In December 2022, the Chairperson of the Trust gave notice of their intention to cancel the school's integration agreement. The communication from the Trust outlined its concerns regarding government legislation and Ministry policy, and curriculum initiatives. It is their opinion these initiatives have or are likely to jeopardise their special character.
14. Discussions between the Ministry and the Trust have led to an agreement that consideration of the possible cancellation of the integration agreement will be by mutual agreement under clauses 11(1)(c) and 14 of Schedule 6 to the Act.
15. The Trust has advised that the Kaitaia Abundant Life School Board have met and resolved that it *"fully supports the proprietor in engaging with the Ministry of Education concerning breaches of the integration agreement with regard to our special character"*.
16. New Zealand School Trustees Association (NZSTA) are aware of the decision by the proprietor and will continue to provide support to the school Board as required.

## Access to other Schools

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17. The Kaitaia Abundant Life School roll was 174 in July 2022, which was a drop from the 251 of the previous year in July 2021. The requirements of the COVID-19 mandates meant some staff who opted not to be vaccinated could no longer work within the school. This impacted on the ability of the school to offer the full curriculum for students, particularly in the senior subject areas. As a result, more than 75 students (mainly senior students) enrolled at other schools.

18. Because of its special character, the school attracts students from a large geographical area. Should Kaitaia Abundant Life School close, primary and intermediate school age students will have several schools where they will be able to enrol. An initial analysis indicates the closure would have no or low chance of triggering property implications at the primary and secondary school level, and as Kaitaia Intermediate School is at capacity, there is low to medium chance it may need roll growth provision.
19. Kaitaia College is the only secondary school in the catchment and currently has available capacity to support Year 9-13 students who may wish to transition from Kaitaia Abundant Life School. The Ministry will need to monitor its roll as there is a low-medium chance it could trigger property implications.
20. Many schools in the Kaitaia catchment are at full capacity. If students enrol at these schools, there is a high chance of them needing roll growth classrooms.
21. The only other state integrated school with a religious focus in the Kaitaia area is Pompallier Catholic School, a Year 1–8 full primary school with a roll of 160 students (July 2022), and a maximum roll of 174.
22. The proprietor of Pompallier Catholic School applied to increase its non-preference roll from 5% to 15% to help provide for the students from Kaitaia Abundant Life School who may wish to enrol. This increase will then decrease over eight years to 10%. This application has been approved by Hautū, Iabel Eans.

### Property Implications

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23. The land and buildings are owned by the proprietor. Once the school has closed the proprietor will manage the site and facilities.
24. As we have noted, when the new enrolment patterns are clear, additional roll growth classrooms may be required at Kaitaia Intermediate School. We will monitor their roll and work with their school Board to support this, should it eventuate.

### Financial Implications

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25. Kaitaia Abundant Life School is not considered to be a financial risk. It was stated in the December 2022 DRAFT Annual Accounts report, that there were available funds (Working Capital less Non-current Liabilities) of \$125,600. In December 2021 there were available funds of \$67,954. The final 2022 position may change once all year end accounting entries and audit have been completed.
26. Assuming cancellation of the integration agreement occurs at the end of Term 2 2023, it is anticipated that approximately \$315,000 of Operational Grant funding for 2023 (annually \$630,000) will be released. Of this, \$66,000 is noted as not relating to the roll and will be a saving. The remaining roll related funding of \$249,000 is expected to be reabsorbed as the current student population enrolls at other schools.
27. Provisional 2023 full time teacher equivalent (FTTE) entitlement total is 18.05 FTTEs based on a roll of 170 students (13.41 FTTE of this is for curriculum). The school also has an entitlement of 4.28 FTTE of additional staffing, 4 FTTE of this was provided through Special Reasons staffing – COVID-19 provisional roll related.

28. The curriculum teaching FTTE is expected to be absorbed by schools in the area as the students enrol at them. The Principal, Deputy Principal and Special Reasons Staffing will be able to be released and is estimated to reduce staffing costs by approximately \$300,000 in 2023.

### Risks

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29. An initial analysis indicates the closure would have no or low chance of triggering property implications at primary and secondary school level, and low to medium chance at intermediate school level.
30. When the new enrolment patterns are clear, additional roll growth classrooms may be required at Kaitaia Intermediate School. We will monitor their roll and work with their Board to support this, should it eventuate.

### Ministry comment

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31. We consider it is unlikely that any further discussion with the proprietor will result in a change to the Kaitaia Abundant Life Centre Trust's decision to progress the cancellation of the school's integration agreement. The proprietor has also said that they are not in favour of changing the proprietor to another Christian organisation.
32. Given this view, we support the cancellation of the integration agreement. Our focus must now be on ensuring process and procedures are followed and what is best for the students and their education, is prioritised as quickly and efficiently as possible.

