



Education Report: Minimum percentages for certificated teachers in charter schools

To:	Hon David Seymour, Associate Minister of Education		
Cc:	Hon Erica Stanford, Minister of Education		
Date:	30 August 2024	Priority:	Medium
Security Level:	In-Confidence	METIS No:	1331875
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Seen by the Communications Team:	No	Round Robin:	No

Purpose of Report

This paper seeks your decisions about the minimum percentage of teaching positions at charter schools that must be filled by persons holding a practising certificate.

Summary

1. Cabinet has agreed that only certificated teachers and Limited Authority to Teach holders (LATs) can be appointed to teaching positions in charter schools [CAB-24-MIN-0107.01 refers]. While section 212L(5)(g)(i) of the Education and Training Amendment Bill sets out that charter school contracts must set out or provide for the number or percentage of certificated teachers, we do not have an agreed negotiation approach to what (if any) that minimum should be.
2. We consider that there should be a minimum percentage of people with practising certificates in teaching positions, and that the contracts will specify the number of full-time equivalent teaching positions, as it will provide clarity to sponsors and help make employment decisions. We also consider that an established minimum should provide a sufficient level of qualified staff to support quality teaching and learning.
3. We have assessed three options: fifty percent, sixty-six percent and seventy-five percent. The criteria that you want to prioritise will determine which option you think is best. A fifty percent minimum prioritises flexibility, while a seventy-five percent minimum prioritises likely greater teaching effectiveness and public confidence in the model. If you want a balance of these, then we recommend a minimum of sixty-six percent (two-thirds). 9(2)(j)



9(2)(j) The remaining percent of any option would be fillable by either certificated teachers or Limited Authority to Teach (LAT) holders.

4. To support the Charter School Agency's (CSA) decision making, sponsors will outline their proposed minimum percentage and what roles certificated teachers and LAT holders will hold in the charter school, as part of phase two of the application process.

Recommended Actions

The Ministry of Education recommends you:

a. **agree** that:

- i. there is a set minimum baseline percentage of teaching FTE described in contracts that must be filled by certificated teachers in charter schools.

OR

- ii. there is a set minimum baseline percentage of teaching FTE described in contracts that must be filled by certificated teachers in charter schools, 9(2)(j)

OR

- iii. there is no standard minimum percentage of certificated teachers required in charter schools, and the Charter School Agency considers the required percentage individually for all schools in contract negotiations

Option a(i) / Option a(ii) / Option a(iii)

b. 9(2)(j)

Noted

c. **note** that if you agree with recommendation a(i) or a(ii), in contract negotiations, the Charter School Agency will consider sponsor proposals to determine whether the set minimum percentage, or a higher required percentage of certificated teachers is appropriate for the specific charter school context required

Noted

d. if you agree to recommendation a(i) or a(ii), **agree** that the minimum percentage of certificated teachers that contracts can allow for is:

- i. fifty percent (one half) **or**,
ii. sixty-six percent (two thirds) (*recommended*) **or**,
iii. seventy-five percent (three quarters)

Option d(i) / Option d(ii) / Option d(iii)

e. **agree** to include a workforce reporting requirement in the contracts to ensure the agreed minimum percentage is maintained

Agree / Disagree

Background

Teaching positions are regulated in New Zealand State schools

1. One of the Government's key education priorities is to improve teacher training by developing the workforce of the future, including leadership development pathways, which can help reduce the current variability of quality teaching and learning.
2. To hold a permanent teaching position at a New Zealand State school, you must have an active practicing certificate. Teacher certification in New Zealand is intended to provide confidence that teachers have the necessary educational knowledge and experience to teach learners. An individual who holds teacher certification demonstrates they have met a range of requirements, such as having satisfactory recent teaching experience, and having undertaken professional development, as well as meeting the baseline requirements from the Teaching Council to be fit to be a teacher.¹ Certification is therefore intended to ensure all teachers are qualified, capable and ethical professionals.
3. Individuals can also hold teaching positions with a Limited Authority to Teach (LAT), providing they meet certain conditions.² There were 1291 LAT holders that hold a teaching position in 2023 and a Post Primary Teacher's Association (PPTA) survey found LAT holders teach across a broad range of subject areas including Art, English, Maths, Pūtaiao, Te Reo Māori, Health and Education, Religious Education and Social Science.³ We also note the use of LAT holders in Māori Medium settings is high,⁴ which indicates that fewer fully registered teachers are working in Māori Medium compared to the English medium sector.

