



A Short Guide to Religious Instruction for Boards of Trustees

Recent law changes have altered the rules around allowing Religious Instruction in schools. This Guide helps Boards of Trustees be aware of the changes and issues surrounding Religious Instruction programmes.

Boards of Trustees are under no obligation to allow Religious Instruction or religious observances in their school. In fact, education law requires that teaching in all state schools be **entirely of a secular character (non-religious)** while the school is open. The simplest approach is to have no Religious Instruction in the school, in which case there are no extra legal obligations to comply with.

If contemplating allowing a Religious Instruction programme in your school, it is important to be aware that:

- Boards are required to comply with human rights law. There is a risk that closing a school or class in order to allow Religious Instruction **may result in discrimination** against children and families who are not a part of the religion being promoted.
- Students may only take part in Religious Instruction classes if a parent or caregiver has **confirmed in writing** to the principal that they may attend. Written, informed consent should be obtained for each set of Religious Instruction classes offered.
- Rules protecting children from unwanted Religious Instruction apply for **activities both on and off school premises**, including school camps.

Relevant Terms

Religious Instruction is the teaching or endorsing of a particular faith. It is the non-neutral, partisan teaching of religion which supports or encourages student belief in a specific religious faith. Religious Instruction is not part of the New Zealand Curriculum or Te Marautanga o Aotearoa and may not take place while a school is open.

Values classes that are based on a particular faith, or an assumption of a religious belief (e.g. a belief in God) are Religious Instruction and may not take place while a school is open.

In contrast, **Religious Education** or **Religious Studies** is the neutral teaching and presentation of information about religion, sometimes in the context of studying customary and cultural practices in curriculum subjects, such as the social sciences learning area of the

New Zealand Curriculum or within Te Marautanga o Aotearoa Tikanga-ā-Iwi. This is legitimate classroom teaching.

Religious Observances are ceremonial or devotional acts of religion, such as prayers, the singing of hymns, or religious readings. Religious observances are not part of the New Zealand Curriculum or Te Marautanga o Aotearoa. Education law states that students **must not be made to take part in religious observances**. Moreover, students **must not be made to feel different or discriminated against for not taking part**.

Recommendations for Boards

Firstly, consider if promotion of a specific religious faith is appropriate for a non-religious state school. If parents want religious faith for their children, it is preferable for them to attend their own place of worship. It is not necessary for their religion to be given access to the school.

If a Religious Instruction provider is allowed into your school:

1. Ensure students, families and whānau have full and accurate information about what will be included in the Religious Instruction being offered prior to the start of each series. Valid consent to opt-in requires having the information to make decisions.
2. Provide the full Religious Instruction syllabus and teacher guide online, and advise students, families and whānau how to access it.
3. Check that children who have not opted into Religious Instruction are able to continue with curriculum learning or an alternative fun activity during the time their class is closed. It is not fair to make children who do not participate feel excluded, bored or lonely.
4. Ensure no children are exposed to Religious Instruction unless they have been opted in by their parents or caregivers, and that no-one is pressured to attend or teased for not attending.
5. To help children differentiate between curriculum based education and Religious Instruction, Religious Instruction volunteers should not be regular teaching staff.
6. Provide secular school and student support services, rather than allowing religious groups onto school grounds to provide such services.
7. Ensure safety checks on Religious Instruction volunteers are completed prior to programmes commencing.
8. Establish and communicate a complaints procedure to families and whānau, so they know what to do if they are unhappy with the way Religious Instruction is being provided. Use that procedure to resolve issues.
9. Keep opt-in records up to date. Separate opt-in agreements should be obtained for each new series of Religious Instruction sessions, or, at a minimum once a year. Ensure parents or caregivers are aware that they can change their mind at any time about their child attending, and that this will be respected.

What Are The Risk Factors for Boards?

There are a number of possible risk factors for Boards, as allowing Religious Instruction or religious observances may create an inherent religious bias in the school and give a sense that the Board is endorsing one particular religious view over another.

Discrimination

Families of a religious view that is not catered for within the school may feel that closing the school or classroom in order to allow the promotion of a different faith is discriminating against their own beliefs. Setting Religious Instruction classes outside normal school hours reduces this risk.

Some religious groups promote discrimination on the basis of belief, gender or sexual orientation or other prohibited grounds. Allowing this to occur could lead to claims against the school under the Human Rights Act.

Information

Historically, many schools have provided little to no information on the content or goals of the Religious Instruction sessions. Some have misrepresented Religious Instruction sessions as unbiased values lessons. This puts schools at risk of breaching the new education law which requires affirmative informed consent to be given by parents or caregivers prior to any child attending Religious Instruction.

Voting

A majority community vote is viewed by some as providing a mandate for Religious Instruction classes in a secular school. But it is important to be cautious about who votes in such polls (Do they have children at the school? What is the response rate?). Where a majority votes in favour of Religious Instruction, it may be particularly difficult to ensure children and families do not feel pressured to take part. In these situations, the risk of discrimination is particularly strong.

Religious Observances

There are many ways in which religious observances can creep into school environments, but it cannot be assumed that a religious observance will be acceptable to a child and their parents or caregivers. If religious observances are happening within the school, it is best to seek written authorisation from the parents. This may include Christmas or Easter activities, karakia and himene associated with Kapa Haka or prayers in assembly. Secular options exist for many of these rituals. Neutral explanations of the history of the item, acknowledgement that some people believe in them and others don't, and reassurance that children will not be penalised for not taking part, also go some way to mitigate the risk. It is important to ensure children do not feel awkward due to religious observances.

Pastoral Care

It is recommended that any counselling and support staff should not be linked to Religious Instruction programmes offered at the school in order to reduce the risk of Religious Instruction unwittingly being unlawfully provided by someone acting in one of these roles during school hours.

Further Info

This guidance is produced by the Secular Education Network. You can contact us on info@teachnotpreach.org.nz

The Ministry of Education also provides information on meeting your new legal obligations;

- [Ministry of Education Religious Instruction Guidelines](#)

To check or update the current status of religious instruction in your school, click here;

- [Religious Instruction School Survey Results](#)