



Education (Strengthening Second Language Learning in Primary and Intermediate Schools) Amendment Bill

99—1

Report of the Education and Workforce
Committee

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Contents

Recommendation.....	2
About this bill	2
Legislative scrutiny.....	2
Main issues raised by submitters	3
Workforce resourcing and funding	3
Teaching te reo Māori and other languages in schools.....	3
The priority languages	4
Learning a second language can be beneficial	4
Implementation.....	4
Our proposed response to this bill.....	4
Possible elements of a national strategy.....	5
Which languages and why?	5
National Party differing view.....	6
Appendix.....	8

Marja Lubeck
Chairperson

Education (Strengthening Second Language Learning in Primary and Intermediate Schools) Amendment Bill

Recommendation

The Education and Workforce Committee has examined the Education (Strengthening Second Language Learning in Primary and Intermediate Schools) Amendment Bill and recommends by majority that it not proceed.

About this bill

This bill is a Member's bill that would amend the Education Act 1989.¹ It was introduced in the 52nd Parliament by former MP Hon Nikki Kaye, and reinstated in the 53rd Parliament with Hon Paul Goldsmith as the member in charge.

The bill aims to improve students' access to second language learning in state primary and intermediate schools. It would enable the Minister of Education to issue a national language policy. Also, it would allow for regulations to specify a list of at least 10 national priority languages, which must include te reo Māori and New Zealand Sign Language.

State primary and intermediate school boards would need to develop, adopt, and maintain a priority language programme, after consulting the school community. Boards would have to choose at least one language from the list of national priority languages and arrange for that language to be taught in their school.

This bill would require the Government to allocate money to schools for the costs associated with teaching a second language. The amount would be determined by the Minister and approved by Parliament as part of the standard financial cycle. The bill would also require the Minister to report on the effectiveness of priority language programmes.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

¹ Since the introduction of this bill the Education Act has been updated to the Education and Training Act 2020.

Main issues raised by submitters

The Education and Workforce Committee of the 52nd Parliament was initially referred this bill. It called for submissions, and we heard from the submitters after the bill was reinstated in the 53rd Parliament. The following are the main issues they raised.

Workforce resourcing and funding

Schools are obliged to take all reasonable steps to make instruction available in tikanga Māori and te reo Māori.² We heard that teaching another language could put too much pressure on the school system and teachers' workloads when they are already struggling to offer te reo Māori.

We heard that only a relatively small workforce is equipped to teach second languages. Some submitters said that there may not be enough professionals available to teach languages in all schools.

Several submitters said they were pleased with the bill's proposed funding provision. They believed this funding would help cover the cost of additional staff and the professional development of teachers. Some submitters suggested that funding should be prioritised towards rural and low decile schools, and schools with higher populations of minorities.

Teaching te reo Māori and other languages in schools

The national curriculum includes language learning as a specific learning area for English-medium schools. All three national languages (English, te reo Māori, and New Zealand Sign Language) are mentioned in the curriculum. However, we note that schools are not required to provide language learning programmes to all students in Years 1–10. Recent evaluations show that teacher capability and supply continue to affect the quality and sustainability of te reo Māori teaching in English-medium schools.

Numerous organisations commented on how the bill could affect the teaching and learning of te reo Māori. They were concerned that the bill might undermine the status of te reo Māori because schools would be able to choose a priority language that was not te reo Māori. Some submitters suggested that schools should have to choose te reo Māori as their priority language. Other submitters suggested making te reo Māori compulsory and prioritising funding to the teaching of te reo. One submitter was worried that this bill would lead to te reo Māori becoming the dominant second language, excluding other languages from schools and society.

Some submitters saw the bill as a way to recognise Pacific languages. One submitter suggested that Māori and Pacific languages could be prioritised, with regulations specifying other optional languages.

² They are obliged under the Education and Training Act, the Crown's obligations under Te Tiriti o Waitangi, and Te Ture mō Te Reo Māori 2016 (Māori Language Act 2016).

The priority languages

Many submitters suggested languages that should be included in the list of priority languages. More than a dozen were proposed, with Urdu, Hindi, and Punjabi the three most common suggestions.

Other submitters noted the importance of recognising first languages and heritage languages. They said that languages are not valued in the education system. This can cause learners to stop using their second language and become monolingual. Some submitters suggested the bill should be broadened to include opportunities for children to learn their own heritage language as well as a second language.

Some submitters were concerned by the concept of priority languages. They were concerned that creating a list of priority languages could limit students' opportunities to learn languages, rather than broaden them. They also said that having a school choosing the priority language is not sufficiently inclusive of the entire community.

Learning a second language can be beneficial

Submitters noted the benefits of learning a second language. They said it helps students with their learning across all areas of the curriculum. We heard that learning a second language can improve:

- problem-solving abilities
- social development
- cultural competency
- cognitive and neurological functioning.

This bill would affect children of primary and intermediate school age. Some submitters commented on how it is beneficial to learn a new language at a young age.

Implementation

Some submitters had concerns about how the bill would be implemented. They focused on the need for the community to support second language learning for it to be a success. They also commented on the language learning pathways for students. Currently, second language learning is part of the high school curriculum. The bill would make language learning part of students' learning pathways from the start of primary school. Submitters pointed out that secondary school language learning pathways would need to be adapted to account for learning during primary and intermediate school.