Sponsors will have greater flexibility employing staff in teaching positions

4. Cabinet has already agreed that charter school sponsors will only be able to employ certificated teachers or LAT holders in teaching positions [CAB-24-MIN-0107.01 refers]. Requiring uncertificated teachers within charter schools to hold a LAT provides a stronger safeguard for learners, as LAT holders will be subject to the same professional disciplinary (conduct) processes of the Teaching Council as certificated teachers.
5. Sponsors will have greater flexibility than State schools in hiring LATs, including being able to appoint LATs into permanent roles, and not needing to demonstrate there is shortage of the LAT holder's skills. With these increased flexibilities for LAT holders in charter schools, sponsors could use this to innovate by hiring unregistered teachers who have specific skills and knowledge, who may be able to support certificated teachers in delivering quality teaching and learning.
6. Charter schools will also be able to employ uncertificated teachers in non-teaching positions, such as Teacher Aides, Kaiarahi I Te Reo, Learning Support staff and other specialised roles.

¹ [What is registration and certification? :: Teaching Council of Aotearoa New Zealand](#)

² LAT holders must be physically and mentally able to carry out a teaching role, undergo a police vet, must commit to honouring Te Tiriti in the learning environment and are held accountable to the Teaching Council's code of conduct: [For Limited Authority to Teach :: Teaching Council of Aotearoa New Zealand](#)

³ Post Primary Teachers Association, Secondary School Staffing Survey report 2024
<https://www.ppta.org.nz/publication-library/document/2409>

⁴ Despite representing only 4 percent of total school/kura and 3 percent of total students, 26 percent of teachers with Limited Authority to Teach work in these settings.

7. Lastly, sponsors will need to appoint a person responsible for overseeing teaching and learning, who will be appropriately qualified and hold a current practicing certificate. This will ensure that there is a person in a school who holds responsibility for tasks related to teaching capability, such as certifying the progression of beginning teachers and endorsing the recertification of certificated teachers.

Draft legislation outlines that contracts will have required minimums for teaching positions, but we do not have an agreed negotiation approach

8. Under the new charter schools model, section 212L(g) of the draft legislation outlines that contracts must set out or provide for the number or percentage of teaching positions that:
- must be filled by persons holding a practising certificate; and
 - may be filled by persons holding a limited authority to teach.
9. However, we do not have an agreed policy approach as to what (if any) the minimum percentage or number of certificated teachers should be in charter school contracts.

Other jurisdictions and the previous partnership school model

10. Approaches for employing certificated teachers in charter schools in other jurisdictions vary. In the United States of America, some states require charter school teachers to have the same teacher certification and qualifications as other public-school teachers, while other states have more flexible requirements.⁵ In England, academy schools can employ teachers without Qualified Teacher Status (QTS).⁶ However, according to the English *Get Into Teaching* website, most schools still prefer teachers to have QTS.⁷
11. Under the previous 2013 – 2018 Partnership schools model, sponsors could hire LATs, as well as unregistered teachers, and the minimum percentage of certificated teachers that a charter school could employ was negotiated in their contract. The minimum percentage or number varied between schools, and there was no set consistent minimum. A summary of the minimum percentages that was set across contracts is outlined in Annex 1. Although many teachers at partnership schools were registered teachers or LAT holders, some schools used non-qualified teachers. 9(2)(j)

The interim Martin Jenkins report found under the previous Partnership Schools model that while unregistered staff were used to teach specified subject areas, they were typically supported by registered teachers who provided practical guidance in areas like classroom management and record keeping.¹⁰

⁵ [Read About Charter School Teacher Requirements | All Education Schools](#)

⁶ To teach in maintained primary, secondary and special schools in England, teachers are required to hold Qualified Teacher Status, which demonstrates a teacher has been through approved initial teacher education.

⁷ [Qualified teacher status \(QTS\) | Get Into Teaching GOV.UK \(education.gov.uk\)](#)

⁸ 9(2)(j)

¹⁰ Note that under the previous model, Partnership Schools could hire certificated teachers, LATs and unregistered teachers into teaching positions.