### Next Steps

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33. Following the consultation we will prepare a further report outlining our findings for your consideration. You will then be able to make your final decision on the proprietor's proposal.
34. If you agree with the request to consult on the cancellation of the integration agreement for Kaitaia Abundant Life School, please sign the attached letters to the proprietor and Presiding Member of the Board.
35. Should the final decision be to cancel the integration agreement, we will appoint a change manager to support the Board through the closure process. A residual agent will also be appointed to wrap up the Board's accounts and provide final audited accounts to the Office of the Auditor General.

### Proactive release of Education Report

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36. It is intended that this Education Report is proactively released. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

## Annexes

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Annex 1: Letters to the Proprietor, Presiding Member and local Members of Parliament

Annex 2: Table of Schools to be consulted

Proactively Released



Annex 1: Letters to the Proprietor, Presiding Member and local Members  
of Parliament

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Proactively Released

Mrs Ivy Tan  
Chairperson  
Kaitaia Abundant Life Centre Trust  
11 North Road  
Kaitaia

Tēnā koe Ivy

Thank you for your proposal that we mutually agree to cancel the integration agreement for Kaitaia Abundant Life School, so that you might be in a position to close the school.

After considering your proposal in your letter and the Ministry report to me on it, I have agreed to initiate the consultation required under clause 14 of Schedule 6 of the Education and Training Act 2020, on the potential cancellation of the integration agreement.

The Ministry of Education will undertake this consultation on my behalf, and following this process, I will consider the feedback and make my final decision.

Pat Conrad from the Ministry's regional office will be in touch with you and the Presiding Member of the Board regarding the next steps in this process.

Nāku noa, nā



Hon John T netti  
**Minister of Education**

cc Kevin Shore, Association of Proprietors of Integrated Schools

Juliet McLean  
Presiding Member  
Kaitaia Abundant Life School  
PO Box 246  
Kaitaia 0441

Tēnā koe Juliet

I have received a proposal from Mrs Ivy Tan, the proprietor of Kaitaia Abundant Life School, asking that we mutually agree to cancel the school's integration agreement and close the school.

I have taken time to consider Mrs Tan's proposal and a report provided to me by the Ministry, and I have decided to consult on the possible cancellation of the integration agreement for the school.

As your school has now formally entered the cancellation of the integration process, the board must be aware that it should:

- not make permanent appointments (teaching or non-teaching)
- discuss the appointment of fixed term employees with Ministry staff before any such positions are advertised
- ensure prudent expenditure of operational/school funding.

Pat Conrad, the Education Adviser for your school, will be in touch with you regarding next steps in this process.

I understand this is a difficult position for your Board. Please continue to work with your local Ministry staff who will support you through this process.

Nāku noa nā



Hon Jan Tinetti  
**Minister of Education**

Cc Mrs Ivy Tan, Proprietor, Kaitaia Abundant Life School

Willow-Jean Prime  
Member of Parliament for Northland  
Parliament Buildings  
WELLINGTON

Tēnā koe Willow-Jean

I have agreed to initiate consultation on the possible cancellation of the integration agreement for Kaitiā Abundant Life School. The proprietor considers that it is no longer possible for them to offer an education determined by the beliefs, values, and lifestyle of the Christian church.

Once consultation is complete, I will inform you of my final decision.

Nāku noa nā



Hon Jan Tinetti  
**Minister of Education**

Hon Kelvin Davis  
Member of Parliament for Te Tai Tokerau  
Parliament Buildings  
WELLINGTON

Tēnā koe Kelvin

I have agreed to initiate consultation on the possible cancellation of the integration agreement for Kaitiā Abundant Life School. The proprietor considers that it is no longer possible for them to offer an education determined by the beliefs, values and lifestyle of the Christian church.

Once consultation is complete, I will inform you of my final decision.

Nāku noa nā



Hon Jan Tinetti  
**Minister of Education**

## Annex 2: Table of Schools to be consulted

Name of School	School Type
Pukenui School	Year 1-8
Waiharara School	Year 1-8
Paparore School	Year 1-6
Awanui School	Year 1-6
Kaingaroa School	Year 1-8
Oturu School	Year 1-8
Kaitaia Intermediate	Year 7-8
Kaitaia Primary School	Year 1-6
Kaitaia College	Year 9-13
Pukepoto School	Year 1-6
Ahipara School	Year 1-8
Pamapurua School	Year 1-8
Pompallier Catholic School	Year 1-8
Peria School	Year 1-8
Herekino School	Year 1-8
Taipā Area School	Year 1-13
Mangonui School	Year 1-6
Ōruaiti School	Year 1-8
Te Hapua School	Year 1-8
Ngataki School	Year 1-13

Te Kura o Te Kao	Year 1-13
Te Rangi Aniwaniwa	Year 1-13
TKKM o Pukemiro	Year 1-13
Iwi	
Te Aupouri	
Ngati Kuri	
Ngai Takoto	
Te Rarawa	
Ngati Kahu	

Proactively Released