

Letterhead

18 March 2009

Attention: Law Commission  
PO Box 2590  
Wellington

RE: Private Schools and the Law

Tyndale Park Christian School statistics:  
123 pupils, Grades 1 to 13, established 1981

The Trust Board of Tyndale Park Christian School (TPCS) wishes to state again its appreciation for the opportunity to have input into this important matter. We are encouraged by some of the opening comments in your discussion paper/document, and in particular, the following: "As we have noted at a number of points in this paper, we have not found serious problems in the New Zealand private schools. To the contrary, most private schools provide an excellent education for their students." (9.22).

Before addressing the content of the Law Commission Discussion Document on the law regarding Private Schools, allow us to reiterate the Tyndale Park Christian School educational philosophy:

1. Education is the process by which we acquire knowledge, skills, habits, virtues and attitudes.
2. Education aims, by the process of teaching and learning, to provide for the nurture and admonition development of the whole person for his proper end.
3. Christian Education originates from God and is revealed to us in His Word.
4. Education and training of children is to be in the following three major areas:

**Biblical**

- a. To provide students with accurate knowledge of the Bible
- b. To show students how to apply this knowledge in their own lives.
- c. To teach students how to share the message of the Bible accurately

**Spiritual**

- a. To bring students to repentance and faith in Jesus Christ as their Saviour
- b. To give students direction from God's Word for their studies
- c. To help them to live a godly life, teaching them to observe all things that God says in His Word and to prepare them to be able to stand as Christians in this present world and contribute in society.

**Academic**

- a. To provide students with educational training in all subjects offered from a Biblical perspective.
- b. To lay before students a solid foundation of skills, knowledge and Christian virtues.
- c. To provide students with an education in these subjects that is practical in application and experiential in nature.
- d. To help students become competent and prepared in their chosen field and equip them thoroughly for further tertiary studies.

The Law Commission needs to be aware of some of the reasons why parents, despite the considerable financial costs involved, enrol their children in our Independent Private Christian School. Parents want to be responsible for and have a say in the total education of their children. This includes what, when and by whom they are taught.

1. They expect open and unrestricted access to the school property as well as to the school's curriculum, teaching material, and all their children's records.
2. They expect not only that their children will be physically and mentally safe on the school property, but that they will not be influenced by government and private agencies.
3. They expect that our school will actively support and help them in the upbringing of their children in the Christian home.
4. They expect that their children will receive quality education by the inculcation of knowledge based on truths and facts; not merely on experiences, feelings.
5. They want a school that offers them an education for their children that supports the Biblical Christian home.

**Response to Question 1:**

No. We do not see any need for a new register or a change to the status quo in this area. The information that you outline as being contained in such a register is freely available to any interested parties either through the Ministry of Education or on schools' own websites. In addition, our advertising and 3-yearly ERO Reports on the school are also in the public domain. If it is decided that a new register is required, we think that it is imperative that it is independently monitored and maintained, and be totally separate to the school registration process.

**Response to Question 2:**

As any changes in the status of the school would also be contained in the sources outlined in Question 1 we do not believe that it is necessary for this to be on a register.

**Response to Question 3:**

Yes. We see no need to have a minimum number of pupils set as a requirement for registration and therefore agree that this should be omitted from the legislation.

**Response to Question 4:**

We have no difficulty in defining a Private School as "a school owned by, paid for and controlled by individuals rather than the State", and therefore agree there is no need for further defining it.

**Response to Question 5:**

As TPCS is already a registered school, we do not have a position on this. However we would point out that as both a registered school and a registered Charitable Trust, the Trustees of TPCS are already bound by our own Constitution and Trust Deed in regard to the suitability of prospective Board members and staff. Naturally, most of the requirements are similar to the requirements for a member of a State School Trust Board and relate to the candidate's good character and standing in the community, with specific restrictions concerning any prior criminal or bankruptcy proceedings, as well as any previous mental incapacity. However, as a Christian school, we also require testimony as to their suitability and standing before God according to His Word, the Bible

With this being the case, we see no need for any action in this matter. It would be difficult for politicians or bureaucrats who are not necessarily Christian, to define the interpretation of “a fit and proper person” for a Christian School; a school dedicated to the glory of God and the service of Jesus Christ and which therefore seeks to shape every aspect of the school in light of the Bible. In short we believe there is no need for a test.

**Response to Question 6:**

In light of our response to Q5, we would again point out that as a Christian School, we would have extra, specifically Christian requirements, over and above the Education [Hostels] Regulations 2005. Consequently we do not think that it is appropriate to use this definition.

**Response to Question 7:**

The tests set out in our Constitution and Trust Deed in regarding suitability apply to Board members and staff. Therefore while we do not accept that it is necessary to have a “fit and proper person” test we would expect it to apply to both the proprietors and staff of any private school.