Options for setting minimum percentages of certificated teachers in contracts

12. To assess the different options, we have developed five criteria, which are outlined in the following table:

Criteria	Description
Teaching effectiveness	Does the option provide assurance of teaching quality?
Efficiency	Does the option provide for administrative efficiency in contract negotiations?
Flexibility	Does the option enable sponsors to exercise flexibility in how they operate?
Confidence in the model	Will the option support public confidence in the model?
Teacher supply	Does the option limit the potential for a Charter school to operate if the minimum percentage of certificated teachers cannot be hired?

Options for the minimum percentage of certificated teachers in charter schools

13. We have identified two possible options for how we set and negotiate the minimum percentage of certificated teachers in charter schools:
- Option 1a: a minimum percentage, applicable to all charter school contracts, but which could be increased if required by the CSA or,
 - Option 1b: a minimum percentage, applicable to all charter school contracts, but which could be increased if required by the CSA, 9(2)(j) (recommended), or
 - Option 1c: any minimum percentage can be negotiated with the sponsor.

Option 1a: There is an established minimum percentage applicable to all charter schools

14. Option 1a would establish a minimum percentage, applicable to all charter school contracts. Sponsors and the CSA will negotiate a percentage which meets the needs and focus of the charter school, but must be no lower than the minimum percentage. We outline options for what the minimum percentage could be further below. As it is a minimum percentage of full-time equivalent teaching positions in charter schools, the number of full-time equivalent teaching positions will be dependent on the school size.
15. Setting an agreed minimum would also provide administrative efficiency for the CSA, as it sets an approach to negotiation, and establishes principles related to the use of uncertificated teachers, which will inform the use of LATs. However, this option would decrease the flexibility a sponsor has to negotiate the minimum percentage.
16. In addition to the wider performance management framework, setting a minimum percentage of certificated teachers supports charter schools to draw from qualified teacher knowledge and sector experience, and provides assurance of teaching capability and quality. Experienced certificated teachers are likely to have expertise in areas such as effective use of assessment, classroom management, pedagogy and communicating effectively. They also play an important role in supporting LAT holders, and the development of beginning teachers through mentoring. LAT holders will be able to draw from a range of teaching experience and knowledge within the charter school by setting a minimum.

17. While flexibility over inputs is an important feature of the model, having an established minimum of certificated teachers is likely to provide confidence to parents and the community in the charter school model. Setting a minimum sends a clear signal that charter schools will have the right proportion of teaching and specialist knowledge expertise, and builds confidence in the quality of education that will be provided. It also means parents will have confidence that any charter school will employ qualified teachers when they are considering enrolling their child, or if their local State school converts to a charter school.

Option 1b: There is an established minimum percentage applicable to all charter schools, 9(2)(j)

18. This would be the same as Option 1a 9(2)(j)

19. 9(2)(j)

Option 1c: Any minimum percentage can be negotiated with the sponsor

20. Option 1b means sponsors can negotiate any minimum percentage of certificated teachers, and the Authorisation Board can choose to agree to any minimum percentage that the sponsor recommends.
21. This option would allow for the greatest level of flexibility as it allows sponsors to create bespoke approaches depending on the needs of the community and focus of the charter school. However, there would be no consistency between charter school contracts with this option and the CSA would need to assess many bespoke minimum percentage proposals. This would impact on administrative efficiency, could slow the negotiation process, and may be challenging to manage when operating at scale.
22. This option may decrease assurance of teaching capability and parents may also be concerned if there is no set minimum. It may be burdensome for parents to find out what a charter school's minimum percentage is, as these will vary between schools.¹¹
23. While this option may decrease assurance of teaching capability, there are other mechanisms that will help assure high quality of education. In exchange for greater flexibility, charter schools are subject to increased oversight and accountability, and each sponsor enters into a contract with the Crown which will set out their targets. The targets will include student outcomes which will be closely monitored by the CSA. If

¹¹ Note that we would expect the template contract to be made public, so if a set minimum percentage is agreed to then this would be made available in the template contract.

the school is not meeting the targets, the Authorisation Board will have a suite of interventions to use including an external review by the Education Review Office (ERO), requesting specific information or action and terminating the contract.