Our proposed response to this bill

After considering the submissions and advice offered on this bill, the majority of us do not think the bill should proceed. We recognise that there is strong and justified support for improving access to learning other languages. However, the majority of us do not think a bill is the most appropriate way to achieve this.

We recognise the benefits of learning other languages, and note that the Ministry of Education already has a role in the acquisition, revitalisation, and maintenance of languages. We believe this role could be used for the development of a national languages strategy as an alternative to this bill.

We suggest that it would be more appropriate to develop a strategy instead of passing this bill because a strategy would allow for more comprehensive consultation to take place. It could allow for more flexible solutions and would also provide a more comprehensive and complete implementation plan.

Possible elements of a national strategy

The majority of us would like to see a strategy that:

- is developed in consultation with parents, teachers, schools, and communities
- supports the immediate use of existing programmes
- provides for the training and development of the workforce
- sets out what resources would need to be created and made available to teachers
- sets expectations about what curriculum areas would be covered
- fits into the wider aims of the curriculum
- allows for schools to tailor the learning to their students' needs.

Which languages and why?

We believe it is clear that the teaching of te reo Māori and New Zealand Sign Language should be prioritised. This is because they are both official languages of New Zealand. Moreover, the Treaty requires the Crown to actively protect Māori interests in te reo Māori as a taonga.

We would also like to see Pacific languages recognised for the special place they hold in New Zealand and Pacific identity. We agree that teaching of Cook Islands Māori, vagahau Niue, gagana Tokelauan, and other Pacific languages should be accessible to New Zealanders.

Heritage languages also need to be valued and taught where the need arises. We agree with submitters who explained how important heritage languages are for identity, family connections, mental health, and academic achievement.

We accept that there are questions about the best way to improve access to learning other languages. It should be recognised that there are already programmes in schools and the community: homes, churches, community groups, and private language schools. The media also play a role through broadcasting, especially for heritage languages.

The majority of us believe a national languages strategy could help to provide a useful framework for both existing and new programmes so that New Zealanders have more opportunities to learn other languages.

National Party differing view

The National Party supports this bill and recommends that it be reported back to the House with minor amendments.

A total of 313 submissions were received on the bill, with the overwhelming majority expressing support for the bill, and a large majority nominating a particular language to be included amongst the priority languages envisaged in the bill.

Most submitters and the Ministry of Education agreed with the benefits of language learning at an early age, which this bill seeks to promote.

Benefits cited included improved long-term learning outcomes, cognitive and neurological benefits, better problem solving, improved social development, improved cultural competence and providing for greater cultural connectedness.

The bill proposes that a list of 10 priority languages be resourced, a list which must include te reo Māori and New Zealand Sign Language. It leaves the choice to the school as to which languages they choose to offer.

The primary objection from a minority of submitters and from the ministry is that the bill would breach obligations under the Treaty of Waitangi, because it does not insist that the second language is te reo Māori.

The advice appears to be, 'yes, learning another language is important, and New Zealand kids can learn any language they like, as long as it is te reo'.

As a departmental official put it, under the bill 'schools have an open-ended choice, rather than a guided choice'. Guided choice seems to be departmental speak for 'no choice'.

We strongly disagree with the ministry's assertion that the bill would breach Treaty obligations.

The bill does not remove the existing legislative requirement for school boards to give effect to Te Tiriti o Waitangi, including by taking "all reasonable steps to make instruction available in tikanga Māori and te reo Māori".

So if this bill was passed, schools would still have to take "all reasonable steps to make instruction available in tikanga Māori and te reo Māori".

It does not mean, however, that all students must choose to study te reo Māori in depth.

The submissions reinforced what is obvious to all, that there is keen interest in a wide variety of languages in this country.

At a time when disengagement is commonplace within our schools, particular languages have the potential to spark the interest of our kids, to have them wanting to learn. It may be that Punjabi, Samoan, or Mandarin does that for some kids, more than te reo Māori, and we should allow them that choice.

Secondly, the department advice insists: “In our view the Bill is so significant for Māori that enactment without full consultation with iwi, hapū and whānau Māori would be inconsistent with the Māori-Crown partnership and this of itself would be a Tiriti breach”.

This advice seems to be ushering in a new constitutional understanding. It is saying that a Member’s bill, introduced into Parliament in the normal way, open for public submissions (including, of course, from Māori groups) through the select committee process for months in the normal way, and then passed by Parliament would be a breach of the Treaty because of inadequate consultation.

We reject that assertion.

We agree with some amendments, proposed in the departmental report:

- replacing references to the Education Act 1989 with references to the Education and Training Act 2020
- and an amendment to new section 60C to provide that boards of immersion and bilingual schools be exempt from the requirement to develop a priority language programme.

Appendix

Committee procedure

The Education (Strengthening Second Language Learning in Primary and Intermediate Schools) Amendment Bill was initially referred to the Education and Workforce Committee of the 52nd Parliament on 1 July 2020. The committee called for submissions with a closing date of 28 January 2021.

The bill was reinstated with this committee in the 53rd Parliament. We received and considered 313 submissions from interested groups and individuals. We heard oral evidence from 35 submitters at hearings in Wellington.

We received advice on the bill from the Ministry of Education. The Office of the Clerk provided advice on the bill's legislative quality.

Committee members

Marja Lubeck (Chairperson)

Chris Baillie

Camilla Belich

Hon Paul Goldsmith

Jan Logie

Jo Luxton

Ibrahim Omer

Angela Roberts

Erica Stanford

Jamie Strange participated in our consideration of this bill.

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.