**Response to Question 8:**

We understand “Efficient” to mean to function effectively; to fulfil stated aims with little waste of effort and funding. On the other hand, “viable” is really only a financial term, reflecting the economic ability to continue operating. It is technically possible for a school to be viable but not efficient, while the reverse is not necessarily so. If a private school was not efficient it would have to close down. Consequently, we are not in favour of any change to the present concept of efficiency as the overarching criteria for the registration of Private Schools. The terminology of “efficient in relation to a private school” has caused us no problem, neither has the ERO had any problem, according to their Review Reports, in using that term to assess us.

**Response to Question 9:**

No. We would be totally opposed to this suggestion.

**Response to Question 10:**

See response to Q8 and Q9

**Response to Question 11:**

Our school is required to have a Building Warrant of Fitness issued by the local council and we see no need for further statutes, rules, regulations, requirements and guidelines, all with their consequent costs. As to judging “suitable” premises, this is best measured by outcomes rather than looking solely at procedures and codes. If appropriate outcomes are being achieved then obviously the premises are “suitable”. Attempts to specify minimum requirements will probably lead to the danger of double jeopardy as many other laws already cover minimum requirements for use, eg; building safety regulations.

In addition, despite the fact that it is outside their remit, the ERO has often comments in various ways that our premises were suitable and consequently we see no need for change in this regard.

**Response to Question 12:**

No. See Q 11. Once again, in this instance we firmly believe ‘less is more!’. Further guidance and directives from the State are both unnecessary and unwarranted.

**Response to Question 13:**

While we would agree it is reasonable to expect a school to have suitable equipment for the curriculum being offered, we question the value of this being written into the statute as it is very difficult to specify and therefore difficult to administer.

**Response to Question 14:**

No. At TPCS all Trust Board Members and staff are thoroughly vetted, scrutinized and interviewed and must be 100% in full agreement with all of the school’s documentation on suitability. We do not need further legislation. TPCS remains strongly opposed to compulsory teacher registration. The State is not in a position to judge what is relevant and suitable with respect to staffing for a Private Christian School’s operation.

**Response to Question 15:**

We totally agree with the Commission’s comment under 7.60 “that private schools should remain free to teach according to their own educational philosophies” etc. If our curriculum and teaching methods were neither suitable nor effective, parents would quickly remove their children. The principles stated in Options 1 to 4, under 7.65 to 7.68 have always been part of the school’s aims, teaching philosophy and programmes. Option 5 is also covered by our school’s Biblical, Spiritual and Academic aims (see introduction under point 4). There is no need for the provision of guidance by legislation in this matter for our school.

**Response to Question 16:**

No. Sadly, in a country which was established on Christian principles and philosophy, and indeed once called itself a ‘Christian’ country, the Ministry of Education’s National Curriculum for State and State Integrated schools is now based on educational theory and humanist philosophy which is completely at odds with the Christian beliefs and educational philosophy reflected in the TPCS Curriculum. These distinctions in philosophy and curriculum give our school it’s special character [ in fact, they are the reasons for our existence as an independent Christian School] and it would be totally inappropriate for the Ministry to interfere in this area – just as it would deem it inappropriate to teach from a Christian perspective in a state school.

As we state later in response to Q 39 we would be extremely concerned with the publishing of any “non-statutory” guidelines, as it is our experience that like the laws of the Medes and the Persians, once proclaimed these documents can not be changed and quickly become de facto statutory guidance. .

**Response to Question 17:**

TPCS understands “tuition” to refer to the process of being taught and this is reflected in the pedagogy behind our curriculum. At its foundation, it is tuition in a set body of objective knowledge and skills and not as per the National Curriculum where in simple terms, the emphasis has shifted from teaching objectively to learning subjectively. This is perhaps most clearly seen in the modern thought of ‘Teachers’ being mere ‘facilitators’. We believe this has already led to a severe overall decline in educational standards both nationally and internationally, (for which there is a

growing body of evidence) and would respectfully decline any guidance or help from the State and its agencies in this area.

**Response to Question 18:**

No. In regard to opening and teaching hours, there is currently sufficient government regulation in the existing law. In complying with the Law, we have had “regularity of instruction” since our school’s inception [and do not plan any alteration to that]. In any event, we do not consider that it is the “regularity of instruction” that leads to good educational outcomes, but rather the quality of that instruction, backed up by appropriate expectations with respect to discipline and application by the students.

**Response to Question 19:**

We are somewhat surprised at this suggestion! What exactly are the “principles and practices of New Zealand democracy”, and who decides? We note that the Concise Oxford dictionary defines a patriot as “one who defends or is zealous for his country’s prosperity, freedom or rights” and loyal as, “True, faithful to duty, love or obligation; faithful in allegiance to sovereign, government or mother country.” We consider both to be character traits worth and we must, at all costs prevent political views of Governments becoming standards of education in ANY school. . Please leave the status quo!

**Response to Question 20:**

The welfare of students is a responsibility entrusted to us by their parents, at their discretion, and which we take very seriously. This is reflected in required standards of behaviour both in and outside the classroom by teachers and students alike, and which produces a ‘climate’ of consideration and care for one another. We find the addition of ‘physical and emotional welfare of students’ to the registration criteria, to be both unnecessary and unwarranted.

**Response to Question 21:**

We believe the current system of registration works well and needs no review.