Options for recommended minimum percentage of certificated teachers

24. If you agree to set a minimum percentage of certificated teachers for charter schools, we have outlined three options below for what the minimum percentage could be:
- Option 2a: fifty percent (one half) of teacher positions held by certificated teachers
 - Option 2b: sixty-six percent (two thirds) of teacher positions held by certificated teachers (*recommended*)
 - Option 2c: seventy-five percent (three quarters) of teacher positions held by certificated teachers

25. While you could set a lower minimum percentage, we have not included options below fifty percent, as we do not think lower options would effectively balance teaching effectiveness and public confidence against flexibility. 9(2)(j)

26. In the table that follows we outline our broad assessment of the options, and how each option best achieves the individual criteria. Of the three options, Option 2a provides the greatest level of flexibility but least teaching effectiveness; while Option 2c provides the least flexibility but the highest level of teaching effectiveness. The criteria that you wish to prioritise will determine what option is most likely to support your focus for the charter school model. Note that all three options provide for administrative efficiency, as all set a minimum percentage.

Options	Teaching Effectiveness	Efficiency	Flexibility	Public Confidence	Supply
Option 2a: 50%	Lowest	High	High	Lowest	High
Option 2b: 66%	Medium	High	Medium	Medium	Medium
Option 2c: 75%	High	High	Lowest	High	Lowest

Option 2a: Fifty percent

27. Setting the minimum at fifty percent provides the most flexibility of these options for sponsors wanting to hire unregistered teachers with expertise and skills in areas that a sponsor might value for their charter school. For example, sponsors would have the greatest flexibility to hire unregistered teachers with expertise in te reo and te ao Māori into teaching positions, as we know there are currently certificated teacher supply challenges in these areas in our schools and kura.¹³ It also provides sponsors greater opportunities to innovate with staffing and curriculum delivery by using more experts on a specific subject. This option requires the least supply of certificated teachers. 9(2)(j)

28. The increased flexibility that this option provides is balanced against a risk of less effective teaching effectiveness and therefore lower public confidence in the model.

¹² There were also two contracts that combined certificated teachers and LAT holders as their minimum – see Annex 1.

¹³ [Teacher Demand & Supply Planning Projection](#) – December 2023 | Education Counts

This option may not provide parent and community confidence that there would be a sufficient number of certificated teachers to deliver effective teaching and learning programmes across a charter school's entire curriculum. A fifty percent minimum may not enable certificated teachers to effectively support LAT holders (e.g., in pedagogy skills and assessment), which could increase their workload, particularly if there is a high turnover of certificated teaching staff. 9(2)(j)

Option 2b: Sixty-six percent (recommended)

29. Option 2b provides a balance between the strengths and expertise of certificated teachers while still providing flexibility for charter schools to appoint LAT holders 9(2)(j)

30. This option is more limiting than Option 2a for sponsors wanting to hire many unregistered teachers with expertise in areas that there are skill shortages in the teaching profession and may impact on a sponsor's ability to recruit enough certificated teachers if their charter school is remote or has a particularly niche focus. A greater supply of certificated teachers would be required compared to option 2a, but overall would require fewer certificated teachers than the current status quo in State schools where LAT holders form a small part of the teaching workforce.

Option 2c: Seventy-five percent

31. This option would provide a further focus on teaching quality in charter schools. A seventy-five percent minimum would also likely create a higher level of public confidence in the model than the other options, and this ratio is likely to be more manageable for certificated teachers as it will decrease the workload an individual qualified teacher has in supporting LAT holders. 9(2)(j)

32. While this option likely increases teaching effectiveness and public confidence, it is the most limiting for sponsors wanting to innovate in areas such as staffing and curriculum. It may be difficult for remote charter schools or those with a particular focus to recruit enough certificated teachers with the sponsor's desired skills and knowledge, and in particular in te reo Māori or science, technology and mathematics subjects.

33. A greater supply of certificated teachers would be required compared to the previous two options which may limit charter schools' ability to meet contractual obligations if certificated teachers cannot be recruited. However, this option would still require fewer certificated teachers than the current status quo in State schools.

¹⁴ 9(2)(j)

Te Tiriti Implications for Minimum Percentage of certificated teachers

34. We have heard in previous engagements that Māori want tino rangatiratanga – agency and authority – over the education of Māori learners.¹⁵ Setting a minimum percentage of certificated teachers still provides for some level of flexibility and allows Māori sponsors to have agency and authority in decision making about when and how to employ LAT holders without restrictions on tenure, role and salary.
35. The purpose of setting a minimum percentage is to ensure that all learners are effectively supported to learn, including ākonga Māori. We know the Ministry is currently not delivering equitable outcomes for all learners in our education system. The increased flexibilities for sponsors provides an opportunity to innovate to achieve equitable outcomes for all learners. However, achieving positive outcomes for ākonga Māori will depend on each sponsor's commitment to developing a learning design and employing people into teaching positions that are focused on meeting the needs of all learners, including ākonga Māori.

Next steps and further considerations

36. Your decisions in this paper will be reflected in the template contract.

Process for determining and ensuring the minimum percentage of certificated teachers

37. To support the CSA in their decision making, we will require sponsors in stage two of the application process to propose what their minimum percentage of certificated teachers will be, and what roles LATs and certificated teachers will hold.¹⁶ This will help the CSA to clearly assess how sponsors will spread certificated teachers and LAT holders across the school, and the CSA can recommend modifications to a sponsor's proposal as part of negotiation. It also provides sponsors an opportunity to make the case for LATs based on things such as industry experience and knowledge.
38. If you agree to a minimum percentage of certificated teachers for all charter schools, the CSA will be responsible for deciding whether a charter school will require a higher minimum percentage than what is the agreed minimum. The criteria that could be used by the CSA to determine the percentage of qualified teachers are school size, the mode of delivery (e.g. whether it is on-site, distance or hybrid), student year level and school type. The CSA will be responsible for further developing the process of determining the minimum percentage for each charter school.
39. To ensure the minimum percentage of certificated teachers is maintained by sponsors, we recommend that there is a workforce reporting requirement included in the contracts with the sponsor. The Ministry of Education will be able to support the CSA to develop this reporting requirement in greater detail.

Sponsors will need to consider requirements for delivering qualifications

40. Sponsors delivering NCEA qualifications will need to meet the New Zealand Qualifications Authority (NZQA) approvals process.¹⁷ Sponsors will have to complete

¹⁵ [Kōrero about the future of Māori education – Conversation space](#)

¹⁶ Note that phase two will still be early in the process, and sponsors will likely not have a full opportunity to test the market and build their work force, so the proposal would likely be indicative.

¹⁷ This includes an application for Consent to Assess Against Standards on the Directory of Assessment and Skill Standards Rules 2022 for the delivery of any achievement, unit, and skill standards offered through the school.

a Quality Management System (QMS) document that, among other things, includes requirements that teachers:

- a. are subject experts with an appropriate qualification
- b. understand and have experience on how to deliver standards based assessment.

41. NZQA has advised that a secondary teacher's qualification from New Zealand would cover both requirements to meet the Consent to Assess rules. This means that as well as agreeing to a minimum percentage, sponsors will need to consider what the balance of skills and knowledge is needed of their teaching staff so they can fulfil the requirements to deliver qualifications. Other qualifications (for example, Cambridge or the International Baccalaureate) may also have their own requirements which charter school sponsors will need to consider.

Annexes

- Annex 1: Summary of minimum percentages of registered teachers under the previous Partnership Schools model

Annex 1: Minimum percentage of registered teachers under the previous Partnership Schools model

1. Under the previous Partnership Schools model, sponsors could hire unregistered teachers, LAT holders and registered teachers into teaching positions. The consolidated contract documents specified the number or percentage of registered teachers for each year of the contract, and these varied across all the contracts.
2. The below table outlines the minimum percentage of registered teachers as outlined in the consolidated contract documents of each previous partnership school from the first three rounds. Most of the contracts had numbers of teachers specified, rather than percentages, so the numbers have been converted to percentages in the table to enable comparisons across contracts. 9(2)(j)

[Redacted content]

3. 9(2)(j) [Redacted content]

9(2)(j) [Large redacted area]

4. 9(2)(j) [Redacted content]
 - 9(2)(j) [Redacted content]
 - 9(2)(j) [Redacted content]