**Response to Question 22:**

Far be it from us to comment on the efficiency of the State’s bureaucracy! However, apart from some initial problems in registering TPCS in the 1980’s, TPCS has had a good relationship with the ERO and only administrative contact with the Ministry of Education. Again, we would request that the status quo remain and bureaucracy be kept to its present bare minimum.

**Response to Question 23:**

No. We believe the current setup is working well and needs no alteration.

**Response to Question 24:**

We agree to a single extension but would think that a 12 months extension is preferable. The possibility of a mid-year closure could cause parents to withdraw their children prematurely, thereby adversely affecting a provisionally registered school when it is at a very vulnerable stage

**Response to Questions 25&26:**

While this is not applicable to our school, we see no reason why new campuses should not have to go through the same process as their parent schools.

**Response to Questions 27&28:**

As the report has already noted, we consider that the current basis and scope of ERO reviews is working well and we would definitely favour retaining the status quo.

**Response to Questions 29 to 31:**

These questions all deal with compliance and enforcement. Paragraph 8.1 of the document states “The vast majority of private schools operate well and comply with the law. We anticipate that serious problems in private schools will be rare.” This statement reflects the operation of Tyndale Park Christian School since 1981. We see no need for sanctions and enforcements. Any new bureaucratic measures would result only in more State control and cost for Private Schools, and again encroach on some of the main reasons that parents choose to send their children to our school. We are perfectly satisfied with the present status quo, which has been working very well at little cost to the State.

**Response to Question 32:**

We are in favour of a process of deregistration; however that decision should be made by an independent tribunal without representation from the MOE and its agencies or the Teachers fraternity (NZEI, PPTA etc). All parties should have the right to put their complaint and case before an independent tribunal. The Private School should continue to operate during the hearing before the Tribunal and any possible appeal.

**Response of Question 33:**

A right of appeal should of course be available. If found not guilty, all costs incurred by the private school should be automatically reimbursed by the complainant.

**Response to Question 34:**

No, there is no need for MOE involvement in this process. It is the sole responsibility of the parents concerned to arrange suitable alternative education for their children. However, if the deregistration is as a result of action taken by MOE, then it should be responsible for any costs incurred by parents in arranging that suitable alternate education.

**Response to Question 35:**

There are at present more than sufficient requirements in place to deal with these issues. Please remember that the parents of pupils in private schools are far better informed and kept up to date than those of state schools. TPCS sets out basic procedural requirements in its extensive prospectus. Parents are fully informed prior to enrolment of their children. They have a contract with the school based on full information. Further “procedural requirements” are unnecessary and unwelcome.

**Response to Question 36:**

Yes.

**Response to Question 37:**

We consider that it would make matters much simpler for all concerned if all legislation relating to private schools were contained in a dedicated part of the Education Act, or distinctively referred to in a certain section of the Act pertaining solely to private schools.

**Response to Question 38:**

Private schools should only be bound by Acts of Parliament and not rules and regulations [or the interpretations thereof by bureaucrats in government departments]. The State may only insist on rules and regulations for their own (State) schools who by definition, come under their jurisdiction.

**Response to Question 39:**

No. Presently the majority of publications produced by the MOE, NZQA and ERO are not applicable to TPCS. Sometimes these organisations forget that a Private School is “a school owned by, paid for and operated by individuals rather than the State and its agencies.”

A Private School gives parents a choice which they do not have in a State School. It is therefore with appreciation we quote the Law Commission’s statement under Section 9.25 of its review: “We reiterate our view that the current balance between parental choice and the state’s duty to set minimum standards of education and welfare is the right one. The changes we suggest are not intended to disturb that balance.”

We need a minimum of ‘minimum’ standards! The State in its departure from the simple doctrines and guiding principles of the Bible, now needs an increasing number of rules and regulations to be able to operate and function. Our private Christian school needs very few and the ‘manual’ remains unchanged for centuries!

Finally we note that in the experience of our Board, that what is often initially published as “non-statutory guidance” can quickly come to be regarded as statutory guidance, particularly by over zealous bureaucrats, and consequently we would consider any documents of this nature to be legislation by stealth.

In conclusion, please allow us to state again, as in our submission of 14 May 2008, that Tyndale Park Christian School is based on the following philosophies:

1. The home (where possible, a married Father and Mother, called Parents, with child(ren)) is God’s first institution and not the State.
2. Children are a gift from God to those parents and not to the State.
3. The education of children according to God’s Word is the responsibility of parents and not the State.
4. Christian parents are to always be in subjection to the governing authorities as appointed by God and as they fulfil their God-ordained responsibilities. [see point 5 ] When the State is in direct opposition to the clear commands of God, then they ought to obey God rather than the State.
5. The purpose of the State is for the punishment of evildoers (including parents when appropriate) and for the praise of them that do well. The State’s purpose is not to control the education of children.

This submission needs to be read in conjunction with TPCS’s input into the Law Commission’s Review of the Law Relating to Private Schools, dated 14 May 2008.

**Tyndale Park Christian School**

Andrew Curtis  
Trust Board Chairman